

# **Is sorry enough - Reconciliation without Justice?**

*An explorative contextual analysis of Reconciliation*

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## Abstract

This thesis explores the relationship between reconciliation and justice in a situation of conflict. The process of healing and forgiving is central in many processes of reconciliation and often understood as a prerequisite for lasting peace. However, it is also recognised that a reconciliation process or peacebuilding must also pay attention to satisfy needs, bring security, provide reasonable standards of living and bring recognition of identity and worth in order to avoid a relapse into conflict and violence.

South Africa has been viewed as a success story with regard to transitional democracy and reconciliation. Its long history of segregation and discrimination was terminated in 1994 by a democratic election. And questions of how to deal with the past were answered by the institutionalisation of the Truth and Reconciliation Commission (TRC), whose task was to facilitate national reconciliation. This thesis discuss how the focus upon reconciliation as healing and forgiving has led to an individualisation of the responsibility for lasting peace. The wrongdoers provide a version of the truth in return for amnesty, while the victims (survivors) are expected to offer forgiveness and accept their loss and relinquish the quest for justice. In this way, reconciliation becomes the responsibility of the victims in the sense that the victims' ability to forgive is the first predicament of peace. 11 years after the implementation of democracy, South Africa struggles with increasing high crime rates, violence, and widespread poverty and with one of the most unequal distribution of wealth and resources in the world. People have begun to question how sustainable the situation in South Africa is. Sustainable peace is challenged daily by social inequalities, violence and poverty, fuelled by prevailing structures where race and class coincide. The majority of *black* South Africans remains poor whereas the majority of *white* remains among the affluent and rich. Division lines among people to a greater degree follow the former apartheid segregation. *Blacks* are still deprived and marginalised.

Democratic governance, built on neo-liberal and market principles, is the imperative of International Community's (IC) answer to peace and security, which have achieved a hegemonic position and thus have become a truism that guides the many peacebuilding operations and conflict termination processes around the globe. However, as the case of South Africa shows, the new democracy is unable to meet the challenges of poverty and inequality, because minimal public budgets hit the poorest segments of society hardest. The poor majority expects and hopes that the democracy will improve their living conditions. Therefore it makes the transition vulnerable. Lack of deliverance of economic and social improvements can undermine the stabilisation and the reconciliation process of the society.

Has reconciliation been understood to mean reconciliation to injustice, building on *submission* and *resignation* – in other words, learning to live with those things that cannot be changed? Has justice being sacrificed for the benefits of forgiveness and reconciliation? These are some of the wrenching dilemmas this thesis deals with. However, there is argued that both justice and reconciliation are fundamentally significant goals that need to be addressed in the design of successful post-conflict peacebuilding processes and mechanisms. A peace and reconciliation process does not just oblige a change in human behaviour and attitude; it also implies a transaction of society's institutions, distribution and power structures. Justice makes reconciliation worthwhile. As long as the promises for restorative justice are kept, reconciliation can be sustained.

## **Preface and Acknowledgments**

I initially became interested in peace and conflict solutions during my military service as a medical officer in the Telemark Battalion. During my service in Kosovo 1999/2000 I saw the human suffering caused by war. I saw how difficult it was to build a stable and peaceful society after actions of war; how difficult it was for the Kosovo Serbian and the Kosovo Albanian to reconcile – although many of them had been (good) neighbours before the War. This interest followed me, although I totally changed field of study by doing an Art in Social Work and an additional year of Diaconia. This background led me to the topic of my thesis. In Social Work I learned to know different methods of human interventions, and saw that some paradigm governed the thinking; which I met again in peace and conflict studies.

It has been two interesting years of study, resulting in this thesis as the final outcome. I have become familiar with several new disciplinary approaches, which have deepened my understanding of the complexity and dilemmas of peacebuilding and conflict resolution. For me it has been exciting and challenging to write this thesis. And as my background is multidisciplinary, this thesis is a multidisciplinary thesis in its nature.

First, and above all I have to express thanks to my excellent and outstanding supervisor Sidsel Roalkvam, Associate Professor at Department of Research and Development, International unit, at Diakonhjemmet University College. Her vivid engagement, commitment and enthusiasm are hard to value high enough. I have appreciated her way of supervising me incredible much.

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# **1. Introduction**

This thesis explores the relationship between reconciliation and justice in a situation of conflict. The process of healing and forgiving is central in many processes of reconciliation and often understood as a prerequisite for lasting peace. However, it is also recognised that a reconciliation process or peacebuilding must also pay attention to satisfying needs, bring security, provide reasonable standards of living and bring recognition of identity and worth in order to avoid a relapse into conflict and violence. Taking the reconciliation process in South Africa as my case, I will discuss how the focus upon reconciliation as healing and forgiving leads to an individualisation of the responsibility of lasting peace. Reconciliation becomes the responsibility of the victims in the sense that the victims' ability to forgive is the first predicament of peace.

## **1.1 Reconciliation in a world of conflicts**

The world has witnessed a unique trend towards greater democracy over the last few decades. In the 1960s, 1970s and 1980s many countries in Southern and Eastern Europe, South America and Africa underwent such changes. Oppressive, authoritarian regimes were failing and new, fragile democracies emerged around the globe. To secure stability and peace in these weak states, the international community at large has intervened through what has been called post-conflict peacebuilding operations.

Transition from war to peace and from authoritarian regimes to democracy raises a vast number of practical, theoretical as well moral questions. In places like the Balkans, the Democratic Republic of Congo, Iraq, Afghanistan and South Africa to name a few, but central, these questions have empirical relevance. People are struggling to come to terms with their past – complex processes of being reconciled with former enemies and oppressors. Complex issues and dilemmas arise such as: how are long-lasting conflicts and deep divisions going to be healed or reconciled; how can enemies be reconciled without breeding further injustices; how can the new regime come to terms with its past; what should be done with the former regime's leaders and personnel; should the torturers be pardoned, forgiven or prosecuted and; how should the victims of the past regime be rehabilitated or compensated? These are just some of the wrenching dilemmas in a transition from war to peace.

Nevertheless, during the last decade, it seems that everyone began jumping on the bandwagon in requesting forgiveness and apologies, as solutions for dealing with past wrongdoings. Example was Japan's recent acknowledgment of its responsibility and guilt for cruelty and atrocities against the people of China during the World War II, followed by an official enquiry for forgiveness for what they had done.

Concepts like *forgiveness* and *reconciliation* are no longer the reserve of the churches or for the private sphere, but are entering the secular vocabulary as well as the theory of International Relations (IR). In the last few years, reconciliation has become one of the "hottest" topics in the increasingly "hot" field of conflict resolution. Countries making the hard transition from authoritarian regime to democracy are seen to use these concepts as the way in which to handle their past (Wink, 1998). In South Africa, the former perpetrators were requested to acknowledge their guilt of gross human rights violations and ask for apologise be granted amnesty. Fragile and still unstable societies may not be able to prosecute perpetrators (Mansfield, 2002) – or the negotiated transition, as was the case of South Africa, does not allow this as an option. It seems like forgiveness and reconciliation is replacing justice in the quest peace.

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The transition in South Africa has by many been described as a modern miracle. The hopeless situation that prevailed at the beginning of the 1990s – of international isolation and boycotts, national strife and use of armed forces – gave way to democracy in just a few years. This was something few South Africans or other international observers dreamed to be possible. To deal with its past, South Africa institutionalised a Truth and Reconciliation Commission (TRC), which was tasked to facilitate national reconciliation (Villa-Vicencio, 1998c). Knowing the truth was thought to lead to reconciliation, through apologies from individual perpetrators who acknowledged their guilt. Still 11 years later, the question remains whether or not South Africa has achieved national reconciliation.

### ***1.1.1 Peacebuilding***

In the transition from conflict to peace, there is a risk of going back to previous conditions of violence and conflicts. The second generation of peace-support operations emerged out of this insight. The International Community (IC) realised that it was not enough just to end war and violence by a cease-fire or a negotiated settlement (Helman & Ratner, 1992). To secure the peace process and prevent violence reigniting after the initial termination of hostilities, there was a crucial need for support and intervention in the post war period as well. Therefore post-conflict peacebuilding activities emerged. These operations are complex and have involved a wide range of national as well international actors and different activities interdependent of each other (Lederach, 2001; Paris, 1997).

*disarming former belligerents to providing financial and humanitarian assistance, monitoring and conducting elections, repatriating refugees, rebuilding physical infrastructure, advising and training security personnel and judicial officials, and even temporarily taking over the administration of an entire country (Paris, 1997:55).*

The concept of peacebuilding was introduced in *Agenda for Peace* (1992), by the former UN Secretary-General Boutros Boutros-Ghali. He defined it as: “*Action to*

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*identify and support structures, which will tend to strengthen and solidify peace, in order to avoid a relapse into conflict” (Boutros-Ghali, 1992:§21).*

Peacebuilding includes activities of rebuilding institutions and infrastructure and tackling the deepest causes of conflict, such as economic despair, social injustice and political oppression (Helman & Ratner, 1992; Lederach, 1997; Paris, 1997).

In order to be successful, post-conflict peacebuilding needs to address the underlying causes of conflict in addition to the surface manifestation. Peacebuilding must meet the need for security, for reasonable standards of living, and for recognition of identity and worth (Evans, 1993). This focus on satisfying needs derives from the conflict resolution theories called *Human Need Theory* (Burton, 1990). Co-operative action that deals with the underlying economic, social, cultural and humanitarian problems is seen as necessary to achieve peace and build a sustainable peace process.

The underlying assumption that shapes the understanding and practice of peacebuilding is derived from and founded on the liberal paradigm – on the Liberal Peace Theory and the Liberal Democratic Tradition (Paris, 1997, 2004).

*A single paradigm – liberal internationalism- appears to guide the work of most international agencies engaged in peacebuilding. The central tenet of this paradigm is the assumption that the surest foundation for peace, both within and between states, is market democracy, that is, a liberal democratic polity and a market-oriented economy (Paris, 1997:56)*

Democratic governance is the imperative of International Community’s answer to peace and security. For this reason IC imposes peacebuilding operations aiming to create stable democracies after violence. Mark Duffield (2001) argues in *Global Governance and the New Wars* that neo-liberal and market principles have achieved hegemonic position and thus have become a truism that guides the many peacebuilding operations and conflict termination processes around the globe. Roland Paris (1997) warns of the effect of transplanting “*Western models of social, political, and economic organisation into war-shattered states in order to control civil conflict*” (Paris, 1997:56). For instance the tenet of elections, argues Paris, can

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reinforce separation of the opponents, rather than facilitating reconciliation. Instead of transforming previous conflict-ridden society into a peaceful and reconciled environment, market democratisation can serve to intensify the social conflict already existing in the society.

*International agencies have prescribed market democracy as a remedy for civil conflict without adequately participating, or taking action to limit, the inherently destabilizing side effect of this remedy (Paris, 1997:57)*

Rita Abrahamsen (2000) argues that the International Community has pushed African countries to adapt democratic governance based on neo-liberal ideas. Neo-liberalism builds on ideas such as: rule of the market; cutting public expenditure and minimising the state intervention; privatisation; and individual responsibility instead of state-regulations. Abrahamsen (2000) argues that new democracies in Africa are unable to meet the challenges of poverty and inequality, because minimal public budgets hit the poorest segments of society hardest. Hence, the poor majority expects and hopes that rising new democracies will improve their living conditions. Therefore it makes the transitional, new African democratic countries vulnerable: Lack of deliverance of economic and social improvements can undermine the stabilisation of these new democracies in Africa.

### ***1.1.2 Reconciliation***

As an important aspect of peacebuilding, reconciliation has become a “trendy” and popular concept for terminating past cruelty and thus facilitating the reaching into a cooperative future. Reconciliation has consequently been identified with “making peace” (Ericson, 2001). “*Before a nation can get on with the routine task of nation building, it has to come to term with its past*”, writes Walter Wink (1998:vi) – and therefore reconcile. In *No Future Without Forgiveness* (1999) Desmond Tutu, who was the chairman for the famous Truth and Reconciliation Commission (TRC) in South Africa after the termination of the Apartheid regime, writes that there is no future for a societies if not reconciliation is fostered. Tutu (1999) highlights

forgiveness as the means of reconciling a nation. He urges the South African people to forgive one another for the sake of peace and reconciliation. If the people of South Africa are unable to forgive one another, it will be hard to build a future together.

As mentioned, reconciliation is an important feature of peacebuilding. According to Dan Smith's (2003; 2004) conceptualisation of peacebuilding, reconciliation is one of four crucial dimensions of the concept of peacebuilding. The additional three dimensions are security, socioeconomic aspects and political framework. Activities of reconciliation are described to be dialogue between political leaders, among political activists and Non Governmental Organisations; building mutual understanding; working on education, curricula, especially history; avoidance of hate speech and hostile rhetoric; and truth-commissions (Smith, 2003, 2004).

Reconciliation is thought both to be a goal and a process. There is a great necessity to overcome and transform the enmities developed during violent conflicts to enhance a situation where former enemies can co-exist and live a peaceful life together.

Wrenching and complicated issues confront the requisite and claim for reconciliation. For instance questions such as: how do societies that have been wracked by violent conflict reconcile themselves to their recent history and lay the foundations for a peaceful, stable future; how do they deal with the impulse for revenge; what should be done with those responsible for acts of state violence under a previous regime; how can individuals and communities best be helped to cope with the aftermath of national trauma; and how to deal with the quest for reconciliation?

In this thesis I will argue that the understanding of the concept of reconciliation is in danger of sacrificing justice on the altar of reconciliation. As Abrahamsen (2000) and Paris (1997) argue that the peacebuilding is influenced by the liberal paradigm, I will argue that reconciliation, as a vital dimension of peacebuilding, is influenced by this paradigm as well. And this causes some side-effects which might not be intended? At the heart of my criticism is the argument that justice is forsaken in the proclamation and the quest for reconciliation and peace. To put it at its crudest – with South Africa as an illustration – the wrongdoers provide a version of the truth in return for

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amnesty, while the victims are left to do the reconciling. The survivors are expected to offer forgiveness and accept their loss and relinquish the quest for justice. This responsibility and pressure on the victims can be argued to be a result of the neo-liberalist hegemony in the world.

## **1.2 Background to the thesis**

The reason why I have chosen the subject of matter and the research question is my background in Social Work and Diaconia<sup>1</sup>. I have had a special interest for the topic since then. I have seen how the understanding, explanations and scope of intervention have moved towards individualisation, which has for a long time been a debated issue within social work (Hutchinson, 1999). When it comes to the field of peace and conflict studies, I meet this essential subject matter again.

Through the lenses of Social Work and Diaconia I have been given the opportunity to study how conflict and violence causes immeasurable human pain and suffering from several different angles, and how peace is vital for human well-being. Social work tries to deal with and solve social problems. In war-scattered societies, there are vast numbers of different social sufferings and needs. People may have lost their spouses; parents; children; or some other related to them. The war may have ruined their previous living conditions. Loss of work, housing, and safety cause great deal of suffering. Additionally, both physical and psychological wounds of the experience of warfare may be tough to live with, and difficult to heal. Hostility and hatred could be strong before the war; they might become stronger in the aftermath of the war. Strong

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<sup>1</sup> Diaconia is by the Norwegian Lutheran Church (state-church) defines as, the churches humanitarian mindfulness, community building effort, and service for humans in need. The requirement for taking this study is a bachelor in education, nursing or social work. Diaconia is sometimes termed to be the church's social work.

feelings of social injustice may haunt the post-conflict situation as they did before the violence. Consequently, reconciliation is a difficult and tough endeavour to achieve, but at the same time it is a crucial endeavour to succeed in.

The scope of interventions, methods, understanding and explanations in Social Work has moved towards a focus at individual responsibility and individualisation (Hutchinson, 1999). Individual change and adoption have been core objectives. The problem is understood to be within the person himself, not in his or her social surroundings. Consequently, problem solving is to help the individual to adapt to circumstances and to society. The individual should contribute to society, not be a burden of it and to it. When Social Work focuses upon the individual, it requires the individual to change. A systemic and contextual approach is lacking. The individual is not viewed in their context. From my point of view, there seems to be a lack of understanding of how the society itself influences individual livelihood and possibilities. In my understanding, the changing atmosphere in social work is influenced by the hegemonic ideologies in society. One of the ideologies which today possess such influence is neo-liberal thinking (Abrahamsen, 2000; Duffield, 2001; Self, 1993). It possesses hegemony of guiding economy and political thinking. According to market liberalism or neo-liberalism, every one has to deal with their own problems and challenges. Everyone is said to be master of their own fate. State institutions are to be limited. Individuals are to have their liberty, and hence also responsibility for their own life.

As I have seen in Social Work where everything seems to be moving towards individual responsibility, social structures and social context does not give the individual any protection. Reasons for ability, function and worth are individually explained, and hence solved by individual means. I will therefore argue that this has become relevant for the understanding of reconciliation and justice. Lack of societal responsibility for reconciliation has led to an individualisation of the responsibility. Immediately after I started the study of Peace and Conflict I started to sense some of these same aspects and features as recognisable for me from my previous field of



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study. It is from this point of view my interest has emerged, and has resulted in the topic and research question of my thesis.

## **1.3 Research question, method and structure**

### ***1.3.1 Research question***

The many different dilemmas that faced the transitional situation in South Africa guided me towards my research question. It has almost been like opening a “Pandora’s box”. It could be frightening to go into such complex dilemmas within a situation like this. However, in this thesis I am trying to explore some of the many dilemmas that emerge when going into the complexities. I have chosen to explore the question whether or not it is possible to have reconciliation without justice? Phrased in another way, my research question is:

#### ***Is reconciliation possible without justice?***

The case of South Africa reflects this important and very interesting question. This question reveals huge philosophical and moral discourses, which have been going on for centuries, if not for thousands of years: What is a just society; how is it possible to make sustainable peace? The question is followed by ideas about “the peaceful society”. From the time of Socrates (Plato), there have been arguments about what justice is and what a just society is. Justice has been viewed as a prerequisite for a peaceful society. For instance, Kant argues in *Perpetual Peace* that a peaceful society consists of republican (democratic) state government, which will secure justice for all its citizens (Doyle, 1997). Kant has been used to advocate for democratic regimes around the whole world. Nevertheless, as Abrahamsen (2000) and Paris (1997) argue, that despite the good intentions, there could be some spin-offs not intended and not wanted, which I am going to explore further in this thesis.

### ***1.3.2 Method***

This thesis is a critical analysis of reconciliation. I am building upon literature made available for me on the topic of discussion on reconciliation process in South Africa. I have chosen South Africa as my case, because the country has been viewed as a success story of a peaceful transition. Nevertheless, 11 years after the first democratic general election, which brought Nelson Mandela to power, there is still no certainty that it is going to be a success or remain a success. Recent reports question the sustainability of the hope established in 1994. Thus, they question the "miracle". People hoped for improvements of their living conditions and their liberty. How long will people accept hope for improvement without seeing any materialisation of it? South Africa has widespread poverty, vast inequalities and a high rate of crime that follows previous racial segregation. The rich people today are mostly the *whites* while the poor are mostly the *blacks*. Today's class boundaries follow mostly the past apartheid's race segregation boundaries (Lester, Nel, & Binns, 2000).

My interest and enthusiasm in this topic of complexities developed on an early stage of my study. In the semester-paper of my first semester, I became aware of the complexity and dilemma of reconciliation and justice through an interview with a representative of Norwegian Church Aid (NCA)<sup>2</sup>. I questioned *what role Norwegian missionary- and church-based humanitarian aid organisations have in peace-work today?* NCA does actively advocate for peace, reconciliation and justice.

Representatives of NCA have had vital peace mediation roles in several conflicts. Many of the places the organisation locates its there is, or has been, a violent conflict. I met an organisation that struggled daily with the complexity of justice and reconciliation. The contact with NCA strengthened my notion that this really was a track to follow.

I have not made a comparative study between different theoretical perspectives. Rather, my attempt has been to make a critical literature analysis of the different

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<sup>2</sup> Norwegian Church Aid is one of Norway's largest non-governmental development agencies. It is 'owned' by different church denominations and hence builds on the Christian traditions of assistance (diaconia).

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elements in reconciliation. I am drawing upon already existing literature that is quite broad. Hence, I have not been able to go into a deep scrutiny of every available book on the subject. The limited frame of time and available pages of this thesis does in itself limit this.

In the first place, what led to the interest of justice and reconciliation was the syllabus of my master programme which dealt with this topic of justice and reconciliation (Appleby, 2001; D'Amato, 1994; Elster, 1998; Lederach, 2001; Mansfield, 2002; Paris, 1997; Santiso, 2002; Williams & Scharf, 2002). The case of South Africa led me to three main sources of understanding: theology, political science and philosophy. I have been reading theology, due to the fact that the peace and reconciliation process in South Africa was “anchored” in Christian theology (Appleby, 2000; Borraine, Levy, & Scheffer, 1997; Gruchy, 2002; "The Holy Bible," 1984; Johannessen, 2003b; Tutu, 1999; Wink, 1998). Then I have dealt with sources of political science (Abrahamsen, 2000; Deegan, 1999; Duffield, 2001; Self, 1993; Wallenstein, 2002), finally, I have also been reading philosophy (Aristotle, 2002; Elster, 1998; Hampton, 1997; MacIntyre, 1988; Nozick, 1974; Plato, 1946; Pogge, 2002; Rawls, 1999, 2003; Vetlesen, 2001; Vetlesen & Henriksen, 2003).

This thesis is explorative – as such it is a venture into the complexities of peace.

### ***1.3.3 Focus and structure of the thesis***

In this thesis, I have argued that both justice and reconciliation are fundamentally significant goals that need to be addressed in the design of successful post-conflict peacebuilding processes and mechanisms. I have chosen the case of South Africa after the demise of the apartheid system in 1994 to illustrate my points.

My point of departure, as described above, is the way in which individualisation and neo-liberalism has influenced the understanding and practice of reconciliation. I will in this master thesis argue that the focus on individual responsibility for reconciliation makes it hard for the victim of violence and atrocities to get a feeling

of justice. I am not aiming at giving a complete and exhaustive discussion and picture of these vast concepts. Nevertheless, I will discuss some of the aspects and highlight them with regard to South Africa.

Subsequent to my long introduction, where I have tried to state some of the dilemmas in the course towards reconciliation, I will continue by giving a limited account for some vital causes for conflict and violence in the beginning of chapter 3. But first, in chapter 2, I will start by going into the case of South Africa; the democracy and inequalities today, the long history of segregation, resistance, negotiations and the transition. It is wired up by the question of whether or not “cheap reconciliation” is wanted or possible, and the frequently heard claim of incompatibility between peace and justice. Further, in chapter 3, I discuss the complexities and dilemmas facing the emphasis on reconciliation and forgiveness, through; reconciliation as the making of peace?, forgiveness as the imperative of reconciliation, and the victims and the perpetrators – source of reconciliation. Finally, in chapter 4, I look into the concept of justice and views how it has been effectuated, and it is in danger of missing to be materialised in the case of South Africa: I start in the idea that a just society is a peaceful society, and breaks it further down to the liberalism versus communitarianism understanding of justice, and in the end I am moving into the case of the South African transition justice, where I question; fairness and justice for whom?

I will now go into the case of South Africa, by first giving a description, which is by means exhaustive, of the recent history of the country.

## 2. The case of South Africa

In this chapter I will go into the case of South Africa. I will give both a short historical review and a presentation of present situation. I will build on *The History of South Africa* (Beck, 2000), *Twentieth-Century South Africa* (Beinart, 2001), *South Africa in the Twentieth Century* (Barber, 1999) and *South Africa, Past, Present and Future* (Lester et al., 2000), which all give a good view of South Africa's history. I will use the case of transitional justice and reconciliation in South African to help me address the questions, dilemmas and complexities in a consistent manner. Through the history of resistance and negotiated transition, I will show the complexity of reconciliation, called 'cheap reconciliation' and the ambivalence of the often-stated incompatibility of justice versus reconciliation.

### 2.1 Introduction

South Africa is generally regarded as a success story when it comes to transition from non-democracy towards a democratic regime. The relatively peaceful downfall of the apartheid structure is considered as a modern miracle. However, on the other hand, the socio-economic and cultural inequalities in today's South Africa are still huge; actually one of the highest in the world (Jenkins & Thomas, 2004:377). And today, 11 years down the line, there is still a question whether or not South Africa is on the road towards national reconciliation. The world at large is waiting for the result of the national reconciliation process: Have the South African people been able to develop a shared life and identity across former racial dividing lines; are they able to live

together in a peaceful manner; will there be a reconciliatory end stage to the transition process or will the situation relapse into conflict and violence again?

Is South Africa the success story of peaceful transition that it seems to be? What about the still existing, inherent differences and gap between rich and poor, which are one of the largest in the world (Lester et al., 2000:230)? Will the black population forsake the quest for a better future, and reconcile themselves to the situation of status quo?

### ***2.1.1 Democracy and inequalities today***

The situation in South Africa today is paradoxical. Despite the abolishment of apartheid in 1990 and the democratisation process in the 1990s, the country has a high level of poverty, widespread inequalities, one of the world's highest crime rates and still lot of violence (Lester et al., 2000). However, there is no longer a situation of almost civil war condition, with extreme violence. There has been "peace" – absence of acts of war - since the beginning of 1990s. The country has a well-developed democratic constitution. There is no longer "formal" segregation and exclusion of certain population groups. People are granted equal constitutional rights and liberty. At the same time, many people still experience vast inequalities, poverty, violence and crime. The situation in South Africa is described by several commentators to be at a severe risk of breaking down and breaking apart (Roalkvam, 2005, forthcoming).

South Africa is "famous" for her very high crime rate. Levels of recorded crime in South Africa began to increase in the mid 1980s, and rose dramatically in the early 1990s. Violence before 1990 was seen as related to fighting the apartheid structure and system. Therefore, the demise of the apartheid system in 1994 led to optimism and hope for this spiral to reverse. This expectation has not materialised. The level of recorded crime stabilised for a two years period in 1995 and 1996, but since 1996 it has been increasing yearly (Schönteich & Louw, 2001:2). According to 1997 Interpol

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statistics, South Africa had the highest per capita rates of murder and rape, the second highest rate of robbery and violent theft, and the fourth highest rates of serious assault and sexual offences, of the 110 countries of which crime levels listed (Schönteich & Louw, 2001:4). Within a situation like this, it is a pertinent question if South Africa is reconciled; with what or whom they are reconciled?

Before moving into more details about the present situation of today's situation, in coming chapter, I will refer to South Africa's historical background that can offer some explanations as to why and how the situation has developed.

### ***2.1.2 A long history of segregation***

Like most of the countries in Africa, South Africa has a colonial past. In 1910 South Africa was created as a single state, and got its borders almost as they are today (Beck, 2000:1). For almost 350 years people of European descent ruled it. This *white* dominance was characterised by laws that segregated *whites* and *blacks/coloureds*<sup>3</sup>. This paved the way for the harsher apartheid system that was followed by the electoral victory of the National Party (NP) in 1948. It continued to create a system of racial discrimination, with a *white* political-, economical- and social domination.

There were four official 'racial groups': White, African, Coloured and Indian. Whites were regarded as the only 'civilized' race and therefore exercised absolute political power over the other racial groups. NP adopted a vast number of laws that discriminated the liberty and justice of other racial groups. As an example, mixed marriages became prohibited in 1949 and the Native Resettlement Act of 1956 forced million of blacks to leave their homes and to resettle in areas designated only for them. The whole South Africa became segregated by laws. The living conditions

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<sup>3</sup> Still today the categories of whites, blacks and coloureds are used. The uses of these terms are nevertheless not without problem. It continues the notions of the past segregation and differences. But, as in lack of other terms which describes the distinctions and of practical simplification I am going to use the terms black and white to separate the former segregated groups. I will throughout this thesis italicise these terms.

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decreased for the *blacks*, while the apartheid system led to one of the highest standards of living in the world for *whites*.

The *white* political dominance lasted until 1994, when South Africa held its first democratic elections, won by African National Congress (ANC). The *whites* continued their economic and social dominance. Apartheid left a country and a society with one of the most unequal distribution of social and economical resources in the world. There is a widespread poverty, high rate of crime, and a general overlap between previous race segregation and class (Lester et al., 2000:230).

### **2.1.3 Resistance**

*The men were beating him up and made him suffer. We just sat and had to watch. I cannot describe what we had to witness. We were crying all the time but the soldiers didn't care...My husband's eyes were beaten shut and he was covered in blood... when the white troops left they waved at us and shouted 'viva'. My husband was first beaten to death and then shot. They dug a hole and put him in there and covered him with sand<sup>4</sup>*

The resistance toward the system grew. Several *black* resistance and liberation movements were launched. Most known is ANC (African National Congress). In the beginning, most of these groups fought by peaceful and non-violent means. This resistance, however, gave no results in the manner of granting rights to the *blacks* rather it gave counter results. The apartheid regime banned liberation movements and jailed and harassed people for their opposition. Attempts to limit the resistance of apartheid did not prevent demonstration and confrontations. It rather fuelled the conflict. The conflict spiral was screwed upwards and resulted in more violence on both sides. The banning of resistance movements forced them to consider new means. A result was the establishment of an ANC underground guerrilla army in 1961 (not

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<sup>4</sup> A wife's testimony to TRC in *Villa-Vicencio* (1998a:24).



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without protests inside the organisation). Advocates for this shift, saw violence as the only and legitimate way of fighting the apartheid system.

The beginning of a violent battle between the apartheid system and the liberation movements is said to start with the Sharpeville massacre in 1960, where 69 people were killed and more than 180 wounded, while participating in a non-violent demonstration of 50000 participants outside the police station. Anti-apartheid organisations adopted more and more violent means as way of change. South Africa experienced riots and mass demonstrations, which reached a peak in 1976 and 1977. More and more people who opposed the apartheid ruling were jailed and terrorised. Detention, torture and assassination, abduction and murder of anti-apartheid activist were carried out by the police as justified means to handle the resistance, and became a systematic method used by the apartheid regime to keep the power. The Truth and Reconciliation process (TRC), disclosed several of these different forms of gross human rights violations. This woman recalls how psychological torture was used:

*They said "Zubeida, if you don't co-operate with us and give us the answers, then we are going to detain your father". I thought that they were just trying to trick me again, but they called me to the phone and it was my father on the phone. They had detained him in Cape Town. And so after they put the phone down, I signed the statement and I told them the name of the journalist who had done the story. It completely humiliated me. It completely made me feel like I was worthless, that I had gone against everything that I stood for, that I believed in, and that I'd been too weak to withstand the pressure of this. I was never able to overcome it for many, many years (Villa-Vicencio, 1998a:188).*

These methods were justified by several of the wrongdoers. For instance, this former officer claimed in his amnesty applications that:

*In some cases it was necessary to eliminate activists by killing them. This was the only way in which effective action could be taken against activists in a war situation...to charge someone in the normal court structure and go through the whole process was cumbersome and occasionally totally inadequate and impossible (Villa-Vicencio, 1998a:221).*

The situation during the 1980s became worse and worse. During 1984, 175 people were reported to have been killed in political violence. In 1985, the figure rose to 879, and by 1986 it reached a peak with 1298 deaths. In 1987, 661 were reported killed in political violence (Barber, 1999:244). The ruling NP understood that they had to do something to prevent the situation escalating into a full scale civil war. One of their means of trying to settle the violence was to yield some very limited rights to the *black* population. Another means was to offer Nelson Mandela – who by that time had become the “icon” of liberation fight – and other prisoners, release on the conditions that they renounce the armed struggle and violence. Mandela refused this proposition, because it did not follow any concession of the governors of apartheid (Beinart, 2001:269). Mandela responded by saying: “*It is political equality we want.*” Another activist added: “*we want effective participation in the running of the country*” (Barber, 1999:259).

South Africa was struggling with a lot of internal disorder and an international pressure and boycotts when F. W. de Klerk came to power in 1989. Upon growing violence, tension and conflict he saw no other alternative but to seek a negotiated settlement (Barber, 1999:274). To attain liberty and peace through a civil war would not be an option. Neither the liberation movement nor the state had capacity to win a final victory. The end-situation could only be a deadlock and losses for both sides, leading to a situation hard to solve.

Actually, both sides wished to avoid more bloodshed among the adversaries. Within the *white* population of South Africa there was a growing realisation that there would be no end to violence and hence no solution without participation from ANC. The *white* population voted in a referendum for de Klerk to go for negotiation. He reacted to this realisation. Thereafter negotiations were started.

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### **2.1.4 Negotiations**

Nelson Mandela, while jailed started dialogues with representatives from the National Party, aiming at finding solutions to end the apartheid governance non-violently, and to find a way of reconciling *blacks* and *whites*. These negotiations were continued formally and openly after he was released from prison in 1990. The release and the open negotiations marked a big step forward for the liberation of South Africa.

These conversations were not welcomed by all, neither from the *whites* nor the *blacks*. Many people strongly warned Mandela against these negotiations. They were afraid Mandela would agree to a '*cheap reconciliation*', which the Kairos Document warned against. *The Kairos document* (Gruchy, 1986) was written by theologians critical of the South African regime. Inspired by Dietrich Bonhoeffer they warned against a situation of promoting forgiveness and reconciliation in an easy manner. They claimed that reconciliation was neither an option, nor a possibility as long as the state of affairs remained the same as they still were under the apartheid regime. Without justice there could be neither a state of reconciliation nor a settlement of peace. I will return to this in chapter 2.2.

Mandela on the other hand thought that to search for a solution in a reconciliation-process would create an almost irresistible power for restoration and freedom (Gruchy, 2002:37). He did not see any other way forward towards a peaceful settlement and demise of apartheid, than through forgiveness and reconciliation. Nelson Mandela wrote:

*In prison my anger towards white decreased, but my hatred for the system grew. I wanted South Africa to see that I loved even my enemies, while I hated the system that turned us against one another* (Gruchy, 2002:179).

As is documented, the negotiations ended the apartheid, and South Africa started their way towards democracy and peace. This was marked by the election of Nelson Mandela in 1994 as the first *black* and democratically elected president in South Africa's history.

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### 2.1.5 *Transition*

*There is a need for understanding but not revenge, a need for reparation but not for retaliation, a need for ubuntu but not for victimization* (declared the National Council of the Church of South Africa, in Gruchy, 2002:40)

As in other circumstances where a violent conflict ends by a peace treaty or a peace agreement and the conflicting parties have to continue to live together side-by-side, there were needs for “peacebuilding” measures in South Africa. Although the situation could not be characterised as a war, it dealt with many of the same problems facing a transitional situation from war to peace. A central question became: What should be done with the past – how should the past be addressed?

It seems that there were agreements among people in South Africa – at least on the grassroots level – that the past could not just be forgotten or not dealt with, although at the political level a blanket amnesty was advocated. The past could not just be “swept under the carpet” – as if nothing had happened – as was the case in Spain, after the Franco regime ended in 1975. In Spain there “*was an unwritten, if not unspoken, agreement that the Francoist past should be forgotten, at least in public. There was a generally accepted exercise in collective amnesia*”, writes Rigby (2001:39). This was not the case in South Africa. Retributive justice, such as demonstrated by the Nuremberg process, implies that the perpetrators are held accountable for their committed atrocities through the means of law. This was unrealistic and unwanted<sup>5</sup> due to the negotiated end.

An institutionalised truth and reconciliation process was selected, outside the judicial system. The Truth and Reconciliation Commission (TRC), chaired by Archbishop Desmond Tutu, was tasked to facilitate a national reconciliation. TRC should search for the truth about the past, as means to heal and reconcile the nation. This should be

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<sup>5</sup> Although South Africa cannot be compared with Germany after World War II, in the sense of that WW II had a clear loser and several clear winners. This was not the case in South Africa. Nobody could be said to have won the conflict: it ended with a negotiated settlement after a more or less clear stalemate.

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done through truth-telling hearings. Both victims – called the survivors – and perpetrators should tell their stories. TRC’s Act stated: “*Once we know the truth, we can begin to put the past behind us and move with hope into a peaceful future*” (Gruchy, 2002: 40). And the Preliminary Constitution Statement of 1993 stated that “*there is a need for understanding but not revenge, a need for reparation but not for retaliation, a need for ubuntu but not for victimization*” (Gruchy, 2002:40). By knowing the truth and having the perpetrators to acknowledge guilt, it was supposed that: “*this would create space where the deeper process of forgiveness, confession, repentance, reparation and reconciliation can take place*”, declared the National Council of the Church of South Africa (Gruchy, 2002:41).

More than 7000 people were requesting amnesty, while 21 000 people gave their statement as victims of gross human right violations (Villa-Vicencio, 1998a:1). The perpetrators, those who had committed gross human right violations, were given amnesty, if they provided information to shed light on past wrongs, confessed their guilt and asked for forgiveness. Those who did not confess and acknowledged their guilt and those who had committed the worst wrongdoings did not have this opportunity.

Reconciliation has been crucial as a process and a goal in South Africa, through the TRC. The aphorism of TRC was “*Truth – the way to reconciliation*” (Gruchy, 2002:154). “Truth-telling” was agreed to be the way towards reconciliation. By creating a public record of the apartheid history, reconciliation was thought to be facilitated. Despite the fact that truth can be an important feature towards reconciliation and healing, the relationship between truth about the past and achievement of reconciliation has not been self-evident and uncomplicated.

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## 2.2 “Cheap reconciliation”

Focus upon truth-telling as the way to reconciliation and peace created great deal of anxiety and tension within the South African population. People were afraid that the transition towards democracy in South Africa via negotiations would violate their quest for justice. Consequently they would have to agree to an unfair agreement and be “forced” to accept a “cheap reconciliation” process. Especially from the oppressed *blacks*’ and *coloureds*’ side, there were concerns that they had to accept an agreement which forced them to cope with a cheap reconciliation.

“Cheap reconciliation” is a term used in *The Kairos document* (Gruchy, 1986), which is a document written before the end of apartheid by theologians critical of the South African regime. Their engagement was rooted in the Christian doctrine of reconciliation. In order to become reconciled with the human world, God allowed his Son to be killed. It was not an easy reconciliation for Him – it was a costly and expensive reconciliation. God did not just accept the sin and the wrongs done towards Him by the humans; He could not tolerate it; His being did not allow it. Therefore, wrongs needed to be punished. All human beings had deserved the death because of the sin they had done towards Him. But God so loved the humans that he could not punish them despite the fact that they did deserve it. Therefore He let his own Son be killed in the place of humans. Hence it was a costly reconciliation for God to restore. The grace of God did cost him His “begotten” Son. He could not continue to live with the present situation of sin and someone had to take the responsibility, which He gave Christ to carry.

The term “cheap reconciliation” was derived from Dietrich Bonhoeffer’s expression ‘*cheap grace*’. He understood God’s grace for humans to be very expensive, in the sense that he had to pay it with his own blood. Bonhoeffer understood very well the deep pain and suffering it carries to be an advocate for reconciliation. The German theologian Bonhoeffer was jailed and killed because of his resistance to Hitler and the Nazism during World War II. In one of his sermons in prison he said:

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*Reconciliation and redemption, regeneration and the Holy Spirit, love of our enemies, cross and resurrection, life in Christ and Christian discipleship – all these things are so difficult and so remote that we hardly venture to speak any more of them (Gruchy, 2002:21).*

The notion of ‘cheap reconciliation’ warns against a situation of promoting forgiveness and reconciliation in an easy manner. Inspired by Bonhoeffer, *the Kairos document* advocated that reconciliation was neither an option nor a possibility as long as the state of affairs remained the same as they were under the apartheid regime. Without justice, there could neither be a state of reconciliation nor a settlement of peace. Restorative justice was argued to be the “recipe” for true reconciliation.

*In our situation in South Africa today it would be totally unChristian to plead for reconciliation and peaces before the present injustice have been removed. Any such plea plays into the hands of the oppressor by trying to persuade those of us who are oppressed to accept our oppression and to become reconciled to the intolerable crimes that are committed against us. That is not Christian reconciliation, it is sin. It is asking us to become accomplices in our own oppression, to become servants of the devil. No reconciliation is possible in South Africa without justice (Gruchy, 2002:35).*

The document strongly emphasises that there is no chance of achieving reconciliation or getting started with a process of reconciliation without justice. The Apartheid system was an unjust system that had exacted a lot of injustice to the *black* majority. If the South African population (*white, coloured and black*) were to be reconciled, apartheid had to be abolished, and justice restored. The black people needed to be granted the same rights and privileges as the whites. They needed to be able to speak and talk freely and be able to participate in the political processes of the country. Further, something also needed to be done due to the skewed distribution of resources and benefits, which was a result of years of apartheid. South Africa had developed to become one of the countries in the world with the most unequal distribution of social and economic benefits among its population.

Church leaders of various denominations were fighting against apartheid. At a church leader conference in 1990, where leaders from eight different denominations

participated, a peak was reached in their battle for justice and reconciliation. The Dutch Reformed Church was also represented, which had supported the *white* Apartheid regime, represented by Professor Willie Jonker. During the conference he, on behalf of the whole church and on behalf of himself, acknowledged guilt of being supportive for the apartheid system, and asked for forgiveness. Spontaneously Archbishop Desmond Tutu immediately responded by embracing Jonker. This was interpreted as acceptance of the apologies and granting of forgiveness. This gave emotionally change, which influenced the whole process of reconciliation in South Africa. This was also Mandela's reasoning. As I noted earlier Mandela thought that to search for a solution in a reconciliation-process would create an almost irresistible power for restoration and freedom (Gruchy, 2002:37). He did not see any other way forward than towards a peaceful settlement and a demise of the apartheid system. Therefore Nelson Mandela continued his conversations with the apartheid rulers, which ended in an agreement to hold open and democratic elections. The election of Nelson Mandela as President in South Africa 11<sup>th</sup> of May 1994 was nationally as well as internationally considered as a modern miracle. Many had thought the situation would end in a civil war as a result of more than 40 years of Apartheid governance and oppression.

Since then a question has emerged: Did the demise of apartheid create possibilities of real, not cheap reconciliation? Has justice been restored?

### **2.3 Reconciliation versus justice**

As the above discussion shows, the relationship between reconciliation and justice has been highly debated. Traditionally, many foreign policy practitioners and



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scholars have perceived justice and peace (reconciliation) in conflicting terms<sup>6</sup>. The choice are often cast in terms of either working for peace and ignoring justice or seeking justice at the price of jeopardizing any chance of peace. Advocates for peace are typically characterised as “more realistic and worldlier”, while those who argue for justice are characterised to be “living in an unreal world”. An example of this is what Andrew Rigby writes in *Justice and Reconciliation* (Rigby, 2001):

*If the dispossessed Palestinians were ever sufficiently determined to seek restitution and justice whatever the price then it would be at the cost of peace in the region and beyond. Therefore, for the sake of peace, the rest of us must hope that the Palestinians, and other dispossessed groups around the globe, never do put the thirst for justice above all else. To do so would mean that so many conflicts around the world would be locked into an endless cycle of violence and vengeance* (Rigby, 2001:11).

Rigby (2001) claims that peace and justice are not compatible with each other. The claim for justice will be at the cost of peace. Therefore, the Palestinians, and other oppressed groups, have to choose between peace and justice. It is obvious, in Rigby’s reasoning that the victims of violence and war have to renounce their claim for justice for the benefits of peace. An anonymous UN bureaucrat also underscore this concern during the war in the former Yugoslavia by saying: “*The “peace-makers” primary responsibility is to end the war – but not to call for justice*” (cited in Williams & Scharf, 2002:29). The main choices is between “*“saving life”* or to *pursuing justice*” (Williams & Scharf, 2002:31).

In this way, the quest for peace and reconciliation becomes an ethical imperative and demand. Rigby (2001) understands that the Palestinians have a desire of revenge and justice, on the other hand he urges they have to do the right thing – not to wage war, but search for peace and hence reduce their quest for justice. However, to treat Rigby fairly, he also adds:

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<sup>6</sup> Reconciliation is often said to be identified with “making peace”. Hence the dilemmas of reconciliation versus justice could then also be said to be incompatible

*Then it is the responsibility of the rest of us to do what we can to ensure that they do receive appropriate compensation and reparation, material and symbolic, so that they can transcend and leave behind their status as victims locked into a past of injustice and suffering (Rigby, 2001:12).*

This is also supported by Williams and Scharf (2002) who discuss some of the same challenges. They argue that the norms of justice were to be incorporated into the approaches of the peacebuilding activities. They cite Major General Nash in IFOR, who stated:

*You cannot forget justice. And justice has to be patient because you have to deal with the realities of the day. You have to try to get people to think about the future more than they think about the past (Williams & Scharf, 2002:11).*

According to Williams and Scharf (2002:23), to promote lasting peace and reconciliation it will be necessary for foreign policymakers and scholars to understand the mutually supportive role that various peacebuilding approaches may play, which for them also includes justice – not excluding it. There is a need of solving the “incompatibility” and integrate both dimensions into the process of peacebuilding. There is, according to Williams & Scharf (2002), no evidence that placing peace, reconciliation and accommodation over justice and accountability, promotes more lasting peace. Evidence points rather in the opposite direction (2002:32).

*Justice being done, and being seen to be done, is the difference between a lasting peace and an interval between hostilities (Ed Vulliamy, correspondent for the Guardian in Williams & Scharf, 2002:12).*

## **2.4 Summary**

In this chapter I have explored how the South African situation challenges the balance in the relationship between peace or reconciliation and justice. We have seen that the quest for reconciliation has been at the forefront in South Africa – as it also

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has been in other transitional countries. At the same time, the quest for reconciliation is by many understood to be on conflicting terms with the quest for justice.

South Africa's reconciliation process is viewed to be a success. During the recent years people have begun to question how sustainable the situation in South Africa is. Sustainable peace is challenged daily by social inequalities, violence and poverty, fuelled by prevailing structures where race and class coincide. To put it crudely, the majority of *black* South African remain poor whereas the majority of *white* remain among the affluent and rich. Will this jeopardise the process of reconciliation and has the *black* South African been forced to accept a "cheap reconciliation"? These are questions that have emerged.

The successful transition into democracy has yet to deliver. I will continue to question the foundation democracy builds on in South Africa. Will the vast majority of *blacks* accept the minimal understanding of democracy, in which the state does not actively redistribute the enormous inequalities inherited from the past apartheid regime? Democracy built on neo-liberal principles seem to favour the already wealthy, and neglect the needy. What then about justice? I will continue into the complexity of the concept of reconciliation and justice in the rest of this thesis. In the next chapter I shall predominantly focus on reconciliation as one particular way of dealing with this tension.

### **3. Reconciliation: an individual responsibility**

In this chapter I will continue to discuss the scope of reconciliation. As seen in chapter 2.2 there was fear that the quest for reconciliation would violate the need for justice. There has also been a discourse as to whether or not justice and reconciliation are mutually exclusive (in chapter 2.3): Does the quest for one have to forsake the other; or is justice a prerequisite for reconciliation or is reconciliation a condition for justice? I will argue that peacebuilding founded on liberal principles and the understanding of democracy has influenced the concept of reconciliation.

Reconciliation has become a request to let something go – hold something back; learned patience – in order to gain something back in return.

In this chapter I will continue the discussion by focusing upon the concept of reconciliation, the understanding of it, and the more particular form it took in South Africa. I will start by looking upon different explanations of the reasons behind war and conflicts. In order to make peace, and facilitate reconciliation, there is a need to identify the causes of conflict and violence. I question to what degree this knowledge has influenced the reconciliation process in South Africa. I will end by arguing that reconciliation becomes a purely relational dimension between the perpetrator and the victim, which makes it even more difficult to address structural and societal aspects of justice.

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### 3.1 Injustice: causes of conflicts

Since the end of the Cold War, by the breach of the Berlin Wall in November 1989, there have been more than 120 wars worldwide. For instance in 2001 there were 47 armed conflicts (Smith, 2003:8). Almost all of these were internal wars (civil wars) and fewer than ten percent were inter-state wars. Most of these internal wars ended without necessarily solving the causes of its origin – it ends might come as a cause of stalemate. This means that the conflict does not end but endures into the situation of peace, or to put it more correctly: an absence of war actions. The former warring parties thus have to live together, side-by-side, and still share the same territory, which might have been the source of their incompatibility – of the war. Nevertheless, the International Community requests them to reconcile and make peace. Democracy is viewed to be the way of handling the incompatibility.

In this section I will therefore focus on the necessity and importance, when aiming at building sustainable peace and reconciliation, to understand the various causes of the conflict. Through the definition of peacebuilding (chapter 1.1.1) it is made clear that it is important to tackle the deepest causes of the conflict when establishing peace and reconciliation. In facilitating peace and reconciliation, there is a great need of understanding the various causes of war. I will therefore go into some of the frequently stated causes of wars and violence, and explore their relevance for the case of South Africa.

The decision to go to war is usually complex and involves many different factors. However, a prerequisite for violence is that there is a conflict, which can escalate into violence. A classical understanding of conflicts, sees it as a dynamic phenomenon (Wallensteen, 2002:34-38). Action is seen as a re-action of previous action by the opposite actor, which is recognised as a “tit-for-tat” approach. The conflict triangle, introduced by Johan Galtung in the 1960s, suggests that a conflict moves between the triangle’s three corners. The conflict can be originated in one or several corners and be reinforced by the others, and hence can and must be resolved in the originating

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corner. In corner A, Galtung refers to conflicting attitudes, in corner B to conflict behaviour and in corner C to the conflict or contradiction itself (the incompatibilities). Game theories have also been developed to analyse these dynamics. The prisoner's dilemma and the chicken game<sup>7</sup> is maybe the most used models for how conflicts can be understood. In South Africa all three corners were made relevant. The contradiction or incompatibility was the location of power and governance, which was possessed only by the *white* minority group while the *black* and *coloured* were discriminated. Most people would agree that apartheid governance caused a reaction that led to counterattack.

According to Fawcett (2002) most violent conflicts have either a territorial or a resource element. Secession or irredentism could be stated objectives. Wallenstein (2002) adds the fight for governance to these two components. An ethnic group could for instance demand independence from its belonging to a state, more to say in the governing of the state, or a larger part of the share of the state's resources. These two latter asserts were features of the South African conflict. *Black* and *coloured* were excluded from government and from the state's resources. Through the negotiated settlement and the downfall of apartheid, *blacks* gained the power to govern. However the share of the resources is still a huge topic. Still, inherited from the past, the *whites* possess most of the country's total amount of resources and wealth.

In a realist approach (realpolitik), fear is said to be the causal mechanism causing war. Doyle (1997:49-92) uses Thucydides' (460-404 B.C.) explanation of the Peloponnesian war, 431 B.C. to illustrate realism. For Thucydides, the real cause of this war (and hence other wars) was the growth of Athenian power and the fear that this caused in Sparta. The efforts of each party to protect its security (or benefits) made the other party insecure and hence created what is called the *security dilemma*.

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<sup>7</sup> In both models it is presumed that the actors are rational and unitary. Two different rationalities seem to clash, creating the dilemma. It would be in the interest of both parties to cooperate for a solution. But one is not able to communicate with one another for the solution. And when not able to communicate (honest), the parties suspect one another and does not trust on another. Therefore each one seeks a superior individual outcome, which again is worse of for both parties. The lack of trust is here obvious a causal mechanism.

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Theories of the security dilemma state that the improvement of security (or power) for one part leaves the other worse off, which means the other group feels threatened, and responds by increasing his own security. The security dilemma has primarily been developed to explain interstate conflicts, but has also been used to try to explain intra state wars (Lake & Rothchild, 1996:52). In this manner, ethnicity is said to cause war. Fears of one another between ethnic groups and nations is said to be a mechanism that causes wars (Lake & Rothchild, 1996; Smith, 2003:16). Ethnicity seems to cause fear of “the other”. When division lines in wars follow ethnical division lines, hate and mutual fear seems to escalate during the war, which makes reconciliation a difficult task to accomplish in the post war period. The risk of returning to war is in these situations very high, although at the start of the 21<sup>st</sup> century, the majority of the most ethnically diverse countries were not at war. Nonetheless, the risk of war was higher in such countries, especially those states that were recognised as poor as well as undemocratic (Smith, 2003). However, to what extent ethnicity in itself can be said to cause war is contested. Structural and contextual conditions seem to make ethnic wars possible. The fight may follow ethnical division lines, but the conflict is in most cases over land, resources and power (governance). In South Africa, the division lines were ethnical or racial which also coincided with class divisions. It seems that the *white* elite used and facilitated fear of *blacks* among their own racial group to legitimate their politics of segregation. In the dynamic understanding, the discrimination then caused the *blacks* to react and hence fuelled the image created of them as dangerous and violent. The *white* Apartheid regime did also create “black-on-black” conflicts, which followed party division lines.

The general background-causes for violence are said to be poor economical conditions and lack of possibility of peacefully political influence.

*The more that a country's resources are stretched, the sharper is the competition for them, and the weaker is the state's ability to meet most people's needs. This gives rise to grievance, to a sense of injustice and frustration. It is fertile soil for ambitious political leaders, articulating grievance, voicing a sense of injustice, whether or not*

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*they share in the feelings of their followers.[...]. People commit themselves to these leaders because they believe that doing so offers a chance to redress the injustice they see in their own lives (Smith, 2003:9).*

Inequality might not be the root cause of conflicts, but analysis have examined how grievance can drive conflicts (Soysa, 2000)<sup>8</sup>. A classic empirical example for illustrating this is Lewis A. Coser's analysis of the 1956 Watts riots in Los Angeles (explained in Wallensteen, 2002:39-40). Coser argues that conflicts may rise from frustration of specific demands. A social group may direct their frustration as instrumental actions towards an "objective other", which they have examined to be the reason for their lack of some specific goods. This, he argues, is what happened in Watts. An active minority felt frustrated, and did not want to continue accepting indignity and frustration without fighting back. They were communicating their desperation through violent acts, since no other channels of communication seemed open to them. Coser argues that conflicts as well as violence stems from not being accepted in a society, a matter of dignity, political access and power. Therefore, the riots were not random violence, but directed against those who had restricted their rights and needs. This idea also emerged in the Oslo-Peace-Talks in 1993, between Israel and Palestine. At some stage the negotiations dealt with the task of improving the living conditions for the Palestine's, bridging the gap between the Israeli and the Palestinian people. In this sense a conflict could also be said to stem from unsatisfied needs. This is also the situation in South Africa today, where the situation in several townships is characterised to be at the brink of dissolution (Roalkvam, 2005, forthcoming). (At the same time, they are expected to reconcile.) There is a sense that things are not moving fast enough - there are no changes.

Runciman (1972) explains how conflict may erupt as a result of deprivation, and Ted R. Gurr's research has established support for relative deprivation as a systematic way for conflicts to become violent (Wallensteen, 2002:40). Relative deprivations theory belongs to a family of social evaluation theories that have their common bond

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<sup>8</sup> On the other hand, Soysa also argues, grievance could also be a result of greed.



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a focus on the social comparative nature of social judgements (Walker & Smith, 2002:288). The core of the relative deprivation construct is when people's expectations about the goods and conditions of life to which they believe they are entitled are dissatisfied, they become angry and more motivated to redress the perceived inequality. There is not a necessary causality in that anger leads to conflict and violence, and hence it is not a necessity that groups are formed in which all share the same perception of inequality. Nevertheless, this anger of inequality may lead to a perception of injustice and demands for justice and equality. When large social groups share this perception of relative deprivation, as most of the *black* population of South Africa did under the Apartheid regime – and still do – it is no surprise that they react to this by claiming equality. When the claims are disregarded and rejected by highly unjust laws, there is no wonder that conflict escalates, as it did in South Africa. When non-violent and peaceful means were ineffective and met with force and banishment from the ruling *white* minority group, there should be no surprise that the liberation movements in desperation became violent, as also Coser's example above shows. As we see in South Africa today, there is an extreme social and economic inequality and a coincidence between race and class, which threaten a peaceful reconciliation.

At the same time as South Africa struggles with a high crime rate, which according to Lea and Young (2003) could be caused by the relative deprivation. Absence of political and economical opportunities lead to *criminalisation* they argue. Dissatisfaction occurs when comparisons between comparable groups are made which suggest that unnecessary injustice is occurring, and crime occurs when there is an excess of expectations over opportunities for fulfilling them. Lea and Young (2003:146) argue that it is crucial to understand uprising and collective violence in relation to and between relative deprivation and political marginality. Although relative deprivation does not necessarily lead to violence and criminality and there is not necessarily a causal relationship between relative deprivation and violence, it seems like there is a strong correlation. In other words, this can explain the challenges facing the South African transition.

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Another challenge facing the transition in South Africa is the way the ideology of capitalism – the idea of market economy – teaches people that life is a “racetrack”. Every one will get what they deserve. The idea is that you have to run and compete for the deserved benefits. This is the central way the system legitimates itself and motivates people to compete for the benefit – as justice becomes a derived benefit for those who win the “race”. A danger is:

*Focusing solely on the disadvantaged can fail to “victim blame” by raising questions about why the disadvantaged fail to take action, without understanding the structural constraints in their efforts for change (Walker & Smith, 2002:157).*

When the disadvantaged do mobilize to challenge inequalities, this can lead to direct conflict with the advantaged. However, there is not an easy way of having the advantaged to support equality and justice. In the case of South Africa, the *white* advantaged were not willing to let go of their privileges without fight, neither before the demise of apartheid, nor after. The majority-oppressed *blacks* got some of their demands met by the negotiated democratic election in 1994, which brought Nelson Mandela to Office. Nevertheless, the *blacks* are still marginalised and oppressed when it comes to resources, wealth and opportunities.

Unfairness can be a powerful force for violence and hostility that can escalate into full-blown war. There is empirical evidence that poor communities and countries are more violent than richer ones. It is also evident that underclass communities are more violent and criminal than middle or upper class communities (Lea & Young, 2003:148). Competition for resources can lead to anger, frustration and desperation. Hence, poorer countries and communities have fewer opportunities than richer countries to develop political institutions to absorb conflict and channel it in non-violent directions. Another result may be that, in the poorest regions young men may also find that joining the rebels gives them security and even privileges that are not available to them if they are living “normal” lives (Collier, 2000). Poor countries or communities are also less able than richer countries to protect themselves against being looted by ruthless individuals. In countries of huge inequalities, those who are

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richer and more powerful than others can go to great lengths to protect what they already have and seize even more (Smith, 2003), which is seen happening in South Africa. Rich people hire private security companies to protect them, while poorer people cannot afford this and hence have to live in insecurity or accept to be protected by more or less criminal gangs.

However, South Africa has become a democratic country, which is an institutional arrangement said to protect peoples' liberty and rights. This trend towards democratisation was a major feature in the end of the 20<sup>th</sup> century. Not only did South Africa experienced democratisation, but also several other authoritarian regimes fell apart and transcended into democracy. What is seen is a global transition to democracy. This has brought many benefits in terms of freedom, rule of law and peace. In this manner democracy is said to make a more just society, hence a more peaceful society. Founded on the liberal tradition, democracies or republics are said to provide the *Perpetual Peace*, that Immanuel Kant wrote about (Doyle, 1997:251-300). Liberal peace was the imperative which should secure a peaceful international community. The Democratic Peace Theory states that democratic states are more peaceful than non-democracies (Mansfield, 2002). Democratic norms are said to shape a more peaceful society. They for instance will obstruct authoritarian leaders to wage war. The structure of and institutional design of democracy is also supposed to facilitate decision-making that will find more peaceful solutions. Democratic structure and institutions will put domestic constraints, which will hinder states/people from fighting due to principles of negotiation regulations. And institutions will hold its leaders responsible for their actions. At the same time liberal institutional arrangements are said to facilitate economic interdependence and a free market, which will hinder violence.

However, the transition phase from autocracy towards democracy has tended to cause more violence and conflicts and risk of experiencing a civil war (Mansfield, 2002). It is in this phase South Africa finds itself now. The democratic governance in South Africa seems to have failed to facilitate a domestic peaceful society. The country

struggles with high crime rates and a lot of violence, at the same time as it experiences extreme inequalities and vast poverty. The *black* population does not necessarily think that justice is given to them through democracy. They are concerned about the extreme inequality between them and the *whites*. They are only interested in democracy to the extent it does something with these inequalities. If democratic institutions and structures do not assist change in the skewness of distribution of benefits and wealth, people tend not to care about democracy. As Abrahamsen (2000) argues, and as I have tried to show by the case of South Africa, the democracy has not been able to distribute or redistribute the vast inequalities. Democracy is built on neo-liberal thoughts which make the state powerless to facilitate these addressed needs. It is not given authority or legitimate power to redistribute the skewness already existing. The state is supposed to be a “weak” state governed by the rule of the free market. Public expenditure is supposed to be cut to a minimum as well as the government’s role is limited. This is usually done in the name of greater efficiency. The state is not supposed to have much power to intervene in peoples’ lives – because of the pluralism and the protection of the right and the liberty of each individual. In countries with vast social needs as South Africa was and still is; the democratisation actually makes the state incapable of providing requested needs as poverty reductions and balances of the huge inequalities.

### **Summary**

The focus throughout this section has been that the understanding of causes of wars is a necessity for solving them. I have explored different causes of war and conflicts. We have seen that the fight over resources and the distribution of them are some of the central reasons for conflict. Whether the dividing lines follow ethnic or other identity separations markers, the fight for resources, security and power are activated. Within the security dilemma or the quest for democracy, resources and power are crucial causal elements for conflicts. In South Africa the division lines to a greater or lesser degree follow the former apartheid segregation. *Blacks* still struggle for influence and resources. They are still deprived and marginalised. Democracy built on the neo-liberal principles also seem to fail when it comes to facilitating

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distribution perceived by the *black* population to contribute to social justice. Nevertheless, the quest for reconciliation and peace are strong.

In next section of this chapter I will explore how reconciliation processes are facilitated and how good the concept of reconciliation is in making peace?

Reconciliation is by most people a familiar concept. Nevertheless, it is hard to make an exact definition of what is meant by reconciliation. I will therefore “go back” to and deepen the focus and the meaning of reconciliation.

### 3.2 Reconciliation as the making of peace?

*What I would really, really like is, I would like to meet that man that threw that grenade in an attitude of forgiveness and hope that he could forgive me too for whatever reason. But I would very much like to meet them<sup>9</sup>.*

So far, I have treated and used the concept of reconciliation without any detailed discussion of what reconciliation actually is. In this section, I will therefore go deeper into the scope of the concept. I will start by outlining some of the established definitions, and at the same time look at its religious roots and connotations which actively were used in the process of truth and reconciliation in South Africa.

Reconciliation has very often been associated with making peace, settling a quarrel and re-establishing friendships after a division or a conflict. To *reconcile* is in *The Oxford modern English dictionary* (Thompson, 1996) defined as “to make friendly again after an estrangement” and “to settle a quarrel”. Reconciliation is said to be both a process and a goal. This process may be variously described as a process of overcoming conflict, division, enmity, alienation or estrangement. As a result, reconciliation can be described as the restoration of harmony, unity, peace, friendship

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<sup>9</sup> Survivors testimony to TRC in Villa-Vicencio (1998b:147).

or love. It could be like a story of two parties who begin as friends, becomes estranged, and becomes friends again.

This pattern is exemplified by the Christian teaching of Jesus Christ who reconciled man to God. Reconciliation, as mentioned in the introductory chapter, is a religious related concept, which has been secularised. In the theological tradition, there are at least two main traditions of reconciliation theories: one objective and one subjective understanding of reconciliation. Both traditions have their point of departure in the Creation and the Fall of man (from Genesis in "The Holy Bible," 1984). It says that God created all human beings in "His image", to be in one (community and unity) with him and with one another. But the oneness and relationship with God was broken through the fall of man from divine grace (when Eva and Adam ate of the forbidden fruit). Reconciliation does then refer to God's salvation and redemption of humans in Jesus Christ. A much cited verse to illustrate this is: "*God, who reconciled us to himself through Christ*" (2. Cor 5:18 in "The Holy Bible," 1984). In the Christian tradition the concept of reconciliation is therefore understood to be the restoration of community with God; to restore peace with God.

The subjective tradition of reconciliation emphasises that Christ exemplified himself through his conciliatory and forgiving attitude that God is not wrathful. In this understanding God has forgiven human beings – He is conciliatory and likewise human beings should also be forgiving and conciliatory. It requires the atmosphere of humans' beings to be conciliatory and appeasing. In South Africa, Desmond Tutu and Nelson Mandela exemplified and emphasised this very strongly. For example Mandela started by showing a conciliatory spirit when he forgave his perpetrators, and Tutu embraced Mr Jonker (seen 2.2). This was thought again to facilitate other to do the same, which in the end would result in peace. In this understanding, the victims, in regard to the illustration of Tutu and Mandela, become the "carrier" of the reconciliation.

The objective reconciliation tradition has been the dominating interpretation of Christ's reconciliatory role. This understanding sees Christ as the atonement for

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human beings sin and guilt. God was injured; man had done something objectively wrong, which God could not just get rid of. The situation required a restoration or a re-establishment of previous condition. For this reason, Christ was punished. He replaced himself with man and became their replacement or substitute. He took the punishment which man had deserved. As a consequence, the objective wrongs were then set right, because God accepted Christ's payment. The literal meaning of reconciliation in The New Testament has its origin in the Greek word for *change* or *exchange*, which again is obtained from the word *the other* (Gruchy, 2002:153). That is why humans were reconciled to God through Christ, who exchanged his place with them, in the sense that he took the punishment humans had deserved.

Retribution and atonement become important concepts in this model. Punishment, guilt and responsibility are emphasised. Restoration is needed. Perpetrators are punished and made responsible for their wrong doings. In this way reconciliation through justice, becomes a judicial concept: Something objectively wrong needs to be restored – put back to its place. This refers to a vital thought in the tradition of justice. I will come back to this and the concept of justice in-depth more in the next chapter (chapter 4).

At the human level, reconciliation becomes possible if the perpetrator is able to take the stand or perspective of his victim and if the victim is able to take the stand of his perpetrators – in other words, open up for *the other's* experience. Humanly speaking, this implies a psychological understanding of reconciliation. It is impossible for a human being to physically take *the other's* position, as Christ did in the objective understanding of reconciliation, when he suffered what the human beings had deserved. A perpetrator cannot suffer what his victims have suffered, even though this is part of the thinking seen above where reconciliation comes through the punishment of the wrongdoer. Humanly speaking reconciliation becomes a cognitive position of having enough empathy to view things as *the other* would have done. In South Africa reconciliation in this manner was emphasised. Perpetrators of gross human rights violations had to be given the opportunity to become humans again.

They could not be viewed as “animals” forever. Through reconciliation people should be able to see the human being in the perpetrator. As well as the perpetrators should be made able to see the human being in his victims.

Reconciliation is a relational concept. It deals with how people are able to relate to one another. Through reconciliation people in South Africa were supposed to reach the destination of a peaceful state of affairs. The reconciliation processes aimed at reconciling the human relationships of distrust, hate and enmity that were created by apartheid. Reconciliation aimed at healing the relationship of individuals with themselves; the relationship between victims (called survivors by TRC) and perpetrators; the relationships between neighbours, the relationships within families and within and between communities; and heal the relationships between the former ruling *white* minority and the oppressed *black* majority. Reconciliation processes aimed to heal the broken relationships. This was to happen through truth-telling, official acknowledgment and confession of guilt. Victims (survivors) were expected to become healed – able to “live with” and “cope with” – of what had happened to them in the past.

Reconciliation was said to be the first step as well as the end stage in South Africa. People were promised that through reconciliation, a better future could be created. Thus reconciliation was to teach people to be patient and wait for what would happen later – in the future. People were taught to live with a situation that could not be expected to change quickly. The churches have been instrumental in teaching people to live or to cope with what could not be changed (Roalkvam, 2005, forthcoming). They have been hope-agents. Hope becomes thus an important feature of reconciliation. As long as people are able to hope for a better future, they are able to live with the current situation – of the present. This was, and is, essential and important for the South African situation to move forward. A state-structure could not be expected to change over night. Time and patience thus become vital for reconciliation to succeed.



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When going back to the theological root of reconciliation concept, one finds other theological concepts used interchangeably with reconciliation. These are atonement, redemption, salvation, deliverance, healing, recovery and justification (Gruchy, 2002). As emphasised above, atonement sets focus on the re-establishment of a broken relationship. It aims to bridge the broken gap, make one and unified again. Christ redeemed and saved (salvation) human beings, because they were not able to save or rescue themselves. To achieve reconciliation other theologically-linked concepts are brought in. For instance forgiveness, mercy, guilt and justice are said to fuel reconciliation. Reconciliation is understood as a journey from the past into the future. This journey to reconcile the past and to search for a new future is a costly and painful endeavour. Reconciliation, whether it is understood theologically, politically, socially or interpersonally, is a sequential process, which has to deal with the past containing wounds, hostility and conflicts. As emphasised in section 3.1 it has to deal with the cause of the need for reconciliation.

De Gruchy (2002) argues that reconciliation is properly understood as a “*process, in which we become engaged at the heart of the struggle for justice and peace in the world*” (Gruchy, 2002:21). A true understanding of reconciliation needs to be built on an interdependent and reinforcing dynamic of forgiveness, repentance, truth and justice. This is also emphasised by Lederach (1997).

However, on the other hand, the concept of reconciliation can also mean and be defined as *submission* or *resignation*. Submission and resignation means to resign from what one claims and reconcile with current circumstances. People can become reconciled with circumstances that are contrary to their wishes – to reconcile with what cannot be changed. As emphasised above, the ability to *live with* and *cope with* the current situation has been crucial in South Africa. In this sense reconciliation in South Africa seems to extract some of its understanding from the latter meaning of the concept of reconciliation. In this sense, justice is changing place – temporarily – with hope for a better chance in the future. This is contrary to what the Kairos document claims to be the necessity for reconciliation. In this former understanding,

reconciliation becomes the burden of those who are victims of injustice. It is this understanding Rigby uses, as I outlined in chapter 2.3, when he claims that the Palestinians need to be reconciled with the fact that they cannot get justice and the same privileges as the Israelis. Instead, they should wish for peace.

As we have seen so far, concepts that fuel, explain and define reconciliation are forgiveness, atonement, redemption, salvation, deliverance, healing, recovery, mercy, guilt and justice. Tutu (1999) declared that without forgiveness there would be no future in South Africa. Forgiveness became a key concept in the TRC's understanding of reconciliation.

I will therefore continue to explore the meaning and consequences of emphasising forgiveness in the way done by TRC, and influenced by theological understanding as well as global trends of neo-liberalism and individualisation.

### ***3.2.1 Forgiveness as the imperative of reconciliation***

*If I had the strength at that time and I knew who the perpetrators were I would have gone and revenged, because my family is as it is because of them ... I have no forgiveness for these people<sup>10</sup>.*

In this section, I will focus on the understanding of forgiveness, which is seen to be one of the key concepts for achieving reconciliation. The Chairman of TRC, Desmond Tutu saw it to be crucial that forgiveness took place to fulfil reconciliation. Through confession and acknowledgment of guilt by perpetrators, survivors (or victims) were supposed to be made able to forgive and let go of the past and continue forward. Forgiveness was seen as the essential key, fuelling reconciliation. Although forgiveness does not mean amnesia (oblivion), it strongly urges “*to turn the other cheek*” and forgive. I will in this section discuss some implications related to the emphasis on forgiveness as the prerequisite for reconciliation.

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Forgiveness is a normative, ethical and individual concept. The victim of abuse is called upon in an ethical manner; in the sense of doing something right and good – as Rigby (2001) calls the Palestinian to forsake their request for justice and hence seek peace. People are capable of forgiveness, structures are not. Hence, forgiveness has an individual dimension. It is the individual capability for forgiveness that fuels reconciliation. Structures can however facilitate forgiveness (Leer-Salvesen, 1999). Forgiveness becomes a way of living with a past history – forgiveness is a way of learning to live with what cannot be changed. In this sense forgiveness is also a learned patience.

*The way they killed my son, hitting him against a rock, and we found him with a swollen head. They killed him in a tragic manner and I don't think I will ever forgive in this case, especially to these police who were involved and who were there (Villa-Vicencio, 1998b:613).*

A mother, who testified before the TRC, stated strongly that forgiveness was not an easy thing to give. The past wrongs created deep wounds that were hard to heal and redress. The mother thought that she never would be able to forgive. Moreover, she was not alone; several more said almost the same as she did – they could never forgive what had happened to them or to their dear ones. At the same time, other victims (or survivors) declared that they were ready to forgive. They even articulated strong wishes to forgive and to tell the perpetrators that they had forgiven them. There were also heard confessions of perpetrators who strongly wished to confess their past violations and request for forgiveness and to apologise:

*From my point of view and for the soldiers of the Ciskei Defence Force I can speak. I say we are sorry. I say the burden of the 'Bisho massacre' will be on our shoulder for the rest of our lives. We cannot wish it away – it happened – but please I ask...the victims not to forget (I cannot ask this), but to forgive us, to get the soldiers back into community, to accept them fully, to try to understand also the pressure they*

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<sup>10</sup> A victim's testimony to the TRC hearing (Villa-Vicencio, 1998b:133).

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*were under then. This is all I can do* (Chief of CDF to TRC, Villa-Vicencio, 1998d:382).

The TRC should help the victims to forgive their perpetrators. Knowing the truth about the past was seen as the means for this to happen. Truth-telling was supposed to foster a healing process; knowing the truth would heal the wounds. The truth and reconciliation process should facilitate the perpetrators to tell the truth, to confess their guilt and say: “*I am sorry*”<sup>11</sup>, and to apologise. This was meant to assist the victims to forgive and be reconciled. It was individualised and personalised. The oppressors were asked to come forth and tell the truth about what wrong he had committed and ask for forgiveness in exchange for amnesty.

However, to tell the truth and the whole truth by those who had committed assaults, atrocities and repressions, was not an easy thing to do. They were often not willing to admit the full range of what they had done in front of the victims and the commission. Questions were then asked: If there is no sign of confession and regret, can there still be forgiveness; can reconciliation still be possible? And as we shall see, forgiveness is said first of all to benefit the victims, in the manner that it will be easier for them to let go of their grief and to continue their life.

Forgiveness should set the victims “free” from their role as victims, and release their human potential. It should empower them to conquer and take back control of their lives. By not forgiving, the victims are thought to be kept (locked) to the past, which will obstruct their potential for change and development. By not forgiving, the control over their lives is given to the other – to the oppressor – and the victims are deemed to live under the consequences of the wrongs done upon them for the rest of their lives. For this reason, it is the victims who need reconciliation – they need it for their own benefit. Forgiveness is described to be like setting a prisoner free. Hence, the prisoner – the victim – is therefore requested to forgive.

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<sup>11</sup> Whereof the title of my thesis.

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The word resentment is said to illustrate what happens when the no-forgiving circle is not cut (Smedes, 1996). Literally it means to “*feel again*”. The past is used repeatedly to legitimatise actions of revenge and retribution, which hampers the wounds of the past to be healed. The future is met “backwards” and it becomes hard to let go of the resentments. Human pride is then understood to be the cause of not granting forgiveness. Pride makes people drift away from one another; which makes reconciliation harder to achieve.

Building on psychological and theological notions, admission of responsibility and guilt is understood to be conditions for achieving forgiveness and reconciliation. Without guilt being admitted, no forgiveness can be given. But as seen, there are established understandings that no matter what, the victims needs to forgive for their own sake and for their own benefits in order to be set free of their role of victimisation. Nevertheless, having someone to forgive – an individual person – was seen to be important in South Africa’s reconciliation process. This was stated by some of the victims who came forward and told their stories:

*You cannot make peace with somebody who does not come to you and tell you what he has done. We will have peace only when somebody comes to you and says, this is what I did. I did this and this and that and that, if they do not come. If we do not know who they are, we would not be able to. But now I will forgive somebody who has. That is the whole truth, sir. We take it that the people who are listening and the people who are coming to the Commission will be touched as well. Their conscience will tell them that if they want forgiveness they should come and expose themselves so that they can also get the healing that the victims are getting (Villa-Vicencio, 1998d:379).*

The ideas of forgiveness has been criticised for glossing over evils and for providing *cheap reconciliation* (see 2.2.) Even though the perpetrators ask for forgiveness, it is not an easy thing to forgive. The reconciliation process in South Africa has been criticized for expecting the victim to let go of their claims of retribution and vengeance, and expecting them to forgive their perpetrators. As Bonhoeffer argues, “*these things are so difficult and so remote that we hardly venture to speak about*

*them*” (in Gruchy, 2002:21). By expecting the victims to forgive, without any kind of compensation – although, they got to know the truth about gross human rights violations done – and choosing peace instead of justice, they become the possessors of reconciliation and hence also the carriers of the responsibility for reconciliation.

### ***3.2.2 The victims and the perpetrators – source of reconciliation***

Reconciliation has been associated with the making of peace. Forgiveness is understood to be the key concept to reconciliation and peace. In forgiveness, there is on the one side a confession, and on the other side a pardon. One person has to confess, another person has to forgive. The responsibility of reconciliation becomes in this sense a character of the relation between the perpetrator and the victim.

For the bereaved and victims of gross atrocities and violence, loss can never and hardly be restored for them. Even if they were to regain their property, it would not be the same as it was before. But individuals as societies, for the sake of peace, must somehow be made capable of accepting loss and moving on. This ability to let go of the pain of the past is at the heart of what many understand forgiveness to be. Hatred and the quest for revenge can consume people, turning them into a mirror image of those whom they hate. Therefore, individuals must learn to forsake the search for vengeance. Without this there can be no new beginning, no transformation of relationships.

The German sociologist Ulrich Beck states that the individualisation – that have marked recent decades – means that each and everyone as individual-self are free from influence from collectives and traditions when they are making own choices (Vetlesen & Henriksen, 2003:20). Each individual has responsibility for its own success – for realising itself – and for taking the right choices to and for its own life. The dominant idea is that happiness is a choice – *“each person creates his own happiness; man is master of his fate”*. The emphasis on being successful in one’s own life provides a breeding ground for the thinking that if one does not succeed in

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life, one has made the wrong choices. As an individual person, one carries the whole and entire responsibility to succeed. Responsibility and blame are placed at the individual personal level. According to Vetlesen and Henriksen (2003:23) the neo-liberal socio-politics, re-moralise those who do not manage and handle their own life by themselves. Socio-economic inequality is explained as a result of individual virtue. All people are thought to have the same opportunities. If someone does not make it on their own, it can be explained due to laziness or lack of use of own opportunities and own resources. If people should receive welfare assets, they should properly legitimate that they are worthy of such a need. Hence the new trend in modern thought of blaming victim. Victims carry both the shame and the blame of own misfortune.

When reconciliation becomes a virtue of the individual, the victims carry the burden. The victims are expected to take care of their own lives and their own fortune. Hence, an individualisation of reconciliation is taking place and there are few factors that help them to unload some of the burden at, for instance formal structures or other arrangements. They become in a sense “unplugged” from the context in which they live. Every element in human life that creates, influences and forms human beings, are given no explanatory value. Individual persons become solely responsible for reconciliation and thus also responsible for his or her own future. The process of individualisation in modern times leads to an anticipation that the victims should take care and responsibility for their own lives, their own happiness and their own fate. We may ask in this sense if the victims become even more oppressed and victimised?

If humans are set free from the context in which they are living – all the different factors which determine whom and what they are – individual persons become solely made responsible for all their actions. Nothing can for instance be attributed to their circumstances of growing up, the environment they are living in or other contextual explanatory factors that can explain the outcome of behaviours.

An illustration of this can be made from the movie *Schindler's List*. The film has according to Vetlesen (2001) shaped people's understanding of the Holocaust. The

film emphasises the opportunity and possibility to survive. If only the individual Jew was smart and quick enough, he had the opportunity to escape or to survive. It is, as the film states that on the way to the gas chambers almost each and everyone had an opportunity, in one or another situation to get away. Those who used their chance survived, while those who did not use their opportunities died. In this manner, the film splits the Jews as victims into two different categories: those who fought on their own, for their own lives, and survived and those who just gave up and let themselves be killed. The former are viewed to be smart and intelligent while the latter are viewed as lazy and unintelligent. People who watch the film are led to identify themselves with those who survived – who survived by own individual strength, power and ability – and not with those victims who died. In other words, the film shifts focus from the Jews as victims of Nazi's atrocities, to surviving-victims versus dying-victims. It appears that the film wants to state that the victims who died have themselves to blame. Vetlesen (2001) argues that this has influenced the way in which people that have been victims of atrocities and injustice might be viewed today. It leads to an identification with and highlights those who are fighting for their lives and use every chance to improve their lives themselves. The context and structure disappears.

This was also illustrated by Mandela's former wife, Winnie M. K. Mandela's famous utterance in the amnesty TRC hearings: "*I did what I did under those circumstances*". She called upon the context and the circumstances, in which her actions of support for violence against apartheid were done. She urged the TRC to take the circumstances and the context into consideration for making it possible to understand why she, and others with her, acted as they did during the apartheid – why they committed violations and atrocities towards the *whites*. Through the surrounding circumstances makes it possible to understand how and why evil actions can be done, both for the *whites* and the *blacks*, and find space for forgiveness.

If the structures in which people act are taken away, much of what makes it possible to forgive is also then taken away. When evil actions become characteristics of a



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person, it makes it harder for victims to see the human being in the perpetrator, because there is nothing which can explain the person's evil actions. The causes of action – cruelties done – are explained due to their personalities. This makes excusing – forgiving – even harder. Forgiveness sits much deeper and hence becomes much harder to obtain. It becomes harder for both parties, for the perpetrator to continue his or her life as evil, and the victims to forgive, because there is actually nothing to forgive. If evil is a characteristic of the person, the victim's act of forgiveness has no role to play.

In retrospective, questions of why and how “ordinary” people with family and children could commit such cruelties – committed in the name of apartheid – are heard. How could they contribute to, and not oppose the pursuit, terror and abuse of the *black* population? Answers and explanations like: every *white* was evil and immoral in themselves, can not of course explain this. Hence, the colonial history is used to explain why and how the situation in South Africa could go so far, bearing in mind the segregation and systematic oppression of the *black* population. The search is not made in every person's deficient mental development. If not taking into consideration the context there will be no chance for *white* South Africans to understand why they did as they did, which on the one hand can help in extenuating their avoidance of resistance to apartheid and support for existing structures. But if one tries to understand *whites'* evil actions not just due to their personal characteristic, one has to view them in their context. As *white* South African, one was automatically a part of the ruling minority group; it was not an individual selected choice. This did influence the socialisation process, the creating of values and attitudes. As a *white* person one was socialised into an understanding of which people were good and which were bad. Before reaching a self-reflective view, as *white*, one was captured by the society and by following the society's rules and norms; a person was granted a pleasant life. On the other hand, if people reacted to the system of segregation, one became stigmatised and excluded. Protesting against apartheid and supporting liberty movements was illegal.

In the same way, when criminals are accused, their lawyers will search for extenuating circumstances in their past and their environment. For instance, lack of love from parents in childhood, growing up in a bad neighbourhood, few and little cultural and social resources available or bullied at school. The indoctrination and socialisation can explain why they did as they did.

Consequently, reconciliation needs to be brought to a structural and societal level. If everything is to be explained in the relationship between victim and perpetrator – everything is pushed down to the relationships. There is a need for a more structural approach towards the process of reconciliation. The individuals cannot carry the whole burden themselves for reconciliation. By claiming that the victims themselves are responsible for being able to forgive and to be reconciled, there is also a danger of making the *black* population carry the responsibility for what happened to them. There is a danger in apartheid being explained by the *black* populations' (victim's) deficient development, which becomes the same argumentation as apartheid put in system. There is a danger of getting a socio-Darwinistic understanding of human life: "the strongest right".

### **3.3 Reconciliation through contact and dialogue**

Another feature of reconciliatory activities are that several worldwide endeavours of reconciliation are today based on a philosophy of dialogue and contact. As known, one of the main objectives for apartheid was to separate the South African populations, keep them away from each other and prevent interaction. Conflicting groups or people who have little contact with one another is said to be a feature which characterise several violent conflicts. Hence, they really do not know one another. As means to stop violence and conflict, contact and dialogue between them is advised. The reasoning behind this thinking is that they fight one another because they do not know and understand each other. If just they get to know one another,

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they will stop fighting. Knowing and understanding of one another will make it harder to go back fighting one another. This was also one of the interventions in the Oslo-talks between Palestinians and Israelis in 1993 (Kelman, 1997). To create an atmosphere where the adversaries (truly) can get to know one another is thought to be vital. Therefore, several reconciliation endeavours are to get people to visit each other; get to know each other; and to talk to one another. This might suggest that contact has a potential of promoting reconciliation, but as contact remains highly limited, the potential effect becomes smaller. In the case of South Africa, after the demise of apartheid, there is reported still only limited contact between the various population (racial) groups. James Gibson, Professor of political science at Washington University, cited in Ragnhild Drange's thesis (2002:70) has carried out a survey which shows that there is little cross racial interaction in South Africa today. For instance less than two percent of the *blacks* claim to have some "true friends" of the other racial (population) group and less than 20 percent of the black population have shared a meal with someone across the race-line. Surely, the causal direction can also go the other way round between contact and reconciliation. It can be argued that people make contact after they have been reconciled, not just that contact leads to reconciliation.

### **3.4 Summary**

In this chapter, I have illustrated how the process of reconciliation becomes a process of individual ability to forgive. Forgiveness is understood as one of the main virtues of reconciliation. Reconciliation has been associated with the making of peace. And without forgiveness there is no peace. I have tried to put focus on how victims become the sole carriers of reconciliation, hence also the carrier of the responsibility for this to happen. We may ask if justice is being sacrificed for the benefits of forgiveness and reconciliation. Neither the causes for war nor conflict seem to be

properly addressed through the quest for reconciliation in South Africa. As I will focus on in the next chapter, South Africa seems to fail when it comes to address the vast inequalities, poverty and continuing violence in a context where race and class coincide. Gross inequalities between a continuing *white* upper class and a *black* poverty-stricken population continue to exist. Are formal democracy and an official apologising of apartheid enough to secure reconciliation and peace? As mentioned throughout this chapter I have focused upon the understanding of reconciliation. In next chapter, I will go more in depth addressing the understanding of justice and its degree of necessity for reconciliation. Justice is for most people a familiar concept. Nevertheless, it is hard to come up with an exact definition of what is meant by justice, due to the broad and multi-use and understanding of the concept.

## 4. Justice as a prerequisite for peace

The previous chapter highlighted the case of South Africa, which has been viewed as a success story with regard to transitional democracy and reconciliation. South Africa's long history of segregation and discrimination was terminated in 1994 by a democratic election. And questions of how to deal with the past were answered by the institutionalisation of the Truth and Reconciliation Commission (TRC), whose objective was to facilitate a national reconciliation. TRC should investigate past gross human rights violation. Knowing the truth should help victims to forgive their perpetrators, which was seen to be the first step towards reconciliation and thus peace. Nevertheless, 11 years after the implementation of democracy, South Africa struggles with increasing high crime rates, violence, and widespread poverty and with one of the most unequal distribution of wealth and resources in the world. The former discriminated and segregated *black* population still struggles with the inheritance from apartheid of joblessness, shortage of housing, poverty and so forth.

What happened to justice? Is reconciliation understood to mean reconciliation to injustice? Is the reconciliation built on *submission* and *resignation* – learning to live with those things that cannot be changed? Has justice been sacrificed on the altar of reconciliation?

So far I have treated and used the concept of justice without any discussion of what it actually is. In this chapter I will dwell more on the question of justice. I will start my discussion with the utopian or ideal view of the just society. The just society is viewed to be a prelude to a peaceful society. The unjust society, on the other hand, is viewed to cause violence and conflicts. I shall thereafter move to two overarching paradigms of understanding justice: liberalism and communitarianism. Then I will go into the discussion of justice in the case of South Africa, concerning initial thoughts

of the transitional negotiations and then into subsequent state of affairs in current situation.

#### **4.1 What is a just society?**

The ideal of peace has guided the discourse of justice. A just society is a peaceful society. On the other hand an unjust society is an un-peaceful society. The quest for justice is then a quest for peace. Justice is a basic concept examined by philosophers through all times. Plato, Aristotle, Kant and Rawls, to name a few, have all tried to understand the process of *perpetual peace*<sup>12</sup>.

The utopian idea about a just society prompted both Plato and Aristotle who discussed how a good and just society should be arranged (Aristotle, 2002; Plato, 1946). In *The republic* (1946)<sup>13</sup>, which is perhaps Plato's best-known dialogue and one of his most influential, he tries to define justice. His opponents argue that justice has to do with power and interests, while Plato argues that justice is to be conceptualised as moral concept (Johannessen, 2003b). According to Plato, justice is a society that has reached a good arrangement for its citizens. Exchange among society's inhabitants – in which they will only attend if they view the exchanges as fair – makes them interdependent of each other. In other words, justice is a foundation for the formation of societies (states) in which its inhabitants are interdependent of one another and for this reason will live in harmony with one another. Injustice will break this condition for peace. In *The Nicomachean Ethic* (2002), Aristotle argues that justice is the highest virtue in which the relationship to 'the other' is examined. Justice is viewed in a take-and-give perspective (exchange justice). If one person takes more than he gives, it is injustice. This may then lead to the demand for compensation and restitution (redistributive justice) or even retribution (retribution justice). This is supposed to compensate injustice, so

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<sup>12</sup> To use one of Kant's concepts: He published the book *Perpetual Peace* in 1795.

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equilibrium is re-established (Thommessen & Wetlesen, 1996). On the front cover, I have illustrated this by the picture of Iustitia, who is the Greek goddess of justice. She is pictured blindfolded with a sword in one hand and a scale in the other (Johannessen, 2003a). The blindfold symbolises impartiality, the scale represents equity and equality of distribution, while the sword represents a just retributive punishment for wrongdoings. The “foundation formula” for justice, “*suum cuique*”<sup>14</sup> is said to illustrate this (Johannessen, 2003a), which is found in a universal definition of justice:

*Justice is from the Antiquity a central standard for social institutions’ (power of the state) legitimacy. Justice is to give ‘everyone what is due to him’ (Justinian) and includes impartiality, rationality, objectivity, and equally treatment – those who in relevant respect are equal, should be treated equal (Østerud, Goldmann, & Pedersen, 1997:236)<sup>15</sup>.*

For Aristotle the most important way of securing peace and stability in society was a relatively equal distribution of wealth among its citizens. An equal distribution would provide peaceful relationships (partnership) among society’s citizens. It would secure a just community and a stable political regime (Aristotle, 1992:262). In situations where this was not the case, it would provide a breeding ground for envy and a sense of injustice.

John Rawls<sup>16</sup> (1999; 2003) builds upon the idea of Plato and Kant when he tries to establish some universal moral principles of justice. Rawls (2003) argues that the fundamental idea of the concept justice is fairness, and that this can be expressed through the notion of a social contract. The contract is seen as hypothetical, constructed to establish an ideal of how a fair and just society could look like. A just society will be a well-ordered society. Rawls emphasizes that “*justice is the first virtue of social institutions, as truth is of system of thought*” (1999:3). He locates the

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<sup>13</sup> I have used a Norwegian interpretation.

<sup>14</sup> Which means to each his own.

<sup>15</sup> My interpretation from Norwegian.

<sup>16</sup> Rawls is maybe the largest and most consequential modern theorist of justice. He is famous for his *A Theory of Justice* from 1971 and following contributions.

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concept of justice to the basic structure of the society. Social justice will be achieved if the basic structure of society and its institutions are fair. A fair distribution of rights and duties, and division of advantages and burdens by the basic structure of society – political constitution, economic- and social arrangements – will secure a peaceful coexistence between citizens. In a society therefore, institutions must be reformed if they are unjust, regardless of how efficient and well-arranged they are (Rawls, 1999:6). Justice as fairness is according to Rawls built upon two principles which would be chosen by a rational person “*situated behind a veil of ignorance*” (Rawls, 1999:11). In that manner the person does not know what place in society she/he will occupy. The person will not know which class or status in society he or she will possess, which ability or talents he or she will get, or what economic, political, cultural or social order he or she will inhabit. The two principles of justice suggest that individuals have an equal right to the most extensive liberty compatible with equal liberty for all, and that any inequalities are unacceptable unless they work to everyone's advantage:

- 1) *Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberty for others.*
- 2) *Social and economic inequalities are to satisfy two conditions. First, they must be attached to offices and positions open to all under conditions of fair equality of opportunity; and second, they must be to the greatest benefit of the least advantaged members of society (Rawls, 1993:291)<sup>17</sup>.*

The first principle, termed the “principle of liberty” (Føllesdal, 2003:15) was met in the termination of apartheid in South Africa. The *black* population acquired equal liberty and rights as the *white* population. This principle has precedence over the second principle, and is supposed to protect such fundamental political liberties as freedom of speech and thought, liberty of conscience, freedom of association and the liberty and rights of the rule of law (Rawls, 1993:291). This will however limit the

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<sup>17</sup> This is how Rawls has formulated the principles in *Political Liberalism* (1993). Here he has revised them a little bit from the origin in *A Theory of Justice* (1971). He even changes them further in *A Theory of Justice: Revised Edition* (1999), but ends almost as I have cited them in his latest book: *Justice as Fairness: A Restatement* (2001).



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power and authority of the state (which marks a typical liberal way of thinking). However, there might be need for a strong state in such circumstances. As both Paris (1997) and Abrahamsen (2000) argue the democratic trend witnessed around the globe, built on neo-liberal ideas of a weak state structure, limits the state's ability to act and intervene in a transitional situation, where redress of past injustice is needed. Consequently, this might harm the process of reconciliation, which I will come back to later in this chapter.

However, Rawls introduces the second principle of justice, termed the "principle of social and economic inequality", to address this dilemma – to take care of the unfairness, exclusively emphasis on liberty can bring. This principle is split into a "principle of equality of opportunities" and a "principle of difference" (Føllesdal, 2003:15). For Rawls, justice was not secured only with a principle of liberty. To secure justice as fairness, equality of opportunities and safety for the least advantaged in society required to be secured. As we shall see later in this chapter (4.3) these principles has not been met and materialised in South Africa. These principles of equal treatment and of difference make Rawls form of liberalism, Egalitarian (Rawls, 1993:6). By least advantage, Rawls means those who are in lack of primary social goods (Rawls, 1999:78). The society must in some form restrict the principle of equal opportunities. To secure the least advantaged equal opportunities, the societal structures must not favour the strongest (most advantages) member of society, while the weaker (least advantaged) in consequence has to "pay" the strongest benefits. The least advantaged do not have an equal opportunity in achieving what the advantaged already are in possession of. The least advantages are deprived of the opportunity to compete on equal economic, political and social terms. The idea of equality as a set of possibilities can be at risk of being jeopardised and undermined. Hence, Rawls would not accept market-liberalism as an unrestricted guide to distribution and redistribution. The principle of difference makes differentiated treatment possible, in which it should only favour the least advantaged. The aim of distributing goods and burdens in a fair manner is a way of making a society more just. Rawls argues that

one can increase the benefits of the advantaged if, and only when, this is to the benefit of the least advantaged.

Rawls has been criticised for these principles – for focusing too much on the least advantaged. Nevertheless, throughout his entire life he kept it as an important principle of his theory of justice – as a predicament for peace.

Another philosopher, well-known for his engagement for social and global justice is Thomas Pogge (2002) who builds upon Rawls argument. Pogge's notion of human *flourishing* is dependent on socially just institutions and policies. By human flourishing, Pogge (2002:27) means that people shall be able to have a good and worthwhile human life, which is indeed dependent on just institutions and just politics. He advocates that a universal criterion of justice is needed, and that it could be built on the human rights.

#### ***4.1.1 Liberalism versus Communitarianism***

Two overarching paradigms guide the quest for social justice: Liberalism and Communitarianism. As most philosophers largely agree that a just society would be a peaceful society, there is more debate concerning the policies and nature of the institutions that should form this society. Seen by the definition of justice – *to give everyone what is due to them* – there is no surprise that it becomes a matter of discussion what actually is due and how it should be operationalised – how and what should legitimate and determine what is due? MacIntyre's book *Whose Justice? Which Rationality?* (1988), points to this aspect when discussing justice – *whose justice?* With shifting rationalities we get different answers of what is just. Different aspects are emphasised when social justice is defined. Rawls (1993; Rawls, 1999, 2003) places himself in the liberal tradition, opposed to communitarianism. But liberalism is not a single -ism. According to Haga (1994:25) at the one end of a continuum there is a position referred to as egalitarian liberalism, which support a stronger public control. At the other end there is a position called libertarian

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liberalism, which supports market or neo-liberalism; which aims to limit public control to a minimum. Rawls has been criticised from within, as well from without his own paradigm for his principles of justice. On one side, he has been criticised for being egalitarian in his search for the just society, for focusing too much on the least advantaged. On the other side, he has been criticised for emphasising the individuals too much at the expense of the society. The libertarian position sees liberty as absence of force. This means that it is found to be illegitimate that the state should intervene into the individual sphere of redistribution. One example is that it is illegitimate to redistribute economic resources in order to achieve equality. People should work to benefit themselves, not the government and larger community. A free market is said to be the best way of solving societal problem. An advocate for this position is Robert Nozick, who became “famous” for his work *Anarchy, State, and Utopia* (1974). The egalitarian position, on the other hand, legitimates redistribution by the state of wealth and resources for creating a more symmetrical relationship among the citizens. Haga (1994) sees Rawls as the most essential advocate for this tradition.

Thirdly, the Communitarians focus more on the community and the societal aspect than on the individual aspects of justice. Communitarianism rejects the foundation of liberalism’s vision of self and society; of human beings as independent, free and rational individuals (Michie, 2001:874):

*Neither human existence nor individual liberty can be sustained for long outside the interdependent and overlapping communities to which we all belong. Not can any community long survive unless its members dedicate some of their attention, energy, and resources to shared projects. The exclusive pursuit of private interest erodes the network of social environments on which we all depend, and is destructive to our shared experiment in democratic self-government (Bell, 1993:1).*

The relationship between the individual and society is what separates liberalists and communitarians. Communitarians emphasise the social nature of individuals (self), and their connections to communally given norms and roles. The liberals put emphasis on the individual, while the communitarians put emphasis on the society.

The liberals, especially the libertarian seems to view the people as atomistic – perfectly competitive – freed from their context and structures, while the communitarians emphasise upon people's connection to society and community.

The story of person A and person B can illustrate this difference<sup>18</sup>. Person A, who works and earns his salary each and every month, and thinks it is *unjust* to pay as high amount of taxes as he does. He claims to have a right to what he has earned and that nobody else has a right to take away what he acquired legitimately, and to which he has a just title. Person B, on the other hand, emphasises and perceives the inequality of distribution of wealth in the society as *unjust*. He argues that the poor and deprived are unable and cannot do much about their own situation because of the inequality of distribution of wealth and power. Therefore the only justification for inequality is to improve their situation. Re-distribution can be carried out by the taxation-system for instance, which then should contribute most to the disadvantaged through organisation of a social system.

The different and rival answers to these questions, makes it clear that this diversity of judgement rests upon conflicting concepts of justice and of what position the society/state should possess. The idea that a person should deserve what is given to him or her is central in one understanding of justice, while within another understanding of the same concept this is denied.

*Some have advocated distribution of resources in accordance with needs. Others have advocated their distribution in whatever way maximizes utility in the long run. Others have advocated that the fair distribution is one that, in some sense, is to everyone's advantage. Still others have maintained that a just distribution is whatever results from the free market. Some theorists combine these and other approaches (Audi, 1999:457).*

The idea of a rational human being seems to support the free market distribution of cost and benefits for what A views as right and just, as emphasised in the example

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<sup>18</sup> This illustration is borrowed from MacIntyre (2002: 244-250), who is viewed as a representative of the communitarian tradition.

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above, while B emphasises the solidarity or the community aspect of distribution. As MacIntyre (2002) writes:

*A will be apt to claim that it is justly his because he owns it – he acquired it legitimately, he earned it; B will be apt to claim that it justly ought to be someone else's, because they need it much more, and if they do not have it, their basic needs will not be met (MacIntyre, 2002:246).*

Another aspect in which they differ is the emphasis on the past and the future. A thinks he deserves what he has earned, while B thinks that the situation of the poor and deprived is undeserved. A may think that those who B advocates for, deserve their own situation because they are lazy and are themselves to blame for not having tried hard enough to change their livelihood, as he feels he has done. This is also the case in South Africa, where some *whites* claim that their wealth rightly belongs to them because they have earned it by hard work. They do not take into consideration the discriminatory state of affairs in which they have earned their wealth and benefits, and do not think that their wealth belongs to anyone else than them. They do not view their wealth and resources as an effect of the systemic exploitation of apartheid that still favours them and still discriminates against the *blacks*.

Robert Nozick (1974) argues that the state is morally not allowed to redistribute property and land. Distribution of social and economic benefits should be done in accordance to free trade and free market principles. As long as nobody has their rights violated, the free market principle is fair, he argues (Engelstad, Grenness, Kalleberg, & Malnes, 1998:318-319). However, Nozick acknowledges that the principle of the free market cannot be applied in societies of past injustice and violations of rights, as the case of South Africa illustrates. The society then has to deal with and confront the past injustice and violations before principles of free market are imposed. Inherited wrongs would have to be compensated. People who today are worse off because of the wrongs and violations of the past will have legitimate claims for restoration and compensation (Engelstad et al., 1998).

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Redistribution should then equalise and restore the situation among the citizens of the society, into a situation which they have equal possibilities of chance<sup>19</sup>. This politics of distribution and redistribution – restoring justice – will require the state/society to take on an important responsibility. In that way, Nozick accepts active politics of distribution of benefits and burdens. He acknowledges Rawls' last principle of difference - *social and economic inequalities must be to the greatest benefit of the least advantaged members of society* (Rawls, 1993:291). Nozick (Engelstad et al., 1998) claims that, in the short term, the living conditions for the least advantaged must be improved, because their situation is most likely caused by past violation of rights and hence unjust.

## 4.2 From retributive to restorative justice

The situation in South Africa, in which the apartheid system was a systematic distribution of unjust, makes it not hard to realise the reason for why the nation was marked by tension and violence. The desires for justice, equality and liberty were driving forces for the liberation movement and other opponents to apartheid. They wished for a situation of fair and equal distribution of rights and burdens, of benefits and costs among the citizens of the country, no matter what colour of skin, ethnic/racial group classification, gender or beliefs. The aspiration to restore social justice and to establish a peaceful society reached then an intermediate or a subsidiary goal when the apartheid legislation was abolished in 1990 and a democratic general election was held in 1994– of which all citizens of legal age could participate. But was democratic governance enough to extinguish the *blacks* thirst for justice and achieve reconciliation?

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<sup>19</sup> Nozick becomes more or less identical with Rawls' "original position" of where people are to decide the principles of justice behind a veil of ignorance.

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Questions of how to justly go from a situation of injustice to a situation of justice, and what justice actually is in the South African situation, were raised. These questions are captured in the concept of *transitional justice* (Elster, 1998). It raises the dilemma of how to address the past, and how to approach the future. It raises question of *redress, re-distributive- and restorative justice*. Jon Elster (1998) discusses how measures of a society in transition to democracy needs to be made with reference to the past injustice inflicted by the former regime. By referring to the Athenian reconciliation treaty by 403 B.C. Elster (1998) concludes that many of the themes of justice in transition to democracy were found in this treaty: They were concerned with balancing of backward-looking and forward-looking considerations for reaching a just and peaceful society. According to Elster (1998) a new democracy, as South Africa was (and still is) – emerging from authoritarian regime – needs to take different interrelated decisions:

*(a) It has to make the decision whether to engage in transitional justice at all. If it does, it then has to face the following issues. (b) It has to identify the wrongdoers, based on the decisions to treat certain acts committed under the former regime as acts of wrongdoing. (c) It has to decide how to deal with the wrongdoers. (d) It has to identify victims of these acts and, more generally, of the regime itself. (e) It has to decide how to deal with the victims. (f) It has to make a number of procedural decisions with respect to the practical implementation of (b)-(e) (Elster, 1998:17).*

South Africa chose to engage in a transitional justice. They did not want to sweep the past under the carpet. A huge topic was the question of what should be done towards the perpetrators; who the perpetrators were; and, how they should then be punished. As indicated before, this question faced hard-hitting dilemmas and complexities. The ruling National Party, responsible for the apartheid regime had a crucial part to play, in order to make the negotiated transition succeed. It was argued that if the perpetrators and those responsible for apartheid knew that they were going to be jailed and punished after the negotiations, the chance of having an end to the conflict may have been hard to reach. A *retributive justice* approach was then not easy to advocate for. Realistically or more or less obviously by having the former *white*

minority to agree to a negotiated settlement and having them to let go of their apartheid privileges voluntarily – they could not be requested to accept a retributive justice. They would probably fight for their rights and power to the bitter end to prevent the *black* majority from putting them on trial and punishing them. On the other hand, the *white* minority also realized that their position as supreme ruler was no longer possible to defend and that change had to come with granting the rest of the South African population their equal rights. By clinging to the apartheid privileges, South Africa would be at risk of having a full-scale civil war and turmoil, which neither was in the *whites'* nor the *blacks'* interests. Regarding the argumentation that justice cannot be expected in a situation of transition from war into a peace – that there is a choice between peace and justice – this is the reasoning that is the foundation for this claim. *Black* members of society had to let go of their quest for retributive justice in order to gain peace. Does this also mean that a compensatory or a redistributive justice had to be forsaken by the former oppressed *black* population in order to gain peace? This is what makes reconciliation sometimes inhuman and almost impossible. The lack of means to deal with justice makes the idea of continuing the process of reconciliation to appear as almost unfeasible.

However, initially, there was consciousness of these dilemmas in the transition of South Africa. Continuing as if nothing had happened, with no compensation for the former oppressed or no retribution to the former oppressor, the future could be at risk of being jeopardised. Without any form of reimbursement and retribution, the *black* populations' sense of justice could be put at stake – which could lead to relapse into previous conflict and violence. As for justice, there was an agreed change of focus from *retributive justice* towards *restorative justice* (Boraine, 2000; Tutu, 1999; Villa-Vicencio, 1998c). Restorative justice emphasises the need for reparation and compensation rather than revenge and retribution. There was full understanding however that anger and resentment were indeed present in the oppressed population. The TRC report defined restorative justice as:



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*A process which is based on reparation: it aims at the healing and the restoration of all concerned – of victims in first place, but also of offenders, their families and the larger community; encourage victims, offenders and community to be directly involved in resolving conflict, with the state and legal professionals acting as facilitators; supports a criminal justice system that aims at offenders accountability* (Villa-Vicencio, 1998c:126).

Restorative justice sought to switch the focus to recognize the need of victims, communities and criminal offenders. It was a process of promoting and repairing of harm caused by violence, and an active involvement of victims and communities in the justice process. It aimed on understanding what had happened, thereby deriving a basis for change. It brought together both victims and perpetrators, with the objective of allowing the perpetrator to see the damage he or she had caused, and allowing the victim to grasp what might have motivated the perpetrator.

Restorative justice emerged from a desire to create a *just society*. Punishment and retribution alone for perpetrators did not fulfil the role of reconstructing a just society. Advocates for restorative justice suggested that forgiveness and reconciliation were the best path towards justice and peace (Rigby, 2001; Tutu, 1999). An individual-centred approach of confession and forgiveness employed in South Africa was said to have fuelled the restorative justice. Alex Boraine, deputy chairman of the TRC, argued that the amnesty which TRC gave to those oppressors who admitted their guilt and atrocities, was the price South Africa had to pay to achieve a peaceful transition and to achieve a “limited” form of justice (Rotberg, 2000:13).

However, was the victims’ sacrifice of revenge the only way of establishing peace and reconciliation after the violent- and conflicting past? Tutu (1999) asks this indeed very tough and honest question of: *“Can it ever be right for someone who has committed the most gruesome atrocities to be allowed to get off scot-free, simply by confessing what he or she has done”* (Tutu, 1999:47)? Was amnesty given at the cost of justice, aiming for a national reconciliation? By giving amnesty to those perpetrators who acknowledged guilt for politically motivated atrocities and who

made full disclosure of all the relevant facts, one hoped for a possibility to let go of the past and having a renewed start. This was seen to be the price for reaching a negotiated freedom with the result of a relatively peaceful transition from repression to democracy. This was the only way, writes Tutu (1999). If the ruling *white* minority should have been punished for all they had done – and knowing this when negotiated a settlement – there is little probability that they would have agreed to a peaceful settlement. Tutu says: “*Our freedom has been bought at a very great price*” (Tutu, 1999:52). The denial of the right of victims to claim compensation in the civil courts raises the topic of reparation, which

*is quite crucial to the process of establishing reconciliation.[...]. Without adequate reparations and rehabilitation measures, there can be no healing and reconciliation, either at an individual or a community level...In addition...reparation is essential to counterbalance amnesty. The granting of amnesty denies victims the right to institute civil claims against perpetrators. The government should thus accept responsibility for reparation (Tutu, 1999:55).*

It seems that TRC was aware of the danger in letting the victims carry the burden of reconciliation and of healing alone. In addition to the Human Rights Committee and the Amnesty Committee, TRC did also consist of a Reparation and Rehabilitation Committee, which was to suggest compensatory and restorative means to those who were “injured” by apartheid. It was emphasised that to gain reconciliation and social justice, one had to address past injustice of skewness of power, wealth and resources. Deputy Chairperson of TRC Alex Boraine emphasised that:

*Unless economic justice is the first item on the agenda with all that this means, unless health, homes, water, electricity and, most importantly, jobs become part of the quest for reconciliation, we will remain the very divided society we are (Alex Boraine cited in Villa-Vicencio & Verwoerd, 2000:255).*

This also is underscored by the TRC report:

*The road to reconciliation, therefore, means both material reconstruction and the restoration of dignity. It involves the redress of gross inequalities and the nurturing of respect for our common humanity. It entails sustainable growth and development*

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*of the spirit ubuntu. It implies wide-ranging structural and institutional transformation and the healing of broken human relationships. It demands guarantees that the past will not be repeated. It requires restitution and the restoration of our humanity – as individuals, as community and as a nation (Villa-Vicencio, 1998c:110).*

Initially, TRC thought it was crucial for the reconciliation process of the nation that the victims were granted reparations and rehabilitation measures, which the government was responsible for. They tried to figure out how to restore the injustice – to make a restorative justice that would facilitate establishment of reconciliation. TRC saw the need to redress and redistribute material resources and wealth between the former beneficial *white* population and the disadvantaged *black* population in order to enhance peace and stability.

In 1994, the Reconstruction and Development Programme (RDP) was launched designed to address the injustice of the past and promote sustainable development in future. Its objective was to restore justice and get rid of the remaining leftovers of apartheid. RDP focused upon basic need approaches: It should facilitate job creation – 2,5 million new jobs were to be established in a ten-years period; housing – one million houses were to be built before 2000; land reform – redistribute 30 per cent of agricultural land to emerging black farmers; health care and social welfare; redress economic inequality and erase poverty; strengthen education and training – compulsory free education for all children; vast infrastructure improvements and; democratisation (Lester et al., 2000:248-249).

#### ***4.2.1 Dealing with inequalities - Fairness and justice for whom?***

11 years later, these promises of compensation, redress and improvement of living conditions have not materialised. Today the vast inequalities, social – if not democratic – are as present as they ever were. People struggle to get a job and to get a place to live. The situation in South Africa is today, described to be at the brink of disintegration and dissolution. There has been a lack of social and economic

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“improvement”. However, there has not been a lack of promises. The Reparation and Rehabilitation Committee was established within TRC and the Reconstruction and Development Programme (RDP) was established in order to address these problems. RDP aimed at addressing the inequality and poverty.

Racial redistribution of wealth and resources has however been excluded, for the reason of fear of reactions within the white community. There was fear that it would trigger resurrection of violent conflict, mass emigration of educated white elite and lack of needed foreign investment resulting in possible break down of the economy and weakening of democracy. Therefore in the international – global – setting, market economy was viewed as the only option. The role of the state was seen to secure macro economic conditions for employment and growth. Growth, Employment and Redistribution Programme (GEAR) was established instead of RDP to enhance economic growth (Lester et al., 2000:246). GEAR did put emphasis upon the role of the market forces, and reduced the role of the state. Private initiatives were to facilitate economic improvements that should enhance everyone’s situation. However, the growth has not led to increase of jobs for the vast number of unemployed. Unemployment is increasing and has now reached an estimate of 34 per cent (Lester et al., 2000:241). It is important to remember that unemployment is unequally distributed in the population. It is a fact that the *Black* townships carry the burden of unemployment, of which some of them may reach an estimated unemployment rate much higher than 34 percent<sup>20</sup>. Economic growth has thus led to an increased inequality between racial *white communities* and deprived *black communities*, which is “*a serious cause of concern in a country which is trying to promote equality of opportunity for all its citizens whilst simultaneously addressing past injustice*” (Lester et al., 2000:241).

In addition to struggling with extreme inequalities and vast poverty, South Africa also struggles with high crime rates, which could to some degree be related to the level of

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<sup>20</sup> Unofficially I have heard of some *black* township with 70-80 percent unemployment.

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social inequality and poverty, even though the two phenomena do not correlate in a cause and effect causation (Murray, 2003). High level of crime can however affect negatively the stability of the society. The violence and crime could be viewed as an expression of a political, social and economic situation of desperation and hopelessness, which are the result of a socially lasting and even increasing polarisation and a reduction of vital societal institutions.

In 1994 Nagle warned of this situation of continuing inequalities and lack of improvements for the vast *black* population; a discriminated majority that for so many years had been discriminated; which hoped and fought for a better future.

*A new political era is beginning in South Africa and optimism is widespread, especially among blacks. However, there is little reason for such high expectations...many problems remain to be dealt with. Rapid population growth, low standards of living, economic recession, redistribution of land and industrial resources, uncertainty and violence characterise contemporary South Africa. Indeed, the hopes of the black population are another problem as there is a mountain of projects to be undertaken, but without the stability or finance to do so. Apartheid might be dead, but inequalities remain and it will take more than political reform to redress them (in Lester et al., 2000:245).*

As pointed out above, there could be a link between South Africa's political transition over the last decade and the growth in the crime rate. Increases in crime in South Africa over the last ten years are consistent with the experiences of other countries undergoing transitions to democracy, which are followed by attempts to consolidate new democratic institutions (Lamounier, 2002). Lamounier warns of the threat of social inequalities to democratisation and to reconciliation.

*Social inequality, then, can undermine democratic governance, albeit indirectly. Through a sudden spike in the crime rate, a democracy can degrade abruptly. Once this deterioration passes the comfort level of a society's citizens, political stability can be cast in doubt. Over the long term, if inequality and other related societal tensions are able to continue uninterrupted, these tensions can erode the democratic rule of law. Furthermore, a sudden economic downturn, when widespread economic*

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*insecurities already exist, can produce social instabilities with sufficient strength to quickly affect the institutional stability of democracy (Lamounier, 2002:5).*

The South African society is marked by economic and social inequalities. The social and economic inequalities between the *white* and the *black* population continue to put its mark on the South African situation. Race and class coincide. *Whites* are by and large the wealthy in position of most of the country's resources, whereas the *black* population are still by and large poor and deprived. Despite some improvement in the racial distribution of personal income in recent years, income levels remain attached to race. According to Buren (2004:1054) it was estimated in 1988 that 13 percent of the population of South Africa classified as *white* received about 54 percent of total personal income, while the 76 percent classified as *black* received only 36 percent. In 1995 an average *white* income was R 102 857, while average *black* income was R 23 228. 64.9 percent of the *black* population are still classified as living below the poverty line, while only 0.5 percent of the *whites* were classified to be poor. This means that 95 percent of the South Africa's poor are *black*. At the same time as many as 23 percent of the population who are poor, are living on less than \$1 a day (Lester et al., 2000:231-232).

Economic control has been and still is in the hands of *white* interest and owners. In 1994, *whites* owned 91 percent of business franchises. It was estimated that five percent of the population (almost all of them *white*) owned 88 percent of the nation's wealth (Lester et al., 2000).

The high unemployment rate is another fact that marks the South African society. In the 1990s unemployment rate grew to a high. Many of the *black* workers are unskilled and uneducated and hence have problems getting a job and even keeping a job. The *black* parts of the population are the least educated. This inequality in level of education is often inherited by the next generation (Mangcu, 2002). Children of well-educated parents do have a tendency to get a good education, while children of poorly educated parents have the same tendency to get a lower level of education. This social inheritance will therefore sustain the inequality of who is getting the jobs and who is getting the best-paid jobs. To make the South African society more equal

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when it comes to opportunities and hence more just, there is a need for deliberate focus on the education of *black* children.

Another challenge was, and still is, the shortage of housing (Lester et al., 2000:241). Nor the RDP programme, neither the GEAR programme has managed to build enough houses. Vast members of the *black* population still do not have proper sheltering. Lack of proper housing makes living conditions hard. Without a place to live, it is difficult to keep a job and to get an education.

There has been a lack of social and economic improvements in South Africa. International agents like the World Bank, the International Monetary Fund (IMF) and donor countries “forced” the South African government to adapt forms of democracy and economy based on neo-liberal ideas (Abrahamsen, 2000; Lester et al., 2000). This includes cutting state cost to a minimum and minimising the states’ ability to intervene. The government has been criticised from without and within their own ranks for following this neo-liberal policy, focusing on macro economic growth, without ensuring that growth leads to improvement in the living conditions for the vast number of poor South Africans. There has even been indications, that inequality within and between the (former) racial groups has increased after the democratic transition (Tørres, 2001:1).

The right to land has been a complex and difficult task. As written in chapter 2, the right to land was restricted and redistributed in favour to the *white* population during apartheid. *Black* people were forced to move and their properties were taken by *whites*. The result was therefore that the *white* population hold ownership to most of the land. This created a dilemma for the transition. How was the land to be redistributed, if it was? The liberation movements did fight the racial redistribution of land during apartheid, but this was given up by ANC when they came to power, due to pressure from interest to build the new state upon a liberal political economy. The policy chosen to deal with the land issue was a limited land reform, based on voluntary sales of land to GEAR. Compensation was given to some people that had lost their land through forced removal during apartheid. Few people however were

found willing to sell their land. The majority of land is then still in ownership by the *white* elite. Inequalities of distribution of the overall economy will therefore continue.

Security and vulnerability is also an important subject when it comes to the transitional situation in South Africa (and other countries as well). The crime rate and violence is, as mentioned above, very high. And it has not decreased as many wished and hoped for after the transition to democracy. However it is not a politically motivated violence and crime, it has moved to the “social” arena. With escalating crime, there has come an increased privatisation of security. The market of safety and security has boomed. For those who can afford to buy security services it is no problem to feel safe. When safety and security becomes a matter of private business, the rule of “secure those who can” becomes applicable.

The social polarisation has not decreased. As mentioned, now several times, South Africa has one of the most unequal distributions of social and economic resources in the world. According to the Gini<sup>21</sup> coefficients and the human development index for South Africa shows that the skewness can be compared with than of Brazil, Chile and Zimbabwe (Jenkins & Thomas, 2004:377). More and more people do fall outside – one could almost talk of exclusion. The tendency of disintegration in society is serious. Even though, the Government had a declared strategy of redistribution of wealth and fight against poverty, it has had little success in reaching that objective. The Reparation and Rehabilitation Committee’s recommendation has not been executed. The government has not been able to pay large sums in reparations. The real underlying causes of social and economic inequality, poverty and lack of prospects for a whole generation, needs to be solved to reduce the violence and better the chances of society’s security, if the process of reconciliation is to be sustained. There is a fear that the South African democratisation and reconciliation are

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<sup>21</sup> The Gini coefficient measures inequality. It is usually used to measure income inequality, but can be used to measure any form of uneven distribution. The Gini coefficient is a number between 0 and 1, where 0 corresponds with perfect equality (where everyone has the same income) and 1 corresponds with perfect inequality (where one person has all the income, and everyone else has zero income).



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threatened by people who become disillusioned due to lack of infrastructure and welfare deliverance.

Referring to Rawls principle of justice, the South African society needs to build institutions that take care of the weakest and most vulnerable in its community. Legal system, systems of social support and services, are needed to protect the safety of all citizens and to make opportunities fairer than they are today, where the *white* elite still possess the social and economic power. This will limit chances of conflict and contribute to possibilities of a sustainable reconciliation.

As pointed out earlier, the transitional negotiations that led to the abolishment of apartheid and hence towards a democracy, made trial and prosecutions for past gross human rights violations unattainable. It was agreed to give amnesty against individual, personal confession. Legal or criminal justice was therefore not achieved in South Africa. But what happened was that South Africa dealt with those who were recognised as direct perpetrators, and not with the larger scale of beneficiaries of the apartheid who did nothing to bring it to an end. As *whites*, people were beneficiaries of wealth and resources that did not come to benefit the *blacks*. Inheritances from the past have not been compensated for and redistributed. *Whites* have been able to carry on their lives without any burden of the past injustice, hence to contribute to equalisation of wealth and resources. Mahmood Mamdani (2001) states this very well:

*The negotiated settlement began with an attempt to articulate a notion of justice within the broader framework of "reconciliation". It highlighted a Reconstruction and Development Program (RDP), a land redistribution, and affirmative action. From this beginning, however, we have moved along a trajectory that has de-emphasized justice in the interest of reconciliation and realism, both local and international. The changing framework increasingly corresponds to the terms of references of the Truth and Reconciliation Commission, whereby injustice is no longer the injustice of apartheid; forced removals, pass laws, broken families. Instead, the definition of injustice has come to be limited to abuses within the legal framework of apartheid: detention, torture, murder. Victims of apartheid are now narrowly defined as those militants victimized as they struggled against apartheid,*

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*not those whose lives were mutilated in the day-to-day web of regulations that was apartheid. We arrive at a world in which reparation are for militants, those who suffered jail or exile, but not for those who suffered only forced labour and broken homes. What are the likely consequences of such trajectory (Mamdani, 2001:384-385)?*

### 4.3 Summary

In this chapter I have discussed the consequences of failing to restore justice in South Africa. I started by the ideal and utopian idea that a just society is a peaceful society – justice as a prerequisite for peace. Justice has by Aristotle, Rawls and Pogge been emphasised to be a prerequisite for peace and stability. Justice is viewed as a social condition of how the basic social institutions arrange the distribution of cost and benefits among its inhabitants. Although the liberal paradigm emphasises the liberty of individuals, the egalitarian paradigm of liberalism recognises the need of societies' or states' responsibility to redistribute benefits and costs to achieve justice, while the libertarian will limit the society's chance to intervene to a limit. Justice according to libertarians is derived through the market principles that guide the distribution of cost and benefits. The communitarian paradigm emphasises the importance of society or the community over the individual in the quest for justice.

South Africa has failed to address sound and racial inequalities between the *white* and the *black* population. The inheritance from apartheid still favours the elite *white* class. Instead of compensating and restoring the whole *black* population, only those who were directly recognised as victims have received compensations, albeit limited. Justice has not been recognised to be the responsibility of society – instead it has become an individual fight for the benefits. It seems like justice is more about interest and power – as argued by Plato's opponents – than about moral – as argued by Plato and Rawls; about right and wrong. It is the justice of the advantaged which seems to gain momentum and this favours the *white* population, while the justice according to

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those who for decades have been fighting for their rights and liberties – who suffered the apartheid segregation – is being down played.

It seems as though the justice element of reconciliation has been lost. Instead of a state governed redistribution and restoration, GEAR, built on neo-liberal free market principle, has been the way South Africa has tried to solve their problem of inequalities, vast poverty and high crime rates (Lester et al., 2000:252). As Abrahamsen (2000) argues, the least advantaged people hope that democracy will improve their living conditions, not just grant them civil and political rights. This has not materialised in South Africa.

Justice makes reconciliation worthwhile. As long as the promises are kept, reconciliation can be sustained. The question then is what about the situation in South Africa which seems to struggle to make headway?

## 5. Taming of revenge by institutions of justice – some closing remarks

Is reconciliation possible without justice? This was my research question, which I have addressed by exploring the complexities and dilemmas of reconciliation and justice in the context of South Africa.

I have argued that South Africa was a deeply ingrained, unequal and an unfair society for decades. Inequalities were structuralized through laws and regulations. However, viewed as a modern miracle, the apartheid system was abolished in the beginning of the 1990s and the country was democratised. A tough transitional process started. The TRC was initialised to facilitate a reconciliation of the nation. Focus upon truth-telling and forgiveness as the way to reconciliation and peace created a great deal of anxiety and tension within the South African population. People were afraid that the transition towards democracy in South Africa via negotiations would violate their quest for justice. Consequently, they would have to consent to an unfair agreement and “forced” to accept a process of “cheap reconciliation”, particularly with regard to the oppressed *blacks*. At the same time the ambivalence of the often-stated incompatibility of justice versus peace was exposed. The relationship between reconciliation and justice is highly debated. Traditionally, many foreign policy practitioners and scholars have perceived justice and peace (reconciliation) in conflicting terms. The choice is often cast in terms of either working for peace and ignoring justice or seeking justice at the price of jeopardizing peace. Advocates for peace are typically characterised as “more realistic and worldlier”, while those who argue for justice are characterised to be “living in an unrealistic world”. Apartheid left a country and a society with one of the most unequal distributions of social and economic resources in the world.

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I discussed the dilemma of reaching justice in South Africa and how this endangers a lasting condition of peace (chapter 4). I started with the notion that a just society is a peaceful society. Justice is defined as to give everyone what is due to them. Justice is seen by Rawls as a feature of society's basic structures and institutions. In the quest for justice, the liberal traditions have emphasised the individuals, while the communitarian tradition has emphasised the society. A negotiated settlement in South Africa made it difficult to claim retributive justice for the former perpetrators, while, initially, it was widely acknowledged that there were a need for compensation and restitution to restore a reconciled and peaceful society. However, influenced by global and international trends have led to solutions that have not redistributed and equalised the extreme inequalities and solved the problem of vast poverty and high crime rates that can be said to be a result of a history of segregation. The changed framework has led to ignorance of the vast majority of victims of apartheid. Injustice is no longer the injustice caused by apartheid; forced removals, broken families, poverty and inequalities. Injustice has instead been limited only to capture gross human rights violations as torture and murder. Hence victims of injustice are then those who were victims of these actions.

I have focused upon how the concept of reconciliation has been conceptualised (chapter 3). To be able to reconcile there is a need for addressing the causes of the conflict. Many conflicts seem to be caused due to incompatibility of, and the share of resources and power (governance), which leads to a sense of injustice. In South Africa, influenced by Christian theology, reconciliation became founded on the concept of forgiveness. Forgiveness is a normative and individual concept. This gave an ethical imperative, which led to an individualised endeavour of reconciliation; especially challenging the former oppressed *black* population to be responsible for the peace. It caused a process of reconciliation by individual imperative to let go and to live with what cannot be changed. The victims are challenged in an ethical manner, in the sense of doing something "right". The ability to let go of the pain caused by the past is at the heart of what many understand to be forgiveness – which leads to reconciliation. The subjective reconciliation, as Mandela and Tutu strongly

embodied, did not challenge the question of redistribution, and seems to lose some of its effect.

Rawls' idea about justice is that structures need to be in place to create a just society and consequently peace. Violence and poverty need then to be viewed in the idea about the just society. On the other hand, influenced by neo-liberalism, the ethics of reconciliation become about becoming a winner – to manage to reconcile. Each and everyone are supposed to stand up for themselves, and to “create their own happiness”. As a consequence, each person can also be seen as responsible for his or her own unhappiness. This is very well illustrated by the example from the movie “Schindler’s List”. Those who did use their chances well, survived – thanks to themselves – but those who died, did not make use of their chances – and were hence responsible for their own fatal situation. In this way, the Jews as victims became bearer of the whole situation of atrocities committed to them. I have argued this is also the case in South Africa. The autonomy and mastering aspect become so strong that it overshadows the larger picture – the context of livelihood and its limited choices. Hence, the person is not viewed within his or her context. The emphasis on individualistic reconciliation has been disconnected to context and structure. In South Africa, the formerly oppressed *black* population has been given an ethical challenge and responsibility for the peace. They are hence those who need to respond to the ethical challenge, if reconciliation is to be successful.

In the ideology of capitalism – the idea of market economy which governs the development in South Africa – life is viewed like a “racetrack”. Each and every one will receive what they deserve. The idea is that you have to run and compete for the deserved benefits. This is the central way the system legitimates itself and motivates people to compete. This kind of system is individualistic and liberal. Justice is derived as deserved. Expectations and opportunities are determined by the mechanism of the free competitive market. The competitive market exists not only as a mechanism for allocation of society’s resources but also as a ‘moral force’ in society, which will bring expectations and opportunities into some sort of balance.

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Thus the inherited racial inequalities have continued to exist, and even increased in South Africa. The economic and social inequalities did not disappear with the termination of the apartheid-system. This continues to be a formidable challenge for the reconciliation process to succeed and hence is a threat to social stability in South Africa. These inequalities cannot be ignored in the quest for reconciliation. As emphasised, several conflicts are caused by the fights over resources and the distribution of these. Justice as equality, distribution and re-distribution needs to be taken seriously and acted upon. Justice needs to be given and societal foundation, not just be left to individuals to bear.

I will argue in my final remarks that a central and important point in the reconciliation process is to a large extent ignored by much of what has been written about reconciliation, namely the fact of how reconciliation is influenced by economic and social distribution and redistribution in a new transitional democratic situation. Reconciliation does not just imply normative and legal aspects. It is also influenced by the new regimes' ability to promote and implement an economic policy that supports the moral aspect of reconciliation. This means a structural and institutional process of justice. Hence, the basic structures need to be viewed as just and fair. This can be decisive for the further development in South Africa, where social and economic differences between large parts of the *white* minority population and the *black* majority population continue to mark the South African society. If democracy, as the basic structure of the society, is not able to do something with the differences, the process of reconciliation might be harmed.

A peace and reconciliation process does not just oblige a change in human behaviour and attitude – sorry may not be enough – it also implies a transaction of society's institutions, distribution and power structures. Justice makes reconciliation worthwhile. Therefore, as long as the promises of a better future are kept, reconciliation can be sustained.

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