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## On Truth, Dignity and Reconciliation in South Africa—A Theological Perspective

In this presentation<sup>1</sup> I am going to focus on the conditions associated with political reconciliation in South Africa. I argue that working through the past with victims and perpetrators requires a conscious effort to overcome guilt.

### I.

When a nation is dealing with its past, a call for reconciliation is often expressed. Konrad Adenauer and Charles de Gaulle hoped for a German-French reconciliation. Nelson Mandela spoke of the reconciliation between black and white people in South Africa after the end of apartheid. After the fall of the Berlin Wall, there was a call for reconciliation between perpetrators and victims in East Germany. There are places all over the world where this issue is present: be it in Iraq, the Middle East, Afghanistan, East Timor, Central Africa, or the Balkans—the problem of overcoming guilt is universal in the effort to establish a peaceful post-war order. The question then arises: What are the conditions for political reconciliation as an option to overcome guilt?

For a Theologian this question implies the challenge that reconciliation as a central theme in Christian theological teaching recurs in the political realm. Reconciliation is spoken of in both theology and politics. But does it mean the same thing in both contexts? What are the conditions for reconciliation in each framework? Is there a commonality of meaning in addition to the common usage of words like guilt and reconciliation in politics and theology? Where and under what conditions is it possible to translate

<sup>1</sup> For further detail see my study *Die politische Dimension der Versöhnung. Eine theologische Studie zum Umgang mit Schuld nach den Systemumbrüchen in Südafrika und Deutschland* (Gütersloh: Kaiser, 2004). Engl. *The Political Dimension of Reconciliation. Dealing with the Past in South Africa and Germany* (Grand Rapids/Cambridge, UK: Eerdmans, forthcoming).

from theological into political language and vice versa? The universal nature of the biblical promise that God reconciled "the world" to himself (2 Corinthians 5:17–21) at first seems to legitimize the notion that this idea of reconciliation corresponds with political reality. One might ask whether the elements of the Christian concept of reconciliation, such as the forgiveness of sins, the wiping away of guilt, the overcoming of hostility through friendship, and the rebuilding of community can be found in the political reconciliation process.

The objective for me was to study examples of the conditions for reconciliation in the political realm and to reflect on the political aspects of reconciliation in all its theological solemnity. The ethical interest is directed at a theological "quality check" of the political talk of reconciliation that took place while dealing with the past after the political changes in Germany and South Africa.

The causal relationship between the transition processes in South Africa and Germany was established by former South African President De Klerk in his famous parliamentary address of 2 February 1990. He announced the release of Nelson Mandela, noting that after the fall of the Berlin Wall the apartheid system was no longer necessary to protect South Africa from communism.

## II.

In order to arrive at conditions for political reconciliation it is helpful to focus on main options in societies in transition. The transformation research<sup>2</sup> in history and law suggests to analyze political transition processes

<sup>2</sup> For the international debate see N. Kritz, ed., *Transitional justice. How emerging democracies reckon with former regimes, Vol. 1: General Considerations* (Washington: United States Institute of Peace Press, 1995); S. P. Huntington, *The Third Wave. Democratization in the late twentieth century* (Norman: University of Oklahoma Press, 1991). For the German debate see, e.g. C. Offe, "Rechtswege der 'Vergangenheitspolitik': Disqualifizierung, Bestrafung, Restitution," cited in C. Offe, *Der Tunnel am Ende des Lichts. Erkundigungen der politischen Transformation im neuen Osten* (Frankfurt am Main: Campus, 1994), 187–229, and P. Bock, "Vergangenheitspolitik in der Revolution 1989," in *Umkämpfte Vergangenheit. Geschichtsbilder, Erinnerung und Vergangenheitspolitik im internationalen Vergleich*, ed. P. Bock and E. Wolfrum (Göttingen: Vandenhoeck & Rupprecht, 1999), 82–100. Ger-

alongside five options for action: Depending on the power structures, a young democracy can make use of criminal proceedings to deal with priorly committed injustices (option 1), proclaim a general amnesty (option 2), shed light on the matter through truth commissions (option 3), introduce a policy of reparations to the victims (option 4) or attempt sanctions outside criminal law—such as cleansing of the civil service (option 5). Which option is ultimately used depends on the nature of the system change.

By looking at various processes of transformation one can distinguish three basic forms of changing from one system to another: “overthrow, reform and compromise.”<sup>3</sup> In the actual political process these basic types usually occur in mixed forms. The South African process of transition, which was characterized by an equal balance of power, is most easily classified as belonging to the category of political “compromise.” In South Africa, in contrast to Germany, the change of direction from the past was managed gradually. The decisive events took place in the period between 11 February 1990, when Nelson Mandela was released from prison, and 10 May 1994, when he took the oath as President of a democratic South Africa. In this process, concessions were wrung from the old regime step by step over several years, leading to the successful negotiation of a transitional constitution that was completed in November 1993 and the first free general election in April 1994.

Let me have a closer look at the South African transition case along the five principal options for managing the transition to democracy.

Option 1, the prosecution of serious violations of human rights, was ruled out in South Africa mainly because it was incompatible with the nature of the change of Government, which was not a victory by one side over the other but rather involved a negotiated handing-over of power that took 4 years. For the sake of “national unity” and “nation building” a direction other than criminal prosecution was chosen. South Africa wanted to transcend the idea that reconciliation is possible only after punishment.

hard Werle has constructively related the international and the German discussions to each other and in an unpublished lecture delivered to the Evangelical Academy in Berlin has categorized the five options listed in the text, see also G. Werle, *Ohne Wahrheit keine Versöhnung! Der südafrikanische Rechtsstaat und die Apartheid-Vergangenheit* (Berlin: Humbolt-Universität, 1995 = Humboldt University public lecture no. 60), 8.

<sup>3</sup> See N. Kritz, op.cit. (note 2).

On the other hand, what exactly was needed to make the desired reconciliation possible still had to be defined.

Option 2: Albie Sachs,<sup>4</sup> who later became a constitutional judge in South Africa, records the two political positions that were discussed during the decisive negotiations for the interim constitution in the autumn of 1993: "A general amnesty. The National Party stood for such an amnesty." Linked to this was the consideration:

The co-operation of the Defence Force and of the South African Police was necessary during the election. How could they be expected to co-operate, if they did not have the assurance that the new government would not prosecute them?" The ANC, on the opposite side, rejected a general amnesty on the ground that "An amnesty did not take account of the needs and the pain of the victims."<sup>5</sup>

The result of the negotiations was a political compromise that was expressed in the amnesty clause in the interim constitution:

In order to advance [...] reconciliation and reconstruction, amnesty shall be granted in respect of acts, omissions and offences associated with political objectives and committed in the course of the conflicts of the past. To this end, Parliament under this Constitution shall adopt a law [...] providing for the mechanisms, criteria and procedures [...] through which such amnesty shall be dealt with at any time after the law has been passed.

The amnesty clause set the country on the way both to granting amnesty and to uncovering the truth; a general amnesty, which would have involved political amnesia, was ruled out.

Option 3 is often considered in countries whose political transition resembles compromise. When no criminal prosecution can be carried out, at least the "truth" about the crimes of the past should be brought to light. As one observer commented, "Truth is what you offer when you can't offer justice." Uncovering the truth [Aufklärung] is thus the third way between criminal prosecution on the one hand and forgetting the past on the other. At the height of the South African debate about amnesty in 1992, the idea of setting up a Truth Commission for South Africa was also expressed for the first time. The outcome of this discussion was expressed in the words of Alex Boraine, later the vice-chairperson of the TRC: "South

<sup>4</sup> "Comment on a First Perusal of the Bill setting up the TRC in South Africa," Working paper (Document No. 112 in the TRC archives, Cape Town).

<sup>5</sup> Ibid.

Africa has decided to say no to amnesia and yes to remembrance; to say no to full-scale prosecution and yes to forgiveness.”<sup>6</sup>

Option 4: Compensation for Victims. How could the injustices of three and a half centuries of colonization and racial discrimination culminating in four and a half decades of apartheid rule be compensated for? In answering this question it was argued that if justice in the sense of complete material compensation was not to be expected, then at least the suffering of the victims should be officially recognized. The “truth” was extended beyond option 3 to include a way of viewing the issue that was to be decisive. Not only the factual truth as such was involved but also the acknowledgement of the truth; not just the truth as the judicially decided facts was needed, but the truth as a healing truth. The course set in the South African process was directed towards moral compensation.

Option 5: Sanctions beyond Criminal Law. The very nature of the transition of power in South Africa involved the continuity of the police force and the military. Where criminal prosecutions cannot be put into effect, sanctions beyond the criminal law do not work either. Opposed to that continuity is the need to uncover the truth about the past, especially for the sake of that section of the population that suffered serious human rights violations. Thus option 5 needs to be discussed in connection with option 3 (uncovering the truth). If those who worked in the military and the police are not removed from their duties, the truth about their involvement in human rights matters should at least be brought out into the open.

In sum, the five different options for action that were discussed during the South African debate between 1990 and 1994 were all taken up in the TRC’s method of operation.

Thus the TRC

firstly, helped to uncover the injustices that resulted from apartheid (option 3); it

secondly granted hearings to the victims of apartheid, thus contributing to their moral rehabilitation;

thirdly, the TRC could submit proposals for what kind of compensation should be made to the victims (option 4);

fourthly, it could, under legally stipulated conditions, grant amnesty to those who had committed crimes (option 2); and,

<sup>6</sup> “Truth and Reconciliation Commission. What about justice?” (unpublished paper 1994, 4).

finally, it contributed to the fact that implementation of the criminal law was suspended only temporarily. (People who had committed crimes but made no application for amnesty or were rejected by the TRC had to face the possibility of criminal prosecution at the end of its term.)

### III.

In the political debate the five options discussed above are each associated with a specific understanding of reconciliation, namely

1. reconciliation has to do with addressing guilt,
2. reconciliation has to do with telling the truth about the past,
3. reconciliation requires to do good again.

These axioms can then be examined as to whether they correspond to the Christian concept of reconciliation. Internal associations could be made between the manifold connections of political reconciliation with the theological doctrine of reconciliation. However, an insurmountable gap seemed to open up between the political concept of reconciliation analyzed in the case studies on the one hand and the teachings on the idea of reconciliation that can be traced straight through the Christian tradition on the other hand. The latter all have to do with the relationship between God and humanity, the former with the relationship between one human being and another. In both cases it is still a matter of overcoming guilt through reconciliation. However, the social and political dimension of the reconciliation of God and man was not considered in the theological doctrine of reconciliation through the centuries. As it turned out, this dimension could not be connected with a theological interpretation of political reality.

The reconciliation doctrines based in traditional history were less suitable for theological interpretation than the analysis of paths of reconciliation coming from Biblical tradition. Which moments are essential in an interpersonal reconciliation process according to the relevant Biblical reconciliation stories? To what extent are they reflected in reconciliation between perpetrators and victims in political forums, such as in the South African Truth and Reconciliation Commission? Closer analysis shows that central elements of the Biblical reconciliation path, such as offering reconciliation in the form of an admission of guilt, its acceptance in the form of forgiveness, and the new relationship of those who are reconciled in the form of restitution, reoccur in the societal and political context. It was

found that the successful reconciliation path cuts across all stages, both biblically and politically. When, for example, there is no admission of guilt on the part of the perpetrator, the prospects for reconciliation on the part of the victim are slim in all but the rarest cases.

Reconciliation includes working through guilt—in the hope of forgiveness. “Working through” describes a process of the spiritual diffusion of the past with the objective of freeing the shared future from this burden. As well as *interpersonal* reconciliation, *intrapersonal* reconciliation is also suitable for theological interpretation. With this aspect of reconciliation, it is a matter of reconciliation with oneself, or more precisely with one’s own often traumatic history of the indignities experienced in a repressive system. The personal memories need to be cleansed. This reconciliation does not demand recompense between the conflicting parties, but rather an acknowledgement of the reality that affects the offended or afflicted person’s “fate.” The stories of the victims at the forum of the South African Truth and Reconciliation Commission are about humiliation. The TRC was supposed to contribute to the *restoration* of their dignity. What especially made an impression were the symbolic processes that accompanied the Commission. When a victim entered, everyone present stood up. This process can be interpreted as a symbolic representation of the fact that the dignity of the person is inviolable, even though it has been “trampled upon.” In the process of publicly telling their stories, the victims appeared as authentic commentators testifying about what had happened to them. By naming names they became distinctive persons. The names of the more than twenty thousand victims who told their stories to the Commission are impressively listed on 80 printed pages in the final report of TRC—one is reminded of the Biblical verse: “I have called you by name; you are mine.” (Isaiah 43:1) The result is that political transition processes contain elements that refer to a reality in which reconciliation is already real.

The Kingdom of God does not end at the church walls. There are connections between political reconciliation and reconciliation as a theological concept. The societal defining power of theology thus has three dimensions:

First, it clarifies the possible conditions of reconciliation. Reconciliation can be seen as a sign that points beyond the material things of this world to another world. These signs appear like “falling stars” and can be perceived as tangible traces in political reality but do not produce their own reality. There is no method for predicting when they will appear or where they will shine.

Secondly, it reminds us to keep human rules “open” for an occurrence that is outside its possibilities. The means of criminal punishment as a

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“human rule” should also in present and future transitional societies be connected with setting up a truth commission that allows for interpersonal contact between perpetrators and victims. One reason to avoid the death penalty for perpetrators after political upheavals is that it forever precludes the possibility of reconciliation.

This view, finally, makes a clear judgment in theological perspectives on the negligent use of the word “reconciliation” in political speech: whoever demands reconciliation must be completely clear that it is not a “cheap” concept. It must not be confused with “let bygones be bygones.” Reconciliation includes framework conditions that cannot be quickly dispensed with. These include, for example, willingness by the perpetrator to take personal responsibility and willingness by the victim to forgive. Encounters between perpetrators and victims within the framework of a truth commission can also help to start a process in which victims begin to come to terms with their fate and the perpetrators are beginning to regain their humanity.