

# Part One: Around the Truth and Reconciliation Commission: Rhetoric and Public Good

## CHAPTER 1

### LEARNING TO LIVE TOGETHER WITH BAD MEMORIES

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*ABSTRACT.* The author seeks to explore to what extent it is possible for victims and survivors to “get on with life” in the shift from a systematically abusive society to what Rajeev Bhargava has so aptly called “a minimally decent society”. The author does so, mindful that “moving on” does not take place for victims or survivors in a space free from the presence of perpetrators who harbour their own bad memories. Sometimes victims are also perpetrators and frequently perpetrators are themselves victims of one kind or another. Bad memories, of one kind or another, reside close to consciousness and are indeed at the centre of self-consciousness of many South Africans.

I have deliberately avoided words like *reconciliation*, *forgiveness* and *healing* in the title of my paper. I do so precisely because of the importance I attach to them – and resort to them later. My concern is that they often imply unrealistic expectations. They are complex terms, weighed down by generations of usage and accretions of the ages. They often limit our ability to grapple adequately with the possibilities of realistic individual and/or national transition from a society marked by the systematic abuse of human rights to an existence shaped by at least the formal affirmation of human rights. Differently stated, in what follows I seek to explore to what extent it is possible for *victims and survivors* to “get on with life” in the shift from a systematically abusive society to what Rajeev Bhargava has so aptly called “a minimally decent society”.<sup>1</sup> I do so mindful that “moving on” does not take place for victims or survivors in a space free from the presence of perpetrators who harbour their own bad memories. Sometimes victims are also perpetrators and frequently perpetrators are themselves victims of one

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<sup>1</sup> In Villa-Vicencio & Verwoerd 2000.

kind or another. Bad memories, of one kind or another, reside close to consciousness and are indeed at the centre of self-consciousness of many South Africans.

To this end I comment on:

- The ambivalent nature of memory.
- The reality of needing to live with bad memories.
- The importance of learning to live together with past enemies.

### *Memory as pain and promise*

Winston Churchill, with the horrors of World War II still dominating human consciousness, drawing on the words of William Gladstone, expounded the virtue of “a blessed act of oblivion.”<sup>2</sup> The problem, suggests Timothy Garton Ash, is that “often it is the victims who are cursed by memory, while perpetrators are blessed by forgetting.”<sup>3</sup> The brooding presence of bad memories for victims and survivors is such that it insists on the need to know what happened, who is responsible and why it happened. “Crimes”, writes Michael Ignatieff, “can never safely be fixed in the historical past; they remain locked in the eternal present....”<sup>4</sup> Even those perpetrators, bystanders and passive participants in the gross violations of human rights in South Africa’s past, who protest the loudest in demanding that *apartheid* is over and that we now need to get on with the future, are to a greater or lesser extent protesting against the past *that will not go away*. It is this reality that gave rise to the Truth and Reconciliation Commission in the first place.

Justice Richard Goldstone put it this way:

The decision to opt for a Truth and Reconciliation Commission was an important compromise. If the ANC had insisted on Nuremberg-style trials for the leaders of the former *apartheid* government, there would have been no peaceful transition to democracy, and if the former government had insisted on a blanket amnesty then, similarly, the negotiations would have broken down. A bloody revolution sooner rather than later would have been inevitable. The Truth and Reconciliation Commission is a bridge from the old to the new.<sup>5</sup>

Over 22,000 victims and survivors made voluntary statements to the Commission and 7,500 applied for amnesty, indicating a willingness to

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<sup>2</sup> In Ash 1997a: 201.

<sup>3</sup> Ash 1997b: 22.

<sup>4</sup> Ignatieff 1998: 14.

<sup>5</sup> Goldstone 1997.

make full disclosure about the past. Not all these nearly 30,000 persons who chose to remember or indicated a willingness to make full disclosure about the past did so to the satisfaction of the Commission. Some statements given to the Human Rights Violations Committee and some amnesty applications were rejected as being false. The outcome has, however, been an exercise in which the nation has been confronted with its past in a manner that few other countries have voluntarily chosen to do. Stephen Ellis, writing in *Critique Internationale*, states that the Report of the Commission

represents probably the most far-reaching attempt by an official body to come to terms with the human rights abuses committed by a previous government anywhere in the world since the Nuremberg trials of the late 1940s.<sup>6</sup>

Others have trashed the Report and still others have pointed to its academic limitations.<sup>7</sup> Suffice it to say – for all the failures of the Commission it is largely as a result of its work that few, if any, South Africans can ever again either deny what happened, or say “we did not know” – the two standard responses to the Nazi Holocaust among those who identify, directly or indirectly, with the perpetrators.

In reflecting on this process all the words that I chose to avoid in the title of my paper, are back with us: truth, reconciliation, forgiveness, healing and many others. I seek to capture the essence of the debate that surrounds these powerful and provocative words by raising several questions:

- Why not amnesia?
- But, how reliable is memory?
- Can another person’s story ever be adequately told?

### *Why not amnesia?*

Is it merely because some cannot forget? Can a systematic exercise in remembering the past serve any good? Is there not something to be said for oblivion? Does not time heal? Hear the words of German Federal President Roman Herzog on the occasion of the Deutscher Bundestag in 1996:

The pictures of the piles of corpses, of murdered children, women and children, women and men, of starved bodies, are so penetrating that they remain distinctly engraved, not just in the minds of survivors and liberators, but in those who will read and view accounts of [the Holocaust] today. (...) Why then do we have to will to keep this memory alive? Would it not

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<sup>6</sup> Ellis 1999.

<sup>7</sup> See Jeffery 1999, and Colin Bundy’s academic critique (1999).

be an evident desire to let the wounds heal into scars and to lay the dead to rest? (...) History fades quickly if it is not part of one's own experience. [But] memory is living future. We do not want to conserve the horror. We want to draw lessons that future generations can use as guidance. (...) In the light of sober description the worst barbarous act shrinks into an anonymous event. If we wish for the erasure of this memory we ourselves will be the first victims of self-deception. (Presse etc. 23.01.96. Translated and quoted in Kayser 1997/98.)

In essence, we are told that we remember in order not to repeat past atrocities. Terrence McCaughey, President of the former Irish Anti-*Apartheid* Movement, tells of his student days at Tübingen University in Germany in the late 1950s. There was a week-long film series on German politics from the Weimer Republic to the rise and fall of Adolf Hitler. Academic life almost came to a standstill. He tells of his Old Testament lecturer, Professor Karl Elliger, addressing his class on the morning after the final presentation: "You young people no doubt think we were all stupid not to have seen what was happening", he said. "We have no excuses. But learn this, evil never comes from the same direction, wearing the same face. I hope you will be wiser and more discerning than our generation when the threat of evil next comes around. You need to be vigilant." The professor turned to his notes and lectured his students on the Book of Joshua.<sup>8</sup>

We remember in the *hope* that we will not repeat past atrocities. But primarily we remember because we cannot, while the past remains unresolved, lay its ghost to rest. Pertinent in this respect are the words of Rebecca Hanse, a relative of Fezile Hanse who, together with Andile Majol and Patrick Madikane was shot dead by riot police on 17 June 1985 in Bongolethu, a black township on the outskirts of Oudtshoorn:

We must preserve the bones of our children until they can rest in peace. We cannot forget. We must keep our children alive. They were not ready to die. There is much for them still to do. We are not ready to let them go.<sup>9</sup>

Maybe a time will come when their bones *will* rest in peace. In time, hopefully, the past will no longer be with us in as excruciating way as it is at present.

Why do we remember? Ultimately the nation is called to remember for the sake of those who suffer. It is a manner of restoring the dignity of victims and survivors by ensuring that their suffering does not pass unnoticed. It is to say to victims and survivors, "your suffering is part of our healing as a nation. We remember you."

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<sup>8</sup> In Dublin, 10 March, 1999.

<sup>9</sup> In conversation at the grave of the Bongolethu Three, June 1996. See also TRC Report, Volume 3, pp. 437-439.

*But, how reliable is memory?*

Memory is at best a tricky thing. Memory is fraught with trauma and often incomprehension. Pam Reynolds reminds us that it is “raw memory” which emerges in testimony.<sup>10</sup> It gives expression to the inability of language to articulate what needs to be said. Memory is incomplete. Its very incompleteness is what cries out to be heard. There is also the testimony of silence. There is body language. There is fear, anger and confusion. There is a struggle between telling what happened and explaining it away. Mxolisi (Ace) Mgxashe struggles with the very question of truth. “Inyani iyababa”, he observes, in Xhosa; this means, “truth is bitter”.

It is so bitter [that] sometimes we find ourselves quarrelling over whether it should be told at all. Even when there has been some consensus that the truth should be told (...) we invariably disagree on the extent to which it must be told.<sup>11</sup>

Sometimes we involuntarily hide the truth as much from ourselves as others. Antjie Krog prefers not to even use the word “truth”. “I prefer the word lie”, she says. “The moment the lie raises its head, I smell blood. Because it is there (...) where truth is closest.”<sup>12</sup> Truth rarely leaps forth to introduce itself unmolested by lies, confusion, forgetfulness and evasion. It needs to be dug out!

What then is the relationship between truth and fiction? Testifying at a Cape Town hearing of the TRC into the killing of the Guguletu Seven in April 1996, Cynthia Ngewu, the mother of Christopher Piet, one of those killed, wrestled with what had in fact happened. “Now nobody knows the real-real story” she noted.<sup>13</sup> The ambiguity of memory is real. It is reality that is frequently exploited by those who seek to discredit those who have suffered and struggle to find words to articulate their deepest experience of what happened. Thus Anthea Jeffery attacks the Commission because (according to her) insufficient attention was given to the importance of factual or objective truth, by recognizing the importance of what the Commission called *personal or narrative (dialogue) truth*, as well as *social truth* and *healing or restorative truth*. The Commission deliberately chose to wrestle with these notions of truth in relation to *factual or forensic truth*.<sup>14</sup> The Commission was not a court of law and (for good reason) it did not

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<sup>10</sup> Reynolds 1997.

<sup>11</sup> *Argus*, 14 June 1996.

<sup>12</sup> Krog 1998: 36.

<sup>13</sup> Human Rights Violations’ Committee Hearing, Cape Town, 22 April 1996.

<sup>14</sup> Jeffery 1999.

subject victim and survivor testimony to cross-examination. It did, however, through its corroboration assess such testimony on the basis of a balance of probability. Graeme Simpson is correct

most of the legal and jurisprudential dilemmas presented by the TRC process are actually rooted in its own almost bi-polar roles as both a “fact-finding” and a “quasi-judicial” enterprise, on the one hand, and as a psychologically sensitive mechanism for story telling and healing, on the other.<sup>15</sup>

The Commission resolved at its inception to provide maximum space for victims and survivors to speak. At the same time (prodded and forced by legal action initiated by perpetrators), the Commission committed itself to due process of law that gave alleged perpetrators an opportunity to offer rebuttal. The outcome was a set of findings that, given the restraints as identified by Simpson above, sought to “present as complete a picture as possible” of gross violations of human rights committed during the period stipulated by the mandate (31 March 1960 to 10 May 1994). There remains, of course, a huge amount of incomplete transitional work yet to be undertaken – both by the courts with regard to “fact finding” and by government and civil society at the level of facilitating more story-telling and the promotion of healing.

Albert Camus has called truth “as mysterious as it is inaccessible” and yet, he insisted, worth “being fought for eternally”.<sup>16</sup> Its discovery involves a long and slow process. It often involves debate as well as conflict around stories that contradict one another. This is part of the process of national reconciliation. The words of Donald Shriver are compelling in this regard:

One does not argue long with people whom one deems of no real importance. Democracy is at its best when people of clashing points of view argue far into the night, because they know that the next day they are going to encounter each other as residents of the [same] neighbourhood.<sup>17</sup>

The difficulties of creating democracy out of a culture of gross violations of human rights are immense. It can be facilitated through what the Chileans call *reconvivencia* – a process of getting used to living with each other again. Above all, it involves being exposed to the worst fears of one’s adversaries. It requires getting to know one another, gaining a new insight into *what* happened as well as an empathetic understanding of how a particular event is viewed by one’s adversaries.

The genre of memory must be allowed to flow where it will, giving

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<sup>15</sup> Simpson 1999.

<sup>16</sup> Cited in Cherry 2000.

<sup>17</sup> Shrive 1995: 230.

expression to bitterness and anger as well as life and hope. It is, at the same time, important to recognize that the “politics of memory” can be abused by politicians to fuel the fires of hatred – as seen in the case of the Anglo-Boer war, in Northern Ireland and the situation in the former Yugoslavia. It is important to include stories that embrace and affirm restoration in the nation’s repertoire of story-telling. Memory as *justice* and not least as *healing* is, at the same time, often about victims working *through* their anger and hatred, as a means of rising above their suffering – of getting on with life with dignity. And yet, as the title of this paper suggests, it is also necessary to live with bad memories.

*Can another person’s story ever be adequately told?*

Getting to know one another and building relationships between former enemies involves many things. Important among these is welding together a story that unites rather than one that divides. This involves the difficult process of moving beyond testimony, which, I have suggested, is frequently fraught with trauma, incompleteness and sometimes incomprehension.

This is perhaps where poetry, music and myth can contribute more to healing than any attempt to explain in some rigid forensic way “who did what to whom”. Antjie Krog’s celebrated novel on the work of the Commission, *Country of My Skull*,<sup>18</sup> weaves fragments from different testimonies and interviews into a semi-fictional historical account of events. The Commission felt compelled to do both more and less than what she accomplished. It was, above all, obliged to be more comprehensive and thus compelled to reduce or translate the richness of raw memory, or what has been called first generation testimony, into historical narrative.

To tell the story of another is never an adequate substitute for primary testimony. The TRC Report simply gives expression to the stuff out of which reports are made. It is, by definition, a poor substitute for the drama of testimony that was acted out before the country over a two-year period. It is this primary testimony to which the written Report points and by which the success or the failure of the Commission must be judged. Questions raised from the relative luxury of academia concerning the work of the Commission and the Report of the Commission are important – they enable us all to take the debate further. They should never, however, be allowed to distract from the importance of what victims and survivors told a nation

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<sup>18</sup> Krog 1998.

struggling to make its way from the horrors of *apartheid* to the beginnings of a minimally decent society. It is difficult to conceive how any historical text can ever capture the pain of testimony of the heart.

*Possibilities of living with bad memories*

Is it ever possible, for those who truly suffer, to put the past behind them? Njabulo Ndebele suggests that:

The verbalisation of pain and suffering through an official medium recognized as a result of change that was fought for (...) complicates relationships that were based on internalized assumptions. Their articulation raises the social temperature that [needs] at the same time (...) to be lowered (...). It should translate into visible measures for improving the lives of the victims of the past, who even while they are still in a state of severe disadvantage, *ought not to experience themselves any more as victims*.<sup>19</sup>

Important words, to which I shall return. They need to be amplified and heard. My question concerns the extent to which the goal to which they point is ever fully realized. To what extent is the burden of the past ever laid to rest? Adjacent to Ndebele's words, I offer those of Holocaust victim Primo Levi:

This is the awful privilege of our generation and of my people, no one better than us has ever been able to grasp the incurable nature of the offence, that spreads like a contagion. It is foolish to think that human justice can eradicate it. It is an inexhaustible fount of evil; it breaks the body and the spirit of the submerged, it perpetuates itself as hatred among survivors, and swarms around in a thousand ways, against the very will of all, as thirst for revenge, as a moral capitulation, as denial, as weariness, as renunciation.<sup>20</sup>

Clearly some show a greater resilience than others, manifest in their ability to rise above the anguish of past suffering. Testimony that witnesses both to a willingness or desire to "get on with life", as well as a reluctance or inability to do so, is there to be heard and analysed. I would rather offer the comment of a young woman named Kalu; it highlights the internalized emotions inherent to the transition from the old to the new:<sup>21</sup>

What really makes me angry about the TRC and Tutu is that they are putting pressure on me to forgive (...). I don't know if I will ever be able to forgive. I carry this ball of anger within me and I don't know where to begin dealing with it. The oppression was bad, but what is much worse, what makes me even angrier, is that they are trying to dictate my forgiveness.

Her words capture the pathos involved in the long and fragile journey

<sup>19</sup> Ndebele 1999. Italics added.

<sup>20</sup> Levi 1976: 426. Italics added.

<sup>21</sup> See Verwoerd 1998. See also my "Getting on With life" (Villa-Vicencio 2000).

towards reconciliation. No one has the right to prevail on Kalu to forgive. The question is whether victims and survivors can be assisted *to get on with the rest of their lives* in the sense of not allowing anger or self-pity to be the all-consuming dimension of their existence. When my colleague, Wilhelm Verwoerd, reflected on Kalu's response, he referred to Ashley Forbes' response to his torture at the hands of the notorious torturer, Jeffrey Benzien. Although critical of the decision to grant Benzien amnesty, arguing that he failed to make full disclosure, he observed:

I forgive him and feel sorry for him. And now that the TRC has showed what happened, I can get on with the rest of my life.

Not every victim and survivor deals with his or her past in this way. It is important, however, for *their own sake*, that victims and survivors are assisted (to the extent that it possible) to indeed get on with life. This does *not* mean forgetting the ghastly deeds of the past. This is usually not possible and probably not helpful. There is indeed a place for righteous anger, which can be a source of self-worth and dignity. To get on with life does *not* mean necessarily becoming friends with the person responsible for one's suffering. Very few accomplish this. It *does* mean dealing with the "ball of anger" that prevents one from getting on with life. And yet the graph of the journey forward is rarely a progressively even one. Such progress that is made in *getting on with life* tends to take place in concentric circles. Progress can be made. Time and circumstances of different kinds do assist the healing process. But there is also *deep memory* that reminds us that the past is never quite past. Bernard Langer, reflecting on the suicide of Primo Levi, forty years after the latter's release from Auschwitz, speaks of the "painful and uneasy stress between trauma and recovery".<sup>22</sup> Levi's prolific writing at no time fails to portray the presence of melancholy. Langer argues that:

Levi, as a suicide, demolishes the idea that he had mastered his past, come to terms with the atrocity of Auschwitz, and rejoined the human community healed and whole. Life went on for him, of course, though it is probably a mistake to think of his writings as a form of therapy, a catharsis that freed him from what he called the memory of the offence. It is clear from everything he wrote that survival did not mean a restored connection with what had gone before. The legacy of permanent disruption may be difficult to accept, but it lingers in his suicide like an abiding parasite.<sup>23</sup>

Levi's testimony is that of one who seeks to wash his conscience and memory clean. Refusing to reduce the immensity of his particular ordeal to "a capacity for evil buried in human nature somewhere", he is angry at

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<sup>22</sup> Langer 1998: xv.

<sup>23</sup> *Ibid.*

society's apparent indifference to the question as to what makes killers resort to the depths of humanity they do. And yet he insisted, "to a greater or lesser degree all were responsible". The "greater majority of Germans", he writes,

"... accepted [the persecution of the Jews] in the beginning out of mental laziness, myopic calculations, stupidity and national pride...."<sup>24</sup>

Wrestling with memories of suffering and questions concerning the nature of evil, he killed himself. The concentric circles of others in the quest to get on with life are less decisive. Joe Seremane is angry with the Commission for failing to probe deeply enough into death of his brother Timothy Tebogo Sermane in the ANC Quatro Camp in 1981. . "You owe us a lot", he told the Commission. "Not monetary compensation, but our bones buried in shallow graves in Angola and heaven knows where else." He quotes words from Langston Hughes's *Minstrel Man*:<sup>25</sup>

Because my mouth  
Is wide with laughter  
And my throat deep with song,  
Do you not think  
I suffer, after I have held  
My pain so long?

Whatever the truth of the various allegations (by Seremane and the counter charges by the ANC) the pathos of his words should not be missed. The question is: what can society do to help those who suffer to move on? In Ndebele's words, the question is how to promote

visible measures for improving the lives of the victims of the past, who even while they are still in a state of severe disadvantage ought not to experience themselves any more as victims.

### *Learning to live together*

The question really is, where do we go from here? The point is well made by Jose Zalaquett, who, having served on the Chilean National Truth and Reconciliation Commission, thinks back on what it has accomplished. "Leaders", he suggests,<sup>26</sup> "should never forget that the lack of political pressure to put these issues on the agenda does not mean they are not boiling underground, waiting to erupt." South Africa has bought itself time and

<sup>24</sup> *Ibid*, pp. 23-42.

<sup>25</sup> *Ibid*.

<sup>26</sup> Borraine et al. 1994: 15.

space through the TRC and other transitional mechanisms to deal with those issues that brought it to the brink of collapse in 1990. The issues still need to be dealt with. The nation must, at the same time, move on. It is time to move on – to get on with life. The question is *how?*

How can South Africans assist one another to do so? Story-telling needs to continue. We barely know one another in this country. The healing of memories has only just started. Economic disparity needs to be redressed. The needs of the poor are not likely to be addressed merely because of a set of socio-economic clauses in the constitution. It will take political organization, public pressure and (probably) a measure of militancy by the poor themselves. For this to happen, democratic debate and the freedom of speech are needed.

And yet, as mentioned earlier in this paper, perpetrators, passive participants in gross violations of human rights and bystanders who, simply, allowed the atrocities to occur, harbour memories in their own way. Sometimes they are nostalgic memories of grandeur. Often they are bad memories of deeds done. It was the task of the Commission not only to restore the dignity of victims and survivors, but also to facilitate the reintegration of perpetrators into society as useful participants and productive members of a new social order. The task is a huge one. It always was beyond the capacity of any Commission. I have not addressed this matter in this paper. Simply, again, I draw attention to perpetrator memory in closing, as a reminder that the healing of the memories of victims and survivors does not take place in a protected user-friendly environment. Such healing often struggles to happen in a contested terrain where, in fact, the entire panoply of South Africa's past is struggling to deal with the emerging new reality of human existence.

How to heal a nation? What constitutes the material essence of living together? All this can probably be reduced to the seminal (but often tedious) debate around the question: *Who is an African?* It has to do with belonging and taking responsibility. Robert Sobukwe, the late PAC leader, thought that the only criterion for being an African was whether a person regarded Africa as his or her home. The Freedom Charter says Africa belongs to all who live within it. To make Africa home means to care about its problems – poverty, underdevelopment and alienation. It is in the self-interest of “yesterday's colonizers” to take on this responsibility. Whites and people of other ethnic origins who choose to do so need, in turn, in their present vulnerability to be reassured that their vigorous participation in the African family is welcomed rather than tolerated. Both the born Africans and the Africans by choice are needed to build South Africa's future.

Questions abound: What does it mean for a nation to be reconciled? Can a nation confess? What does national forgiveness involve? Jakes Gerwel suggests that an individualistic understanding of reconciliation limits our understanding of what reconciliation may mean at the national level. By clinging to an individualistic understanding, he suggests that we risk “pathologizing a remarkably reconciled nation by demanding a perpetual quest for the Holy Grail of reconciliation.”<sup>27</sup> Recognizing that while many *individual* victims and perpetrators of gross human-rights violations are not reconciled, a lot of progress has indeed been made at a *national* level. There is yet a distance to travel. Some people refuse to make the journey, entrenching themselves in their own closed memory. At least we are not killing one another to the extent that we were in the 1980s and early 1990s. As was recently observed by Peter-John Pearson, a Roman Catholic working in Bonteheuveld:

The level of coexistence that we have attained in South Africa is not something to be taken for granted. It is a huge improvement on what we had prior to 1994.

And yet, mere coexistence robs me of the possibility of sharing in something new. It is tempting to settle for coexistence, and in so doing to accept the inequalities and indignities that continue to characterize South Africa. Our dream was for something new. It is a dream worth keeping alive.<sup>28</sup>

Unless the South African experiment in healing reaches victims and survivors of the *apartheid* years, and beyond that heals the hardened hearts of both direct perpetrators of gross violations of human rights as well as the benefactors of *apartheid*, the healing process that is taking place is likely to be incomplete. This would be a huge tragedy for a nation that has done so incredibly well in seeking to heal itself in so many other ways.

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<sup>27</sup> Gerwel 2000.

<sup>28</sup> Pearson 1999.

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