

**Dealing lightly with the wounds of my people: A Theological Ethical Critique of the South African Truth and Reconciliation Commission**

By

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**Declaration**

I, the undersigned, Tshepo Lephakga (student no: 41850580), herewith declare that, the content of this dissertation to be my original work that has not at any time, totally or partially, been submitted to any other university for the purpose of attaining a degree

Signed.....

Date.....

## **Acknowledgments**

The preliminary impulsion of this study came from the numerous conversations that I had with my peers, family and the community of orange farm while I was still studying at the University of Pretoria. South Africa had just had the so-called peaceful transition to democracy and a successful truth commission (TRC). Having followed the impact that theology had both in its sanctioning of apartheid as well as its attempt later to challenge the theological legitimacy of this ideology, I always asked myself about the motive for the inclusion of a theological term- that is, reconciliation in the South African truth commission. This became more worrying when I was introduced to the information that, the South African TRC, was initially to be called the South African truth commission, until F.W. De Klerk, who on behalf of the National Party (NP) said his constituency would be more comfortable if the commission can be called the Truth and Reconciliation Commission. The worrying factor was not the introduction of reconciliation, but the interpretation and understanding thereof. This is because, for a long time the bible in the South African politics has been made a servant of ideology- that is, to domesticate it for the purposes of subjection and control. As such, it was very clear that, the inclusion of reconciliation was not to allow it to confront the country with the demands of the gospel, but to blunt the progress of radical change and transformation. Thus, in my years of studying I was fortunate to be introduced, among other things to theological ethics and ancient languages- particularly Greek which challenged me to look at words in their original meaning. As a result, I was introduced to the Greek word *katallage* which is translated as reconciliation in English. But the original meaning of this Greek word is 'restoration'- that is, to restore things to their original meaning or to change, or exchange; to effect change. But when I looked at the work of the TRC through its reports and other sources one gets the impression that reconciliation has been tamed to mean

assimilation, appeasement, a passive peace, a unity without cost, and maintaining power with only cosmetic changes. Thus, in my attempt to deal with the subject of reconciliation, I have found out that, often reconciliation is used merely to reach some political accommodation that did not address the critical questions of justice, equality, and dignity that are so prominent in the biblical understanding of reconciliation. But through the course of this study I was introduced to two notions- namely Political Pietism and Christian Quietism which formed a central approach in my critique of the work of the South African TRC. Political Pietism is when reconciliation is used to reach some political arrangements which invariably favour the rich and powerful but deprive the power-less of justice and dignity. Furthermore, political Pietism, is when this reconciliation is presented as if it does respond to the needs for the genuine reconciliation and employs a language that sound like the truth but is, in fact, deceitful. While Christian Quietism, is when Christians who are suppose to measure these matters with the yardstick of the gospel and therefore know better, discover that what is happening is in fact not reconciliation, but for reasons of self-protection, fear, or a desire for acceptance by the powers that govern seek to accommodate this situation, justify it, and refuse to run the risk of challenge and prophetic truth telling, and become complicit in deceitful reconciliation.

Many individuals have encouraged and assisted me during the past few years as this work gradually grew. I was blessed to be part of a family- namely my mother (Buyisiwe Maureen Lephakga) my late father (Edward Pharahlahle Lephakga a.k.a Eddie) my younger sister (Lebohang Lephakga) and how can I forget my aunt (Hlengiwe Gladness Langa) who at times seem not to understand my need to pursue further studies, nonetheless always thought and put me in their prayers, for this I am eternally grateful. I must also say that, I am grateful to my late father (Edward Pharahlahle Lephakga) who supported me until he passed on. I know where ever

you are; you will be smiling seeing that finally I managed to finish this project (*Robala ka kgotso Motaung wa hlalele*). I must also say that, I as a member of an extended family, I am grateful for the community of Orange Farm and the Uniting Reformed Church in Southern Africa- Orange Farm Congregation (*Kea leboha maUniting*). I must say that, this has been a fruitful and yet challenging journey. One went through a *euroclydon*- that is a northeast storm during the course of this journey. In spite of this storm, through the support of my family, I am grateful that I am still standing.

I am impelled to acknowledge my indebtedness to my supervisor, Professor Rothney Stok Tshaka who encouraged me to begin, and assisted me to clarify my task. His interest both in me as well as in this study has never lessened; his inquisitive questions and comments were always a motivation. I am especially delighted for the trust that he has shown in me, plunging me into a province of academic scholarship with great scholars of the likes of Mamdani, Dussell, Boesak and others in the hope that I will return with something new. As a Christian of African descent, I declare;

***Jesu ke morena maemo a dumela le ha sa dumele***

## **Abstract**

This study is an attempt to critique the South African Truth and Reconciliation Commission from a theological ethical perspective. The central critique and argument of this study will be that, it is impossible to reconcile the dispossessor and the dispossessed or the oppressor and oppressed in the way the South African TRC did. As such, it will be befitting to start off this study which explores some of the noticeable lessons and challenges emerging from the South African Truth and Reconciliation Commission (hereafter, the TRC) by elucidating that this study is an attempt to contribute to the on-going discussions on reconciliation. It is also vital to mention up front that this study attempts to contribute to the discussion on reconciliation which seeks to remove injustice at the root. It contributes to a discussion of the weeds of alienation and fragmentation, and it stands in contrast to the frequent use of reconciliation merely to reach some political accommodation and not to address the critical questions of justice, equality and dignity (Boesak & DeYoung 2012). It is also befitting to point out that two central themes – political pietism and Christian quietism – form the backdrop to this study (Boesak & DeYoung 2012). The study contends that reconciliation in South Africa was used merely to reach some political accommodation and did not address the three critical questions of justice, equality and dignity. These arrangements perpetually favour the rich and powerful but deprive the powerless of justice and dignity. Hitherto, this reconciliation is presented as if it does respond to the need for genuine reconciliation and employs a language that sounds like the truth, but it is in fact deceitful – and this we call political pietism. It is also vital to mention that “reconciliation” is a Christian concept, and as such, Christians’ measure matters of reconciliation with the yardstick of the gospel and therefore should know better. However, as it will be shown in this study, when

Christians in South Africa discovered that the TRC was not really promoting reconciliation, they became complicit in a deceitful reconciliation. This may have been for reasons of self-protection, fear or a desire for acceptance by the powers that govern the world. Whichever way one looks at it, they tried to seek to accommodate the situation, to justify it and to refuse to run the risk of challenge and prophetic truth telling. As a result, they denied the demands of the gospel and refused solidarity with the powerless and oppressed. This is called Christian quietism (Boesak & DeYoung 2012:1).

This study in its attempt to critique the South Africa TRC from a theological ethical perspective will point out that, the TRC which was obviously the product of the negotiated settlement needs to be understood against the background of the global struggle of particularly Third-World countries which were resisting authoritarian regimes put in place by the West for the benefit of the West. As such, this study will point out how the West, in their attempt to keep a grip on the Third-World countries – particularly on their resources – had to recommend and promote their notion of democracy. Democracy became the only option for Third-World countries as a result of the fall of the Soviet Union. It must, however, be mentioned that the problem is not democracy but the manifestation thereof under capitalism. This is because the notion of democracy was recommended to Third-World countries when capitalism was becoming global. As such, this presented some contradictions because democracy emphasizes joint interests, equality and common loyalties whilst capitalism is based on self-seeking inequality and conflicting individual and group interest (Terriblanche 2002). This means that a transition to democracy (especially constitutional democracy) means that the former oppressor or dispossessor will hold on to economic power. As such, the sudden interest of both the NP and the corporate sector in South Africa to a transition to democracy needs to be understood against this background. This study

will argue and demonstrate how the ANC was outsmarted during the negotiations in that, at the formal negotiations, the ANC won political power whilst the NP/corporate sector in South Africa won economic power. This is mentioned to here to point out that both the elite compromise reached at the formal and informal negotiations and the influence of the Latin-American truth commissions led to the inability or unwillingness of the TRC to uncover the truth about systemic exploitation. As such, this study will argue and demonstrate that, on the one hand, reconciliation was not added to the truth commission for the purpose of confronting the country with the demands of the gospel and, on the other hand, the TRC was set up (from its inception) for failure.

## **Summary of the Study**

Chapter 1 of this study sets out the parameters of the research. It looks into the problem statement which has led to this study, namely that it is impossible to reconcile the dispossessors and the dispossessed or the oppressor and the oppressed in the way the TRC tried to do. This is because, as is shown in the course of this study, reconciliation as a Christian concept attempts to remove injustice at the root and addresses questions of justice, equality and dignity. As such, what the TRC did – using reconciliation merely to reach some political accommodation – was not reconciliation but a mere political arrangement which favours the rich and powerful but deprives the powerless of justice and dignity. This chapter touches on two notions, namely political pietism and Christian quietism. These two

notions must be understood against the background of the following: (1) the rise of resistance in Third-World countries against authoritarian regimes, (2) the move towards democracy when capitalism was becoming global in character, (3) the fall of the Soviet Union (1989–1991), (4) the elite compromise reached at the formal and informal negotiations, (5) the influence of Latin-American and African truth commissions and (6) the inability or unwillingness of the TRC to uncover the truth about systemic exploitation.

Chapter 2 of this study deals with the “anatomy of apartheid”. It points out that apartheid needs to be understood in its relationship to colonization. I approach this analysis from a theological background and acknowledge the many contributions on this subject from other fields. It is pointed out in the course of this chapter that it was the whole purpose of colonization and later the apartheid system to distort the “being” of both Black people and White people in South Africa. This is based on the idea that “being”, that is, the entity which encompasses features of reality and existence, in South Africa has been distorted through the ontology of domination.

This ontology has divided the world into two, namely between the center (which is occupied by Europeans) and the periphery (which is occupied by Non-Europeans). This ontological division resulted, on the one hand, in the center imposing itself on the periphery, and on the other hand, it has resulted in the being of the center (i.e. the being of Europeans) becoming the “Being” (with a capital B; that is, the yardstick of what it means to be a Being). Throughout the process of colonization and later through the system of apartheid, the “being” of White people in South Africa became the thesis of what it meant to be a “Being”, and in turn, Black people in South Africa became the synthesis of this being. As a result of this logic, White people in South Africa felt justified to act as guardians over Black people in South Africa. The anatomy of apartheid must be understood against this backdrop.

Chapter 3 of this study deals with the Neo-liberal transition to democracy in South Africa and focuses on compromises and a political solution for a new South Africa. This chapter looks into the notion of a negotiated transition which gave birth to the South African Truth and Reconciliation Commission and the constitutional democracy. This chapter contends that the NP and the corporate sector in South Africa (at that time) opted for the negotiations not because of their personal convictions but because of circumstances. It will be argued that the move by the NP and the corporate sector in South Africa for negotiations was a calculated move on their part. FW de Klerk and his NP entered these negotiations with the aim of safeguarding the interests, that is, the assets they have accumulated, of the White people in South Africa. These interests were later invented under the pretext of so-called minority rights. The TRC was established to avoid an international tribunal similar to that of the Nuremberg tribunal, which used a judicial approach as solution. Special attention will be given in this chapter to a series of events that

happened around the period 1989–1991, the same time as the collapse of the Soviet Union. All the events that occurred in this period were not accidental. These events include the following: the release of political prisoners (specifically the release of Nelson Mandela and the core of the leadership of the ANC), the debate about sanctions, the debate about negotiations and, specifically, the debate about the idea of shared power. The transition to democracy, especially under the capitalist system, was the only viable option for the NP and the corporate sector of South Africa to continue to maintain their grip on the economy of South Africa. This is because the association between democracy and capitalism results in conflicting logics which boil down to privileges being maintained.

Chapter 4 of this study deals with the TRC and the ratification of the elite compromise reached at the informal and formal negotiations. It points out that the TRC ratified the elite compromises reached at both the informal and formal negotiations as a result of the following: (1) the rise of resistance in Third-World countries towards authoritarian regimes, (2) the move towards democracy when capitalism was becoming global in character, (3) the fall of the Soviet Union (1989–1991), (4) the elite compromise reached at the formal and informal negotiations, (5) the influence of Latin-American and African truth commissions and (6) the inability or unwillingness of the TRC to uncover the truth about the systemic exploitation. It is vital to note that the South-African Truth and (Reconciliation) Commission, which was initially called the Truth Commission, was formed against the background of pronouncements of the international human-rights community that “apartheid was a crime against humanity” and the negotiated settlement. This chapter contends that the TRC was established, on the one hand, to please the international human-rights community and, on the other hand, to ratify the elite compromise

reached at the informal and formal negotiations. One should note that this claim is based on how the commission accidentally and/or intentionally narrowed down a wide mandate given to it for, on the one hand, pleasing the international human-rights community and, on the other hand, pleasing the corporate sector in South Africa. It did this by obscuring the systemic character of apartheid and thus offered the corporate sector in South Africa an underserved opportunity to clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid.

Chapter 5 deals with the consequences of de-historicizing the story of apartheid through the inability or unwillingness of the TRC to uncover the truth about systemic exploitation. This chapter points out how the TRC, as result of its inability or unwillingness of uncover the truth about systemic exploitation, lost a golden opportunity to educate the individual and corporate beneficiaries of apartheid about their direct responsibility for the disrupted social structures and abject poverty of the majority of Black people. The chapter also shows how the TRC found itself in a cul-de-sac which resulted in the dis-historicizing and de-contextualizing of the story of apartheid. This cul-de-sac was a result of the historical and ideological influence of the Latin-American and African truth commissions – particularly the National Commission for Truth and Reconciliation in Chile – the adoption of the tamed biblical concept of “reconciliation”, the employment of an individualistic and legalistic approach to human-rights violations and how the TRC was used to ratify the elite compromise reached at the informal and formal negotiations. This chapter shows how, as a result of the inability and/or unwillingness of the TRC to uncover the truth about the systematic exploitation of the apartheid system, the TRC de-historicized and de-contextualised the story of apartheid.

The consequences of de-historicizing and de-contextualizing the story of apartheid needs to be understood against the background of three key limitations of the TRC, which also need to be understood against the affirmation of the international human-rights community that apartheid was a crime against humanity. Firstly, the TRC individualized the victims of apartheid. Secondly, by focusing on individuals and obscuring the victimization of communities, the TRC was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. Finally, the TRC extended impunity to most perpetrators of apartheid. It is thus because of these three key limitations of the TRC that it lost a golden opportunity to educate the individual and corporate beneficiaries of apartheid about their direct responsibility for the disrupted social structures and abject poverty of the majority of Black people. If the beneficiaries had been educated about their participation in racial capitalism, for instance, they would certainly have been less arrogant and possibly more compassionate and generous in understanding.

Chapter 6 entails the conclusion to the thesis.

## **Key words**

Apartheid  
(Neo) Calvinism  
(Afrikaner) Civil Religion  
South African Truth and Reconciliation Commission  
Truth Commission in Uganda  
The National Commission on the Disappeared in Argentina  
The National Commission for Truth and Reconciliation in Chile  
The Commission of Inquiry in Chad  
Negotiated Settlement (informal and formal negotiations)  
Justice  
Political Pietism  
Christian Quietism  
CODESA (Convention for a Democratic South Africa)  
Third World  
Soviet Union  
Democracy  
Capitalism

## Contents

CHAPTER 1 .....	17
INTRODUCTION .....	17
1.1 Introduction .....	17
1.2 Problem statement .....	18
1.3 Background to the problem statement .....	19
1.4 Hypothesis .....	27
1.5 Value of the study.....	27
1.6 Methodology .....	29
1.7 Outline of the study .....	30
CHAPTER 2 .....	36
AN ANATOMY OF APARTHEID IN SOUTH AFRICA .....	36
2.1 Introduction .....	36
2.2 The ontology of domination: Center vis-à-vis periphery.....	40
2.3 The ontology of domination and rise of the civil religion .....	49
2.4 The ontology of domination and the 1948 civil religion and political victory .....	67
2.5 The ontology of domination and the inculcation of the apartheid system .....	74
2.6 The ontology of domination and the solution to the native problem .....	77
2.7 The ontology of domination and socialisation.....	80
2.8 Conclusion.....	93
CHAPTER 3 .....	95
THE NEO-LIBERAL TRANSITION TO DEMOCRACY IN SOUTH AFRICA: COMPROMISES AND A POLITICAL SOLUTION FOR A NEW SOUTH AFRICA?.....	95
3.1 Introduction .....	95
3.2 Neo-liberal transition: Democratization as the only way out?.....	104
3.3 Neo-liberal transition: Shifts in the thinking of the ANC and NP .....	112
3.4 Neo-liberal transition: The TRC as a final seal?.....	129
3.5 Conclusion.....	144
CHAPTER 4 .....	149
THE TRC AND THE RATIFICATION OF THE ELITE COMPROMISE REACHED AT THE INFORMAL AND FORMAL NEGOTIATIONS .....	149
4.1 Introduction .....	149

4.2	Historical and ideological influences on the TRC .....	152
4.3	TRC: The biblical concept of ‘reconciliation’ within the TRC .....	166
4.4	TRC: Individualistic and legalistic approach to human-rights violations.....	178
4.5	TRC: A political project with a political solution.....	190
4.6	Conclusion.....	196
CHAPTER 5 .....		202
THE CONSEQUENCES OF DE-HISTORICISING THE STORY OF APARTHEID THROUGH THE INABILITY OR UNWILLINGNESS OF THE TRC TO UNCOVER THE TRUTH ABOUT SYSTEMIC EXPLOITATION ...		
5.1	Introduction .....	202
5.2	Obscuring the truth: The TRC obscured and manufactured truth.....	211
5.3	Obscuring reconciliation: The TRC obscured and manufactured reconciliation.....	220
5.4	Obscuring justice: The TRC obscured reconciliation that presupposes justice .....	229
5.5	Obscuring history: The TRC obscured a history of gross human rights violations in SA .....	241
5.6	Conclusion.....	257
CHAPTER 6 .....		258
CONCLUSION .....		258
REFERENCE LIST .....		275

# CHAPTER 1

## INTRODUCTION

In its eagerness to reinforce the new order ... the TRC wrote the vast majority of apartheid's victims [that is, the victims of systematic exploitation] out of its version of history]. (Amadiume & Abdullahi 2000:179)

### 1.1 Introduction

It is befitting to start off this study which explores some of the noticeable lessons and challenges emerging from the South African Truth and Reconciliation Commission (hereafter, the TRC) by elucidating that this study is an attempt to contribute to the on-going discussions on reconciliation. It is vital to mention up front that this study attempts to contribute to the discussion on reconciliation which seeks to remove injustice at the root. It contributes to a discussion of the weeds of alienation and fragmentation, and it stands in contrast to the frequent use of reconciliation merely to reach some political accommodation and not to address the critical questions of justice, equality and dignity (Boesak & DeYoung 2012). It is also befitting to point out that two central themes – political pietism and Christian quietism – form the backdrop to this study (Boesak & DeYoung 2012). The study contends that reconciliation in South Africa was used merely to reach some political accommodation and did not address the three critical questions of justice, equality and dignity. These arrangements perpetually favour the rich and powerful but deprive the powerless of justice and dignity. Hitherto, this

reconciliation is presented as if it does respond to the need for genuine reconciliation and employs a language that sounds like the truth, but it is in fact deceitful – and this we call political pietism. It is also vital to mention that “reconciliation” is a Christian concept, and as such, Christians measure matters of reconciliation with the yardstick of the gospel and therefore should know better. However, as it will be shown in this study, when Christians in South Africa discovered that the TRC was not really promoting reconciliation, they became complicit in a deceitful reconciliation. This may have been for reasons of self-protection, fear or a desire for acceptance by the powers that govern the world. Whichever way one looks at it, they tried to seek to accommodate the situation, to justify it and to refuse to run the risk of challenge and prophetic truth telling. As a result, they denied the demands of the gospel and refused solidarity with the powerless and oppressed. This is called Christian quietism (Boesak & DeYoung 2012:1).

## 1.2 Problem statement

It is the argument of this study that it is impossible to reconcile the dispossessor and the dispossessed or the oppressor and oppressed in the way in which the South African TRC did.<sup>1</sup>

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<sup>1</sup>This view is also held by Letlapa Mphahlele in the following extract of his evidence to the TRC: “We did not attack white civilians, but we destroyed European invaders, dispossessors, criminals, because here you want to create a situation whereby our struggle is as recent as the PAC and that is not the case. Our struggle against colonialism is as old as when the colonialist set their foot here and shown their sinister motives of dispossessing our forefathers of the land and the whole armed struggle was the continuation of that. And actually we draw the ancient wisdom from our forefathers. When Dingaan said to the Zulu warriors ‘*Bulala abathakathi*’ what did he mean? He meant that those dispossessors ‘abathakathi’ the Zulu warriors did not ask among themselves who were the ‘abathakathi’? Who were the wizards? But they knew who were the wizards were and they were White people. And when King Moshoeshe of Basotho in his wisdom ‘*ditshweu ha di tswane*’ meaning that the White people will always have solidarity in oppressing the Africans he drew that from experience, from the practical experience that was going on. And I dare say the TRC is more concerned with the white life because even the questions are being asked by the man who benefited hugely from the dispossession of our people because as far as I am concerned ‘He who benefits by crime is guilty of that crime’ and every white person in this country benefited from the crime of dispossession, benefited from the crime of colonialism and benefited from the crime of apartheid but now you want to extract yourself from this crime. And it is so displeasing that the grandsons and granddaughters of Moshoeshe, of Shaka, of Sekhukhune are now bearing the burden of their abusers because you abused us all in all. The TRC

This is so because reconciliation as a Christian concept addresses the vital questions of justice, equality and dignity (Boesak & DeYoung 2012:1). It is imperative to mention that reconciliation in South Africa was not allowed to address these issues. However, it must be mentioned that the problem is not reconciliation but the interpretation and understanding thereof. This is because, from our experience of the church and politics in South Africa, we know how the Bible was used in Afrikaner politics and how the radical message of the Bible was made servant to ideology,<sup>2</sup> domesticated for purposes of subjection and control (Boesak & DeYoung 2012:9). As such, it was expected that, with the inclusion of “reconciliation” in the truth commission, the aim was not to allow reconciliation to confront the country with the demands of the gospel but to blunt the progress of radical change and transformation (*ibid*:9).

### **1.3 Background to the problem statement**

It is imperative to point out that numerous studies and scholars (e.g. Tatum 2003) are unanimous in illustrating that the past socialization of Black people in particular is a direct result of some of the many social challenges with which this group is faced (Tatum 2003). This research is focused essentially on this group of people but will indicate how its current challenges relate to its past. This study will show particularly how Black people in South African need to be reconciled to themselves first and foremost in order to change the *status quo* of present-day South Africa. Talking about reconciliation here refers to the negotiated settlement which, amongst others, guaranteed the TRC commission (Maharaj 2008). This study is of the view that the reconciliation

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does not encourage people to speak truth and I dare say this whole fuss, this whole circus is doomed for failure. It is doomed for failure for obvious reasons because you cannot reconcile the dispossessors and the dispossessed, you cannot reconcile the oppressor and the oppressed...” (TRC Episode 69, Part 02 <https://www.youtube.com/watch?v=PXuZofA5wbg>).

<sup>2</sup>The idea behind the notion of the Bible being made servant to ideology was that the gospel message was de-radicalized and made for instance to give theological justification to apartheid. Although it must also be mentioned as Boesak and DeYoung (2012:10) note that ‘... the scriptures will not be ideologized, manipulated or managed to suit our political endeavors, processes or desires’.

that was attained in South Africa after particularly the proceedings of the Truth and Reconciliation Commission was cheap reconciliation (cheap reconciliation refers to reconciliation which is not centered on Restitutive justice. This reconciliation is political reconciliation because it is centered on a political compromise which is aimed at reaching political stability within the society) and did not deal with the real challenges of the lasting effects of systemic and structural racism. It is for this reason that we believe that the Chairman of the TRC (that is, Archbishop Desmond Tutu) is correct when he argues as follows (Tutu 1999:270-271):

True reconciliation exposes the awfulness, the abuse, the hurt, the truth. It could even sometimes make things worse. It is a risky undertaking, but in the end it is worthwhile, because in the end only an honest confrontation with reality can bring real healing. Superficial reconciliation can bring only superficial healing.

It is, therefore, vital to mention that this study will argue that the reconciliation that was attained in South Africa was far removed from justice (that is, Restitutive justice). For me, justice particularly has to do with the psychological and spiritual effects on the personhood of Black people. I shall argue that (Boesak & DeYoung 2012), the fact that it was merely a political solution has resulted in the many cries for economic liberation et cetera. Black people who were victims of apartheid atrocities are still victimized in that they still find themselves on the margins of society. This point was poignantly made by Stellenbosch economist Sampie Terreblanche, and it is a point that must be taken seriously in theological-discourse circles (Terreblanche 2012). Black people, it will be asserted, have become victims of the past and the present because the Truth and Reconciliation Commission took away their constitutional right to take perpetrators of the past to court in order to attain justice and not only cheap reconciliation (Mamdani 2002:33).

It will particularly become clear from this study that the apartheid system has damaged the personhood of Black people in South Africa. Reference will be made to the epochal sentiments of Steve Biko concerning the modern Black person (Biko 2004). In order to return to the position of personhood, my research will suggest ways of how Black people need to be infused with pride and dignity and also reclaim the image of God which was stolen from them by the apartheid system when it infused in them a sense of inferiority. It was under these conditions that Black South Africans were dehumanized, oppressed and exploited. And when they had internalized inferiority, the Truth and Reconciliation Commission of South Africa was established with the aim of healing South Africa. The TRC, with its noble aim of bringing together those who were once racially set apart, failed to bring humanity upon Black people in South African who, for years, had been de-humanized up to a point where they have become empty shells who accepted everything coming their way (Biko 2004). Hence, it makes sense for Biko (2004:22) to argue that “... as long as blacks are suffering from inferiority complex – a result of 300 years of deliberate oppression, denigration and derision – they will be useless as co-architects of a normal society where man is nothing else but man for his own sake”. As it will be shown in this study, the failure by the TRC was a result of a political compromise (Boesak & DeYoung 2012) reached at the Convention for a Democratic South Africa (CODESA) (Mamdani 2010). This political compromise resulted in what this study terms a cheap reconciliation. Consequently, this study argues that South Africans will only be truly reconciled when they are equal. Having stated the problem, I shall argue that a possible solution is an Economic Truth and Reconciliation Commission for South Africa which will highlight the essence of Restitutive justice<sup>3</sup> It is the

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<sup>3</sup>Randy Barnett (1980:17) notes: “A Restitutive theory of justice is a rights-based approach to criminal sanctions that views a crime as an offense by one individual against the rights of another calling for forced reparations by the criminal to the victim. This is a sharp departure from the two predominant sanctioning theories – retribution and crime prevention. Rights-based analysts have criticized this approach for fighting to include *mens rea*, or criminal

argument of this study that apartheid has been clothed with new clothes and has been preserved through structures and institutions that perpetuate racism in its current transactions.

As it will be shown in the course of this study, the Truth and Reconciliation Commission of South Africa was set up to heal the wounded South-African nation (Maluleke 1997:324–343). The TRC was tasked with investigating gross crimes against humanity which were committed under the apartheid regime (Mamdani 2002). The TRC was a court-like institution where victims and perpetrators were called either to testify or to hear what happened to their families or friends and community members. The process was aimed at healing the people of South Africa, and this was going to be done through the following: Victims who agreed to the TRC guidelines would give up the right after the TRC proceedings to take the perpetrator(s) to court, and perpetrators who told the truth would be given a blanket amnesty. This study found that victims of the gross crimes against humanity were actually robbed of what was due to them, that is, justice. Furthermore, after they have been robbed of what was due to them, they were also robbed of the right to take the perpetrators to court. In contrast, the perpetrators received blanket amnesty (group forgiveness) (Du Bois-Pedain 2007). It is for this reason that Jeremiah 6:14 says: “They act as if my people’s wounds were only scratches. ‘All is well,’ they say, when all is not well.”

The above scripture attest to the fact that, in the context of Israel as in the context of South Africa, wounds which were deep were treated as scratches. In the context of South Africa,

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intent into the calculation of sanctions, thereby ignoring the traditional distinction between crime and tort. Such a distinction is problematic, however, since punishment for an evil mind cannot be made compatible with a coherent individual rights framework. To do so would require the existence of a right to certain thoughts of others, a morally and theoretically objectionable position. To understand the argument for a restitutive remedy for rights violations one must posit what a crime is: an unjust redistribution of entitlements by force that requires for its rectification a redistribution of entitlements by force if necessary from the offender to the victim. Certain common objections to such an approach are considered, including the difficulty of measuring damages, the impossibility of reparation and the problem of criminal attempts”.

wounds which had terrible psychological, spiritual, economical and physical impact were treated as scratches, meaning that they were not taken seriously during the TRC proceedings. It is for this reason that this study will argue that reconciliation and justice (Boesak 2008) which were two important cardinal points of the Truth and Reconciliation Commission in South Africa became two separate entities during and after the proceedings of the TRC. The commission, which had been formed after a long history of oppression, exploitation and enslavement which affected communities and individuals (Terreblanche 2002), was aimed at healing broken relationships. Whilst this commission understood and acknowledged that apartheid (Smith 2979) was a crime against humanity, they further contributed to the pain of the victims of the gross crimes against humanity. They opened up the wounds of the victims and at the same time stripped them of justice and also took away their constitutional right to take the perpetrators to court (Mamdani 2002). Hence the critique of this study is that the reconciliation which was attained through the proceedings of the TRC was a cheap reconciliation which was not centered on justice (that is, Restitutive justice) (Volf 1996). This criticism is held by many scholars, amongst them the likes of Allan Boesak, Tinyiko Maluleke, Mahmood Mamdani and Sampie Terreblanche.

As will be shown in the course of this study, it is important to point out that the Truth and Reconciliation Commission was deeply influenced by the Convention for Democratic South Africa (CODESA) (Ottoway 1993). This was a convention to end apartheid in South Africa and lay a foundation for a transition from apartheid to a democratic South Africa (Alexander 2002). This convention was between the governing NP and the ANC, including all other political parties in South Africa. The consensus that was reached in these negotiations had a great influence upon

the TRC that was set up after the CODESA negotiations. The TRC was set up after the CODESA (Convention for Democratic South Africa) had reached a political compromise for a transition from apartheid to democracy in South Africa.

It is for this reason, then, that this study will argue that the Truth and Reconciliation Commission in South Africa was unsuccessful in defining who was the victim and who was the perpetrator of gross crimes against humanity, and it thus started on a wrong footing (Lattimer 2003). Both the victims and perpetrators were regarded as victims of the past, meaning victims of history. The focus was moved from those who did painful things to others to perpetrators also being the victims of the past. This shift had a negative impact upon the relationship between reconciliation and justice. Because of this shift, reconciliation was divorced from restitution and justice (Boesak 2008). Both victims of gross crimes against humanity and perpetrators who were now victims of history had to be dealt with equally, meaning that they had to be treated as victims and that they thus both needed justice. Hence the final proceedings of the commission was a political compromise which is haunting South Africa to this day. It is evident that South Africa is still divided along racial and economic lines (Gibson 2004). This frustrates especially Black people because they feel that they were sold out by the system.

It is the view of this study that the TRC failed to see the impossibility of reconciling unequal people (Villa-Vicencio & Du Toit 2007). It is difficult for people who are unequal to reconcile, especially when the order of things even in present-day South Africa reminds them of the apartheid regime (Boesak 2012). For people to embrace each other, they need to be on the equal footing. This is the motivation behind the call of this research for the urgent need for an

economic TRC in South Africa in order to attain a costly reconciliation or what Boesak and DeYoung (2012) terms “radical reconciliation”. The distinction between cheap and costly reconciliation was influenced particularly by the German Lutheran pastor Dietrich Bonhoeffer who made a distinction between cheap and costly grace. These concepts are crucial for our discussion on the Truth and Reconciliation Commission in South Africa. Borrowing from the German theologian’s distinction between cheap and costly grace, this study appropriates that distinction for cheap and costly reconciliation. Bonhoeffer (1959:43-44) phrases it as follows:

Cheap grace means the justification of sin without the justification of the sinner. Grace alone does everything they say, and so everything can remain as it was before...Cheap grace is the grace we bestow on ourselves. Cheap grace is the preaching of forgiveness without requiring repentance, baptism without church discipline, Communion without confession... Cheap grace is grace without discipleship, grace without the cross, and grace without Jesus Christ; living and incarnate ... Costly grace is the gospel which must be sought again and again and again, the gift which must be asked for, the door at which a man must knock. Such grace is costly because it calls us to follow, and it is grace because it calls us to follow Jesus Christ. It is costly because it costs a man his life, and it is grace because it gives a man the only true life. It is costly because it condemns sin and grace because it justifies the sinner. Above all, it is costly because it cost God the life of his Son: “ye were bought at a price,” and what has cost God much cannot be cheap for us. Above all, it is grace because God did not reckon his Son too dear a price to pay for our life, but delivered him up for us. Costly grace is the Incarnation of God.

For the purpose of this study, cheap reconciliation is reconciliation without restitution and justice, and costly reconciliation is reconciliation which understands that, for people to be reconciled, they need to be on equal footing, hence costly reconciliation gives special attention to restitution and justice.

It is for this reason that this study will argue that reconciliation is at the heart of the Old and New Testament (Van der Walt, Human & Steyn 2005) and in the teaching of prominent reformed scholars such as Allan Boesak (Boesak & DeYoung 2012). In the Old and New Testament and in the teaching of prominent reformed scholars, reconciliation is always coupled with restitution (Doxtader 2004). The reason for this link is the realization that relationships were broken either between God and people or between people and people. Hence the need to mend those broken relationships as they have shifted from their original state. Therefore, to mend the broken relationships between White and Black South Africans, there is a need for restitution in a form of either a sacrifice or something being paid to the one who suffered or was a victim of what led to the destruction of relationships. It is for this reason that De Gruchy argues that reconciliation is a perennial test to the faith of Christians (De Gruchy 2002:258). This explains the emphasis on restitution in the Old and New Testament and in the teaching of prominent reformed theologians such as Allan Boesak.

It is for this reason that this study will attempt to show that reconciliation is liberation in the context of South Africa where Apartheid had made people slaves of segregation (Biko 2004:29). Victims of apartheid became slaves of victimization and perpetrators became slaves of victimizing, hence reconciliation is needed to liberate both the victims and the perpetrators. However, this can only be done when victims can be elevated to their original state, meaning that they need to be reconciled with their humanity. This will move them out of their status as slaves of victimization. Perpetrators can be liberated when they are brought on an equal footing with victims. In this way, victims and perpetrators can be equal and can thus reconcile. This reconciliation is costly because it requires restitution to the victim. Reconciliation in this way is

necessary, which is why Archbishop Desmond Tutu (1999) asserts that there is “... no future without forgiveness”.

## **1.4 Hypothesis**

For the possibility of reconciling the dispossessors and the dispossessed or the oppressor and the oppressed, reconciliation as a Christian concept must be allowed to remove injustice at the roots. This means that it must be allowed to address the critical questions of justice, equality and dignity which are so prominent in the biblical understanding of reconciliation. Also, it has to be allowed to confront the country with the demands of the gospel. This will dispel the notion that reconciliation can only be used to reach some political accommodation, and it will simultaneously dispel false meanings which have come to be associated with reconciliation – such as assimilation, appeasement, a passive peace, a unity without cost and maintaining power with only cosmetic changes.

## **1.5 Value of the study**

This study attempts, from a theological approach, to contribute to discussions on some of the salient lessons and challenges emerging from the South African Truth and Reconciliation Commission. This contribution will be made in a critical format. The contribution of this study must be understood against the following background: (1) the rise of resistance in Third-World countries towards authoritarian regimes, (2) the move towards democracy when capitalism was becoming global in character, (3) the fall of the Soviet Union (1989–1991), (4) the elite compromise reached at formal and informal negotiations, (5) the influence of Latin-American

truth commissions and (6) the inability or unwillingness of the TRC to uncover the truth about systemic exploitation.

As it will be shown in the course of this study, the TRC which was obviously the product of the negotiated settlement needs to be understood against the background of the global struggle of particularly Third-World countries which were resisting authoritarian regimes put in place by the West for the benefit of the West. As such, this study will point out how the West, in their attempt to keep a grip on the Third-World countries – particularly on their resources – had to recommend and promote the notion of democracy. Democracy became the only option for Third-World countries as a result of the fall of the Soviet Union. It must, however, be mentioned that the problem is not democracy but the manifestation thereof under capitalism. This is because the notion of democracy was recommended to Third-World countries when capitalism was becoming global. As such, this presented some contradictions because democracy emphasises joint interests, equality and common loyalties whilst capitalism is based on self-seeking inequality and conflicting individual and group interest. This means that a transition to democracy (especially constitutional democracy) means that the former oppressor or dispossessor will hold on to economic power. As such, the sudden interest of both the NP and the corporate sector in South Africa to a transition to democracy needs to be understood against this background. This study will argue and demonstrate how the ANC was outsmarted during the negotiations in that, at the formal negotiations, the ANC won political power whilst the NP/corporate sector in South Africa won economic power. This is mentioned to here to point out that both the elite compromise reached at the formal and informal negotiations and the influence of the Latin-American truth commissions led to the inability or unwillingness of the TRC to

uncover the truth about systemic exploitation. As such, this study will argue and demonstrate that, on the one hand, reconciliation was not added to the truth commission for the purpose of confronting the country with the demands of the gospel and, on the other hand, the TRC was set up (from its inception) for failure.

## **1.5 Methodology**

This study will largely be a theoretical study, which will be analysing various primary texts as well as secondary written material such as books and articles. This study attempts (in a form of criticism) to contribute to the discussions on some of the salient lessons and challenges emerging from the South African Truth and Reconciliation Commission, but it is also vital to mention that many sources (both primary and secondary sources) sing the praises for the work done by the South African TRC. This is mentioned here to point out that I struggled to obtain enough sources which dealt with the TRC against the backdrop of the global matrix of power. This is because most sources depart from the premise that the TRC was a unique body and was the only option out. As such, they miss the point of seeing that the sudden interest of the NP, the corporate sector in South Africa and the ANC for a transition to democracy was not accidental. It is the contention of this study (which will be pointed out in the course of this study) that the sudden promotion of democratization amongst Third-World<sup>1</sup> countries during the period 1989–

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<sup>1</sup> The usage of the term third-world countries in this study, follows Dussel's notion of geo-politics of space. Under this notion- that is Geo-politics of space Dussel argues that, the world has been divided into two- that is, the Center which is occupied by Japan, USA, Europe, USSR etc and the Periphery which is occupied by Latin America, Arab world, black Africa, India and Southern Asia etc (1985:1-5). It is also vital to note that, this division of the world occurred under two opposing prominent systems- namely capitalism and socialism (Dussel 1985:1-5). It is thus against this backdrop that, countries in the Center using capitalism became known as the First World countries and former Communist-socialist states became known as the Second World countries. While those countries in the periphery that for long time have suffered imposition from the center became known as the Third world countries. So the usage of the term third-world countries in this study refers to those countries in the Periphery under which the center countries have imposed themselves through colonization and eventually democracy under capitalism.

1990 was a calculated move from the side of the West. This notion of democracy was promoted to help the West to keep control of its former colonies. Prior to the period of 1989–1990, there was a growing resistance from Third-World countries against the authoritarian regimes of the West and as such, this resistance was a threat to the powers that were – that is, the West. Thus, as a result of the fall of the Soviet Union and the victory of democracy over socialism, democracy became the only

option available to Third-World countries. This notion was promoted at the same time when capitalism became global in nature. As such, the contradiction of moving from authoritarianism to democracy meant that whilst democracy emphasizes joint interests, equality and common loyalties, capitalism is based on self-seeking inequality and conflicting individual and group interest (Terreblanche 2002). A transition to democracy (especially constitutional democracy) would mean that the former oppressor or dispossessor will hold on to economic power. As such, this study point out that it is against this backdrop that the sudden interest from the NP and the corporate sector in South Africa to favour a transition to democracy needs to be understood. This is because the fall of the Soviet Union meant victory to the West, but it meant loss to Third-World countries. The

fall of the Soviet Union left the ANC in disarray.<sup>4</sup> As such, they were forced to depend upon their oppressor for solutions. It is thus against this backdrop that the TRC was born. Hence this study will point out how the TRC was compromised and prepared for failure from its inception.

## **1.6 Outline of the study**

Chapter 1 of this study sets out the parameters of the research. It looks into the problem statement which has led to this study, namely that it is impossible to reconcile the dispossessors and the dispossessed or the oppressor and the oppressed in the way the TRC tried to do. This is because, as is shown in the course of this study, reconciliation as a Christian concept attempts to remove injustice at the root and addresses questions of justice, equality and dignity. As such, what the TRC did – using reconciliation merely to reach some political accommodation – was

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<sup>4</sup>As a result, for instance, of the close ties between the Soviet Union and the liberation movements of the Third-World countries in general and with the ANC in particular, the fall of communism left these movements in disarray. This is because their economic policies and system of governance was heavily influenced by socialism as espoused by the Soviet Union. As such, the fall of the Soviet Union meant that socialism had failed, and as such, democracy was the only option left. This left the ANC in particular in a vulnerable position because they had no other policies

except those aligned to socialism, and as a result, they had to depend upon the NP and the corporate sector in South Africa for policy direction.

not reconciliation but a mere political arrangement which favours the rich and powerful but deprives the powerless of justice and dignity. This chapter touches on two notions, namely political pietism and Christian quietism. These two notions must be understood against the background of the following: (1) the rise of resistance in Third-World countries against authoritarian regimes, (2) the move towards democracy when capitalism was becoming global in character, (3) the fall of the Soviet Union (1989–1991), (4) the elite compromise reached at the formal and informal negotiations, (5) the influence of Latin-American and African truth commissions and (6) the inability or unwillingness of the TRC to uncover the truth about systemic exploitation.

Chapter 2 of this study deals with the “anatomy of apartheid”. It points out that apartheid needs to be understood in its relationship to colonization. I approach this analysis from a theological background and acknowledge the many contributions on this subject from other fields. It is pointed out in the course of this chapter that it was the whole purpose of colonization and later the apartheid system to distort the “being” of both Black people and White people in South Africa. This is based on the idea that “being”, that is, the entity which encompasses features of reality and existence, in South Africa has been distorted through the ontology of domination. This ontology has divided the world into two, namely between the center (which is occupied by Europeans) and the periphery (which is occupied by Non-Europeans). This ontological division resulted, on the one hand, in the center imposing itself on the periphery, and on the other hand, it has resulted in the being of the center (i.e. the being of Europeans) becoming the “Being” (with a capital B; that is, the yardstick of what it means to be a Being). Throughout the process of colonization and later through the system of apartheid, the “being” of White people in South

Africans became the thesis of what it meant to be a “Being”, and in turn, Black people in South Africa became the synthesis of this being. As a result of this logic, White people in South Africa felt justified to act as guardians over Black people in South Africa. The anatomy of apartheid must be understood against this backdrop.

Chapter 3 of this study deals with the Neo-liberal transition to democracy in South Africa and focuses on compromises and a political solution for a new South Africa. This chapter looks into the notion of a negotiated transition which gave birth to the South African Truth and Reconciliation Commission and the constitutional democracy. This chapter contends that the NP and the corporate sector in South Africa (at that time) opted for the negotiations not because of their personal convictions but because of circumstances. It will be argued that the move by the NP and the corporate sector in South Africa for negotiations was a calculated move on their part. FW de Klerk and his NP entered these negotiations with the aim of safeguarding the interests, that is, the assets they have accumulated, of the White people in South Africa. These interests were later invented under the pretext of so-called minority rights. The TRC was established to avoid an international tribunal similar to that of the Nuremberg tribunal, which used a judicial approach as a solution. Special attention will be given in this chapter to a series of events that happened around the period 1989–1991, the same time as the collapse of the Soviet Union. All the events that occurred in this period were not accidental. These events include the following: the release of political prisoners (specifically the release of Nelson Mandela and the core of the leadership of the ANC), the debate about sanctions, the debate about negotiations and, specifically, the debate about the idea of shared power. The transition to democracy, especially under the capitalist system, was the only viable option for the NP and the corporate sector of

South Africa to continue to maintain their grip on the economy of South Africa. This is because the association between democracy and capitalism results in conflicting logics which boil down to privileges being maintained.

Chapter 4 of this study deals with the TRC and the ratification of the elite compromise reached at the informal and formal negotiations. It points out that the TRC ratified the elite compromises reached at both the informal and formal negotiations as a result of the following: (1) the rise of resistance in Third-World countries towards authoritarian regimes, (2) the move towards democracy when capitalism was becoming global in character, (3) the fall of the Soviet Union (1989–1991), (4) the elite compromise reached at the formal and informal negotiations, (5) the influence of Latin-American and African truth commissions and (6) the inability or unwillingness of the TRC to uncover the truth about the systemic exploitation. It is vital to note that the South-African Truth and (Reconciliation) Commission, which was initially called the Truth Commission, was formed against the background of pronouncements of the international human-rights community that “apartheid was a crime against humanity” and the negotiated settlement. This chapter contends that the TRC was established, on the one hand, to please the international human-rights community and, on the other hand, to ratify the elite compromise reached at the informal and formal negotiations. One should note that this claim is based on how the commission accidentally and/or intentionally narrowed down a wide mandate given to it for, on the one hand, pleasing the international human-rights community and, on the other hand, pleasing the corporate sector in South Africa. It did this by obscuring the systemic character of apartheid and thus offered the corporate sector in South Africa an undeserved opportunity to

clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid.

Chapter 5 deals with the consequences of de-historicising the story of apartheid through the inability or unwillingness of the TRC to uncover the truth about systemic exploitation. This chapter points out how the TRC, as result of its inability or unwillingness of uncover the truth about systemic exploitation, lost a golden opportunity to educate the individual and corporate beneficiaries of apartheid about their direct responsibility for the disrupted social structures and abject poverty of the majority of Black people. The chapter also shows how the TRC found itself in a cul-de-sac which resulted in the dis-historicising and de-contextualising of the story of apartheid. This cul-de-sac was a result of the historical and ideological influence of the Latin-American and African truth commissions – particularly the National Commission for Truth and Reconciliation in Chile – the adoption of the tamed biblical concept of “reconciliation”, the employment of an individualistic and legalistic approach to human-rights violations and how the TRC was used to ratify the elite compromise reached at the informal and formal negotiations. This chapter shows how, as a result of the inability and/or unwillingness of the TRC to uncover the truth about the systematic exploitation of the apartheid system, the TRC dis-historicised and de-contextualised the story of apartheid.

The consequences of de-historicising and de-contextualising the story of apartheid needs to be understood against the background of three key limitations of the TRC, which also need to be understood against the affirmation of the international human-rights community that apartheid was a crime against humanity. Firstly, the TRC individualized the victims of apartheid.

Secondly, by focussing on individuals and obscuring the victimization of communities, the TRC was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. Finally, the TRC extended impunity to most perpetrators of apartheid. It is thus because of these three key limitations of the TRC that it lost a golden opportunity to educate the individual and corporate beneficiaries of apartheid about their direct responsibility for the disrupted social structures and abject poverty of the majority of Black people. If the beneficiaries had been educated about their participation in racial capitalism, for instance, they would certainly have been less arrogant and possibly more compassionate and generous in understanding.

Chapter 6 entails the conclusion to the thesis.

## CHAPTER 2

# AN ANATOMY OF APARTHEID IN SOUTH AFRICA

God chose His People (volk)...and brought them out into the wilderness. There He chastised them, so that they would ask help and strength from Him, for it was necessary that the vine be pruned down to the stem so that it could bear good fruit. God, then covenanted with the chastised People, and the enemies were defeated and the trekkers inhabited the land which God had given them in this rightful manner. (Paul Kruger in Moodie 1975:26)

### 2.1 Introduction

This chapter is an attempt to contribute to the on-going discussion on reconciliation, which seeks to remove injustice at the roots, at the weeds of alienation and fragmentation. The views in this chapter are critical of how reconciliation is often used merely to reach some political accommodation and not to address the critical questions of justice, equality and dignity (Boesak & DeYoung 2012). It is also befitting to point out that two central themes, namely, political pietism and Christian quietism, forms the backdrop to this study (Boesak & DeYoung 2012). This is because it is the contention of this study that reconciliation in South Africa was used merely to reach some political accommodation which did not address the three critical questions of justice, equality and dignity. These arrangements perpetually favour the rich and powerful but deprive the powerless of justice and dignity. Hitherto, this reconciliation (that is, tamed reconciliation) is presented as if it does respond to the needs for genuine reconciliation and employs a language that sounds like the truth, but it is, in fact, deceitful, a position I call political

pietism. “Reconciliation” is also a Christian concept and as such Christian’s measure matters of reconciliation with the yardstick of the gospel and should therefore know better. However, when Christians in South Africa discovered that what was happening in South Africa through the TRC was not reconciliation, for reasons of self-protection, fear or a desire for acceptance by the powers that govern the world, they sought to accommodate this situation, to justify it, refusing to run the risk of challenge and prophetic truth telling. With these actions, they became complicit in deceitful reconciliation. As a result, they denied the demands of the gospel and refused solidarity with the powerless and oppressed. This is called Christian quietism (Boesak & DeYoung 2012).

It is thus imperative to note that the researcher approaches this analysis from a theological background and acknowledges the many contributions on this subject from other fields. It is the contention of the chapter that it was the whole purpose of colonization and later the apartheid system to distort the “being”<sup>5</sup> of both Black people and White people in South Africa. This is based on the idea that “being” (that is, the entity which encompasses features of reality and existence) in South Africa has been distorted through the ontology of domination. This ontology has divided the world into two, which is, between the center (which is occupied by Europeans) and the periphery (which is occupied by Non-Europeans). This ontological division has resulted, on the one hand, in the center imposing itself on the periphery, and on the other hand, it has resulted

on the being of the center (i.e. the being of Europeans) becoming the “Being” (with a capital B,

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<sup>5</sup>It is vital to acknowledge that the concept ‘Being’ is a broad concept which encompasses features of reality and existence (see Heidegger 2010). The concept ‘being’ is used to refer to idea of being – that is, existing in the world. As Dussel (1985:4) notes, being is the very foundation of the system. Permenides posited that being ‘is’ – that is, it cannot be added to something or outside of itself nothing ‘is’ – meaning that it is a motionless entity (see Copleston 1993). However, it must be noted that, as a result of the system which defines what ‘is’ being, anything which does not meet the criteria for what ‘is’ being then ‘is not’ being. Dussel (1985) notes that the world is divided between the center (which is occupied by Europeans or Beings) and the periphery (which is occupied by Non-Europeans or Non-

Beings), and as such, it is claimed that anything outside of the center is non-being. This is mentioned to point out the ontology of domination which decides what is being and what is not being.

that is, the yardstick of what it means to be a Being). This is mentioned here to point out that, throughout the process of colonization and later through the system of apartheid, the “being” of White people in South Africa became the thesis of what it means to be a “Being”, and in turn, Black people in South Africa became the synthesis of this being. As a result of this logic, the White people in South Africa felt justified to act as guardians for Black people in South Africa.

It is the distorting of “being” (that is, African being) that makes the conquest project successful or unsuccessful. This is because, for the notion of a “special being” to exist, there must be lesser beings in place. So the process of distorting the notion of Being include, amongst other things, the following: (1) Some must assume a position higher than others through putting in place a yardstick that will be used to affirm or deny the humanity of people. (2) Violence which is encapsulated in the notion of conquering is needed. Conquest itself is a violent phenomenon. This is because conquest as a phenomenon includes, amongst other things, the idea of subjugating the other through force (which may include manipulation). (3) The history of the other should be questioned and distorted. This includes making those in the process of being conquered loose knowledge of themselves. (4) Those who are being conquered are made to partake in their conquering. This includes, amongst other things, applying the principle of divide and rule.

This chapter will begin by invoking the idea of the ontology of domination and division of the center, which is occupied by Europeans, vis-à-vis the periphery, which is occupied by Non-Europeans. Following the Dusselian geopolitics of space, it is imperative to note that the ontology of domination developed as a result of the adage that “I conquer, therefore I am the

sovereign” (Ramosé 2003). One should thus understand the notion of the “scramble for Africa” against this backdrop. This chapter is of the view that, for one to understand the conqueror (that is, someone who has assumed a position of being human as being contrary to those who can never assume being human without the guardianship of the conqueror), one needs to understand how the conqueror assumed the position of being a conqueror. Therefore, this chapter is of the view that reason or rationality was used as a factor to determine who was human and who was not. This was largely influenced by the setting in ancient Greek society which was constituted by the following “people”: the freemen (those whose intellect can overpower their emotions), slaves (those whose intellect cannot overpower their emotions), children (whose intellect is still developing) and women (whose intellect is the same as that of slaves and children).

The logic behind this was to say that the free men must be the guardians of slaves, children and women solely because of their reasoning capacity. So reason throughout history became a determining factor in the definition of who is a human being and who is not. Therefore, those who assumed a position of being rational beings are human beings, and those who fail to assume this position are under the mercy of rational beings. This logic gave moral justification for how those who fail to assume a position of being rational beings are to be treated. The logic behind this moral justification was the following: It would not be unnatural for the freemen (those who are human beings) not to treat those who are not freemen (slaves and obviously Black people) as slaves or inferiors. Following this logic, it would mean that it would not be wrong to create an ideology such as apartheid.

The arrival of the Europeans on the shores of South Africa thus needs to be understood against this backdrop. The Dutch came from a position and with a background of people who assumed a position of being “special human beings” (those who are heirs of reason and a soul ordained by God). They thus contributed to the molding of this notion of being “special beings”, which was worsened by the pseudo reading of specialness into Calvinism and the Bible (that is, the Old Testament), which on its part gave rise to the doctrine of apartheid and everything that followed. The ideology of apartheid, which was principled on the separation of people on the basis of race and colour, thus originated against this background.

## **2.2 The ontology of domination: Center vis-à-vis periphery**

The idea of the ontology of domination needs to be understood against the Dusselian notion of geopolitics of space. This notion is based on the understanding that the world has been divided into two geopolitical spaces, that is, the center (which is occupied by Europeans or Beings) and the periphery (which is occupied by Non-Europeans or Non-beings) (Dussel 1985:1–3). This division of the world came about as a result of the context within which the conqueror was nurtured, namely the adage that “I conquer, therefore I am the sovereign” (Ramose 2003:543). It is thus against this background that Europeans assumed the status of being the “Beings” and as such felt justified in their quest to colonize those on the periphery, that is, those who are non-beings. Thus Dussel rightly notes that, as the result of the both the adage of “I conquer, therefore I am the sovereign” and the geopolitics of space, which resulted in the ontology of domination, the following question (which justified domination) arose concerning Non-Europeans: “Are the Amerindians human beings? That is, are they Europeans, therefore rational animals?” (Dussel 1985:3).

Following the ontology of domination, there was another development, namely the colonization of Africa or what Mudimbe refers to as the scramble for Africa (Mudimbe 1988:1). The “scramble for Africa” is a popular name for the invasion, occupation, colonization and annexation of African territory by European powers. The scramble for Africa is also called the partition of Africa and the conquest of Africa. The invasion, occupation, colonization and annexation of Africa in general and South Africa in particular need to be understood against the background of the Dusselian notion of geopolitics of space. The division of the world into two, the center which is occupied by Europeans and the periphery which is occupied by Non-Europeans, and the adage that “I conquer, therefore I am the sovereign” thus forms the background to colonization. These thoughts contributed to the construction of the Being of Europeans in general and Afrikaners in particular.

Amongst Europeans, the notion of “Being” (that is, the idea of existing in the world) was heavily influenced by their conviction of being “special beings” in contrast to those whom they had to conquer because of the questions hanging over the “being” human of the latter. This was obviously influenced by their long European history of being rational beings and beings whose soul had been ordained by God. This idea was based on their pseudo-understanding that those who possess reason or rationality are special beings chosen by God to be the guardians of those who unfortunately lacked the capacity to possess rationality or reason and thus lacked the soul that was ordained by God. These non-rational being therefore looked like human beings but were not human beings. This logic thus gave Europeans a moral indication (and justification) on how to treat those who lack rationality or reason and who had no soul that is ordained by God. It must be noted

that the Europeans are self-appointed heirs to the right to reason (Ramose 2005) and the right to possess a soul ordained by God (Maldonado-Torres 2007:240–270).

The thought behind this logic was mainly to render an opinion that some groups of people possess a certain special status (of being human) contrary to others (who looked like human beings but were not full human beings). This logic was mainly popular in the ancient Greek society where they had free men (those whose intellect overpowered their body or and emotions) and slaves (those whose intellect, if they had any, cannot overpower their body or and emotions). Hence the freemen in a Greek society were expected to be guardians of the slaves (who are supposedly irrational “beings”) and this meant that the freemen enjoyed special status (Sinclair 1962). Thus Aristotle once said that “... the slave is a slave by nature” (Dussel 1985:6). This must be understood against the backdrop of the ontology of domination which has resulted in the “being” of Greeks which comes from the center (vis-à-vis the periphery) and which has assumed itself as the “Being”. Thus Dussel (1985:5) notes that “[b]eing is that which is Greek, the light of Greek culture. Being extends as far as the frontiers of Hellenism. Over horizon is non-Being, uncivilization”.

One thus has to understand the logic of rationality as a distinctive factor in the definition of who was human and who was not. This distinction was based predominantly on the construction of the ancient Greek society which included the following beings: (1) free men, (2) slaves, (3) children and (4) women. Slaves, children and women were put on the same footing in terms of development stages (these stages were based on the development of rationality in beings) (Sinclair 1962). There was a possibility for children to graduate in this developmental stage in

contrast to both women and slaves who, in terms of their development, did not have in their capacity a chance to graduate through some stage in the developmental processes. Hence their status (in terms of rationality or reason) remained the same for all time. Ramose (2005:5) thus argues that the "... Aristotelian belief that man is a rational animal did not include the Africans and women for that matter".

As a result of this so-called status of being rational beings (beings who can think contrary to those who cannot think) and beings whose soul had been ordained, the free men had the right to conquer those who are irrational and who had no soul due to their wrong religious beliefs. It is for this reason that Ramose (2005:13) noted that "... since Aristotle, the finger pointed to reason as the distinctive and the decisive criterion of the definition of human being". The notion of reason or rationality as a criterion of the definition of humanity, however, has deep philosophical and religious underpinnings. Though it must be noted that Asante and Hall refer to the process which led to the enslavement of Africans which this chapter equates to conquering, they (Asante & Hall 2011) make the following argument:

The effort to influence the African – that is, to make the African a slave and to groom the house negro – had philosophical antecedents in Europe; it was something grounded in the religion and literature of a great deal of European thought. (p. 3)

It must also be noted that the idea behind reason or rationalization as the distinctive and decisive criterion of the definition of being human was based on the pseudo-idea that reason or rationalization can be universalized. This meant that sameness with regard to reason or rationalization was the definite pointer to one being a human being or not. Underlying this pseudo-universalization of reason or rationality is the idea of one human race, based on this

universalization or sameness of reason or rationality. It was, however, always understood that there would be cultural differences. The point here is to show how the pseudo-idea of the universalization or sameness of reason or rationality gave moral justification for the conquering of some by others (Ramosé 2005:13). Equally, the adage “I conquer, therefore I am the sovereign” and the Cartesian *ego cogito sum* (I think, therefore I am) underlies this kind of thinking (Maldonado-Torres 2007:240–270).

Concerning conquering, being and reason, those who have assumed a position of being the heirs of reason make it difficult for others to possess reason or rationality. This is why Gordon (2011:8) notes for instance that W.E.B du Bois argues in relation to being and reason that Negro people are always a problem because the criterion of reason or rationality renders them negatively. Gordon further notes in reference to Fanon that Negro or Black people who supposedly acquired positions of being rational beings are always rendered negatively by reason because those who are supposedly the heirs of reason always move the goalposts of reason every time a Negro or Black person comes close to being a rational being according to their standards. Concerning Fanon, Gordon (2011) writes as follows:

... if reason continues to refuse him, he faces the contradictions of reason being in a word unreasonable. If he attempts to force reason's submission, he will be subordinating reason, which would make him, in effect unreasonable. He faces, then the task of struggling with reason *reasonably*. (p. 82)

It is therefore befitting to note that reason or rationality or/and sameness in reason or rationality was used as a powerful tool to provide moral justification for conquering and using what Maldonado Torres (2007:247) calls the “non-ethics of war”. Thus Asante and Hall (2011) make a very interesting assertion when they argue the following:

... without apparent reason, blackness itself was viewed as denigration in all facets of Western Civilization. Leading European intellectuals such as Hegel and Voltaire expressed their negative opinions about Africans and blackness without critique from their peers. (p. 3)

In the same vein, Gordon (2011) notes in relationship to reason or rationality as being a tool for conquering:

The ancestors of the people who today we call Africans had no reason to think of themselves as either African or black prior to the emergence of a series of historical events that fell upon them as if out of the sky. (p. 82)

Within the pseudo-notion of sameness of reason or rationality, cultural differences were tolerated but only as far as they were not in conflict with the intent of colonization and Christianization. Whenever cultural differences indeed were in conflict with the intent of colonization and Christianization, they would be eliminated. The idea of conquering and dominating was thus based on the notions of sameness of reason or rationality. It is for this reason that Ramose (2005:13) argues that "... Christianity justified its domination and elimination of indigenous African religions by appeal to Jesus Christ's instruction: go ye and teach all nations". Christianity or the pseudo-usage of Christianity became a powerful tool for colonization which is why Ramose (2005) further asserts the following:

So it is that colonization and Christianity assumed epistemological dominance crystallizing in their unilaterally conferred, though no less questionable right to determine and define the meaning of experience, knowledge and truth on behalf of the indigenous African. (p. 13)

The pseudo-notion of sameness or universalization is also relevant with regard to the notion of reason or rationality because it is against this backdrop that all voyagers who happened to be

conquerors and who used pseudo-Christianity to give moral justification to whatever they were doing in the parts of the world they were planning to conquer. The idea behind the pseudo-notion of sameness concerning reason or rationality was either part of their ignorance or an intentional tool to be used for conquering (Ramose 2005:13). The idea of conquering is informed by the understanding that the supremacy of reason or rationality defines who is human and who is not human. In light of this then, conquerors argued that those who were supposedly irrational or lacked reason had to be under the guardianship of those who were rational or those who could reason (Sinclair 1962:66).

The mission behind the voyages that were undertaken throughout the world by colonialists, who used reason and biology under the guise of Christianization, was colonization-conquering. Their primary task was to conquer different parts of the world under the pre-text of Christianizing the whole world. The Cartesian philosophy captures this notion of conquering accurately. Rene Descartes declared that “I think, therefore I am”, of which the negative corollary is “I cannot think, therefore I am not”. The latter was one step away from the notion of “I conquer therefore I am.” The idea behind the Cartesian philosophy concerned conquering, which was based on the notion of reasoning or rationality which was the determining factor of who was human and who was not human. So according to this Cartesian philosophy, those who can think have right to conquer those who cannot think due to the questionability of their humanity (Madonaldo-Torres 2007:240–270).

Thus, reason or rationality determined who was human and who was not. In this regard, Ramose notes that difference in rationality was regarded as just mere irrationality which meant that only

one certain people exist as humans. Others look like human beings but they are not (Ramose 2005). So in their encounter with other beings in their voyages, Europeans encountered different beings. These beings looked like human beings in their appearance. Some of their actions, however, distinguished them from real human beings though they walked like human beings and though they had the same reproductive systems or desires. The distinguishing factor was that their reason or intellect appeared not to have the power to control their emotions or actions, and they had no reasoning capacity (Sinclair 1962:66).

The difference of rationality between the voyagers and the encountered thus proved to the voyagers that the beings which they encountered appeared to be human beings but they were not full human beings. Thus the notion of otherness was used to refer to them (Ramose 2005:13). It is for this reason that a novelist by the name of JM Coetzee refers to a series of disturbing depictions of racial otherness which says: “The local natives have everything in common with the dumb cattle, barring their human nature ... [*they*] are handicapped in their speech, clucking like turkey-cocks” (Stevens *et al.* 2006:205).

In the voyagers’ encounter with the beings which they declared to be other beings or in fact sub-humans, biology and spirituality played a crucial role in the affirmation or denial of the being human of the human beings. It is concerning this matter that Ramose wrote about Isaac La Peyrere, a French writer, a Calvinist and a Catholic convert who lived in the Netherlands. Ramose regards La Peyrere as one of the founders of religious racism. La Peyrere denied that those they referred to as the “other” was created by the same “God” who created the voyagers (Ramose 2005:17).

The denial of the human beingness of the “other” is based both on spirituality and rationality, hence La Peyrere (see Ramose 2005:17) argues that “... the God who created Adam and Eve could not have been and was not the creator of the Africans”. La Peyrere (*ibid*) further questions the souls of the “other” or sub-human when he argues that “... if these other creatures had any soul at all, it certainly could not be the same as that of the descendants of Adam and Eve”. Thus Ramose (*ibid*) argues that “[i]n this way not only biology but spirituality which [*sic*] affirmed the myth that “Man is a rational animal” was not spoken of the African ...” It is then important to note that the pre-Adamist doctrine of La Peyrere made the boundary between the rational and sub-human animals much more lucid (Ramose 2005:17).

It is for this reason that JM Coetzee (Stevens *et al.* 2006) further refers to a series of disturbing depictions of racial other-ness, which he phrases as follows with regard to the Khoi-San:

... their eating of unwashed intentions, their use of animal fat to smear their bodies, their habit of wrapping dried entrails around their neck ... their inability to conceive of God ... many of these items ... constitute some more obvious differences between the Hottentot and the [*West*] European. (pp. 205–206)

Therefore the idea of difference as mentioned by JM Coetzee gave the voyagers or colonisers (in the case of South Africa, Jan van Riebeeck and this crew) the moral justification to conquer as a sign of becoming the guardians of those they encountered on their conquest expeditions of Africa. This meant that people with a different rationality or reason would exist under the benevolence of those who viewed themselves as able to reason or rationalize.

## 2.3 The ontology of domination and rise of the civil religion

The colonization of Africa in general and of South Africa in particular was informed by the ontology of domination. This ontology needs to be understood against the backdrop of the notion of “space”. Dussel (1985:1–2) claims that, for the purpose of domination, the world was divided into two – a center (which is occupied by Europeans or Being) and a periphery (which is occupied by Non-Europeans). For a long time, the center, which is occupied by Europeans and Beings, has not only imposed itself on the periphery, which is occupied by Non-Europeans or non-beings, but it has also developed a logic which justifies why the center needs to impose itself on the periphery and act as guardians of those on the periphery. Colonization came to its peak through the conquering of the Being of its subjects (that is, Africans in this case). This is based on what Mudimbe refers to as the colonial structure, which embraces the physical, human and spiritual aspects of the colonizing experience (Mudimbe 1988). This colonial structure developed three complementary hypotheses and actions, namely (1) the domination of the physical space, (2) the reformation of natives’ minds and (3) the integration of local economic histories into the Western perspective (*ibid*:15). The colonization of Africa further needs to be understood within the context where conquering was nurtured, that is, under the adage that “I conquer, therefore I am the sovereign.”

It is thus against this backdrop that the notion of Being (that is, existence or being human) amongst Europeans in general and Afrikaners<sup>6</sup> in particular needs to be understood. It is as a

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<sup>6</sup>“The Europeans who immigrated to the Cape during the seventh and eighteenth centuries derived from several countries. They came primarily from the Lowlands where national boundaries were less clearly defined than elsewhere. Nonetheless these settlers shared certain characteristics. Although French and especially German were

result of the construction of this Being of Europeans in general and Afrikaners in particular, which was backed up with Calvinistic traditions, that the idea of the inferior and superior beings were further developed. This Being which resulted in the profound relationship between politics and religion (theology) in South Africa can be traced back to the influence of the Kuyperian, so-called Neo-Calvinism, Scottish evangelicalism and romantic nationalism which helped to form and strengthen the Afrikaner civil religion (Moodie 1975). This Afrikaner civil religion was an attempt by Afrikaners, who after the arrival of the Dutch at the Cape in 1652 and other groups of Europeans later merged into a group with an own identity, to establish themselves as a unique people before God, with their own civil liturgy, sacred days and leaders. The Dutch came to South Africa as colonists and then later blended into the Afrikaner people, who developed their own history, language and culture. One thing that must be noted is that the colonists who arrived in South Africa were largely shaped by their link to the European heritage and the economic situation of their respective native countries.<sup>7</sup>

It is as a result of the influence of their European heritage and their link to material forces that the colonists became a copy of their European society (a society of conquerors). They were heavily influenced by their social links which formed the cornerstone of their moral formation

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widely spoken at the early stages of settlement, Dutch was the common language. The settlers had the Christian faith in common and, while they belonged to different denominations, they were all Protestants. Lastly, they were all white ...” (Giliomee & Adam 1979:84).

<sup>7</sup>It is for this reason that Giliomee and Adam (1979:85) made the following argument: “During the first two centuries of settlement, the colonists’ sense of their identity was shaped by their European heritage (culture, ideas about race, and such) and material forces (economic conditions and demographic ratios) that reinforced each other. Generally speaking, Europeans were cultural chauvinists who looked down upon the ‘heathen’, ‘primitive’, or ‘barbarous’ indigenous people of the colonies in which they settled ... Dutch and English colonists were more ‘racist’ than their Spanish and Portuguese counterparts since they came from countries already advanced on the road of capitalism and democracy. Here society was not regarded as a complex feudal hierarchy of social ranks but mainly of two classes: the respectable burgers and the despicable poor.”

and character development. In this regard, I point to Motlhabi (2001) who said the following with regard to the role of communities in moral formation and character development:

... one who has received moral formation becomes transformed in such a way that the moral outlook, that is the moral approach to life, becomes a way of life for this person. (p. 91)<sup>8</sup>

Hence this chapter argues that the formation of the nation of Afrikaners was heavily influenced by the logic that those of European descendant are special beings who obviously had taken it upon themselves to be the heirs of reason and of a soul that was ordained by God. This formed part of the cornerstone of their formation as a people or nation as Afrikaners.

A unique cultural development of the Afrikaners that combined the Calvinist religion with the political aspirations of the White Afrikaners led to the formation of their civil religion (Moodie 1975:22-38). This civil religion which was greatly influenced by Kuyperian Neo-Calvinism, Scottish evangelicalism and romantic nationalism came to South Africa under the banner of the reformed tradition (theology) (Villa-Vicencio & De Gruchy 1985:39-51). It must be noted that the reformed tradition (theology) in South Africa played a crucial role in the promotion of the cultural development of the Afrikaners that combined the Calvinist religion with the political aspirations of White Afrikaners. This cultural development of the Afrikaners, which combined the Calvinist religion with the political aspirations of White Afrikaners, also needs to be understood against the backdrop of Europeans assuming a position of being heirs of reason or rationality and a chosen nation (that is, a nation with a soul ordained by God). The Afrikaners'

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<sup>8</sup>Therefore, their racist Being was not strange, hence Giliomee and Adam (1979:84) asserted that "... South Africa's institutionalised racism (the policies that distribute power, wealth, and privileges unequally on a racial basis) can best be understood as the product of the Afrikaners' conception of their distinct place in the social structure. They have come to regard 'group-belongingness', 'group mobilization', and the defense of the group position as positive responses that occur universally. Discrimination and prejudice are seldom justified as ends in themselves but as the inevitable consequences of the maintenance of ethnic rights and interests."

idea of separating people on the basis of race and colour needs to be understood against this background (Villa-Vicencio & De Gruchy 1985:39-51).

The pseudo-interpretation of Calvinism molded the already-existing ideas of Europeans as special beings who can rationalize and have a soul ordained by God in contrast to those whom they found along the southern coast of Africa who appeared to be irrational and thus needed Europeans (later Afrikaners) to be their guardians. This follows the same line of thought as that of the ancient Greek society, namely the idea of reason as the sole descriptive feature for the definition of who was human and who was not. So it is the pseudo-interpretation of Calvinism that strengthened the already-assumed position of Afrikaners (as Europeans) as the heirs of reasoning and thus the chosen nation. This pseudo-interpretation molded and shaped the political aspirations of the Afrikaners.

It is thus imperative to note the following with Du Toit (1983):

It was an Afrikaner deeply rooted, de-humanizing system of racial segregation based on the pseudo understanding of Calvinism. The Afrikaners conceived of themselves as a chosen and covenanted people, like the Israelites of the Old Testament. (p. 920)

The motive behind Afrikaners perceiving themselves as a chosen nation is that, after the successful bestowment of being chosen by God, they would have power over those who are supposedly not chosen by God and who are thus inferior. This would result in those who are supposedly inferior. This status is attained through being a heathen, to be reduced to a pre-ordained position of being hewers of wood and drawers of water (Williams 1991:1-7 & Lephakga 2013:380). It is thus imperative to note that the successful classification of Africans

who did not meet the requirements of being human would give Afrikaners enough moral justification for the ways in which they treated those who looked like human beings. The moral justification for the treatment of lesser beings would be given under the pretext of Afrikaners serving as guardians to those of lesser being-ness, those who cannot rationalise and those who do not possess a soul ordained by God.

The idea of Afrikaners assuming the status of being “special beings” (that is, a chosen nation) thus follows the same logic of conquering through reason and Christianity. The Afrikaners assumed this position of a chosen nation (thus special beings who must look after those who look like human beings), which needed justification through *eisegesis* (reading into, in contrast to exegesis). It is for this reason that the Afrikaners through the pseudo-reading of the Old Testament, which became like a mirror of their own lives, found the deserts and fountains, the droughts and plagues, the captivity and the exodus. Above all, they found the chosen people guided by a stern but partial Deity through the midst of the heathen to a promised land.

It was the Old Testament and the doctrines of Calvin that molded the Boer into the modern Afrikaner (Templin 1999). Thus Paul Kruger, who was the State President of the South African Republic (Transvaal), once argued as follows (Giliomee & Adam 1979):

They [*Afrikaners*] were also God’s people: He had led them from the colony as His chosen people and had given liberty, they had been tried and tempered but were also blessed if they were faithful to Him. (p. 102)

Through this reading into (eisegesis, which was heavily influenced the civil religion of the Afrikaners)<sup>9</sup> the Old Testament, one sees the influence of the European self-assumed status of being heirs of reason and a soul ordained by God, which had given them the idea of being the chosen nation which could do anything in its power to defend the notion.

In the moulding of the idea of Afrikaners as a chosen nation like Israel (which obviously involved the pseudo-reading assuming the position of being the heirs of reason and a soul ordained by God), they had to undergo some experiences<sup>10</sup> which they equated to that of the

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<sup>9</sup>The civil religion was greatly influenced by the Dutch theologian Abram Kuyper who is one of the founders of the Free University of Amsterdam. This University had great influence on the architects of apartheid in South Africa (see Villa-Vicencio & De Gruchy 1985). This Afrikaner civil religion in the South African context formed what came to be known as Neo-Calvinism. This kind of Afrikaner theology was greatly influenced by the Kuyperian theology, which emphasized God's sovereignty over all spheres of life. This Afrikaner theology was later racialized when it emphasized that God had created the White person (civilised) different from the Black person (heathen). It is for this reason that Jaap Durand (Villa-Vicencio & De Gruchy 1985:42) argued: "The ease with which Kuyper's theology was transplanted to the South African soil and was adapted to the Afrikaner's national struggle and aspirations is not surprising in view of the basic concepts of his theology and cosmology that were presented as biblical principles: the separate sphere of life (such as church, state, family) as part of the order of creation, the principle of sovereignty for each of these social spheres, and, last but not the least, the principle of diversity as a principle rooted in creation. Although Kuyper himself never mentioned the people (volk) as one of the social spheres with its own sovereignty, the idea itself was not alien to his cosmology, and therefore made it easy for the Afrikaners academics to see the people as a separate social sphere with its own structure and purpose grounded in the ordinances of God's creation. And as God willed the diversity of peoples, He preserves their identity. From here the rest follows: as apartheid theology based on the biblical principle of the diversity of peoples. Two parts of scripture (Gn 11 and Ac 17:26) could be – and were – quoted to substantiate the claim that diversity is indeed an unchanging norm, and the whole fortress of apartheid theology became impregnable from outside, let alone to anybody trying to undermine it from inside".

<sup>10</sup>As a result, through the influence of the (of the pseudo-interpretation of the) theology of Abram Kuyper and the doctrines of John Calvin (see Ross 1978), Afrikaners wanted to have a purified nation of Afrikaners who would be proud of their language, culture and religion (see De Klerk 1975). This came after the Afrikaners were forced to fight alongside the British in World War I and after the betrayal of the Afrikaners by General Hertzog when he joined General Smuts and the United Party. This betrayal is seen in the words of General Smuts after negotiating with the British said, "We are not here as an army but as a people ... Everyone represents the Afrikaner people ... They call upon us to avoid all measures which may lead to the decline and extermination of the Afrikaner people ... We commenced this struggle and continued it to this moment because we wished to maintain our independence ..." Smuts further asserted: "But we may not sacrifice the Afrikaner people for that independence. As soon as we are convinced that, humanly speaking, there is not reasonable chance to retain our independence as republics, it clearly becomes our duty to stop the struggle in order that we may not perhaps sacrifice our people and our future for a mere idea which cannot be realised" (Jemison 2003/2004:77–78). The Afrikaners were later betrayed when they were again forced to fight in the World War II against the friend of the Afrikaner cause, Adolf Hitler (see Jemison 2003/2004). This was terrible for the Afrikaners, hence they dreamed of a future republic which would be independent from the British Empire. It is for this reason that the anti-imperialist tract *Een Eeuw van Onrecht* [A century of wrong] (see Giliomee & Adam 1979:103), in stating the eagerness of the Afrikaners to dream of an independent republic which is separated from the British Empire, confirmed that "... [t]he solid white aristocracy,

Israelites. These experiences exaggerated their feelings of being “special beings” (that is, a chosen nation) that needed to do anything in their power to defend their position and status of being rational beings and people with a soul that is ordained by God.

The cultural development of the Afrikaners that combined the Calvinist religion with the political aspirations of White Afrikaners led to the eagerness of the Afrikaners to cultivate an Afrikaner culture which can be classified under the crowd psychology (Reicher 2001:182–208). Under this culture, the feelings of an individual are suppressed in favour of those of the crowd for the sole purpose of survival (this also included the idea of defending and dying for anything of/by/for the crowd). This came as a result of the feeling of the Afrikaners that the British Empire was neglecting their language, culture and religion. Thus the Afrikaners wanted a republic of their own, which would preserve the purified Afrikaners who were proud of their culture, language and religion. Hence Paul Kruger saw that “God’s people were persecuted by the Beast (the English) [*that is, the British*], who had done them injustices and had deprived them of their rights, their language, and their liberty” (Giliomee & Adam 1979:103).

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into which the Afrikaner people had developed, had been wounded by the British government. The Afrikaner would, however, persist in his struggle for liberty, and in the end, ‘Africa for the Afrikaner’ would triumph from the Zambezi to Simon’s bay” (Giliomee & Adam 1979:103). It is for this reason that the Afrikaners started their liberating journey of the Great Trek (see Templin 1999:397–417) and their wars (that is, the Anglo-Boer War I & II) for their independence from the British Empire. It is for this reason that Jemison (2003/2004:75–76) argued: “The desire of the Afrikaners for complete power in South Africa began when the British took over the Cape area in 1806, in an effort to prevent Napoleon from gaining control of the region, the introduction of another group vying for power served to awaken Afrikaner nationalism. The British who settled in the Cape in the early 19th century brought with them concepts of the 18th century Enlightenment and the pro-business liberalism of the 19th century. These ideas conflicted sharply with the conservative Calvinist ideology of the Dutch who had settled [in] South Africa beginning in the mid-17th century. As [a]the result of the anti-slavery lobby in Britain and of the efforts of Christian missionaries to end racial prejudice, the British advocated a lessening of segregation to allow some non-white to participate at least partially in the white-dominated society. Overall, the English possessed a more advanced culture and lifestyle than the Dutch living at the Cape, so the Dutch likely to be absorbed into a colonial British society as second-class citizens. Indignant about the possibility of such a fate and without sufficient skill to fend off the British, many of the Dutch Boers moved further inland to areas to the northwest of the Cape area beginning in 1835. These Afrikaners or Voortrekkers conquered the land of native tribes and established autonomous Boer republics. There, the Afrikaners began to cultivate an Afrikaner culture.”

As a result, these views in turn led to the Afrikaners to plead and later fight for an independent state from the British Empire (Smith 1990:24–60) so as to preserve themselves as a pure nation with its own language, culture and religion. It is for this reason that the idea of a chosen nation or pure nation grew amongst the Afrikaners (especially amongst right-wing supporters). Hence Mkhondo (1993) observes the following when he reports on the CODESA negotiations:

White nationalism runs deepest in the Afrikaners, who forged their identity as a nation early in the nineteenth century [*even though traces of this are seen earlier on in the history of the Afrikaners*] when they rejected British rule of the Cape Colony. They laid claim to most of the interior, defeating black tribes; these victories, they believed, were granted by God. (p. 103)

The notion of “purified Afrikaners”, which formed a central thought process for the Afrikaners, resulted in the development of separate races as they (the Afrikaners) were the chosen nation. This kind of thinking developed apartheid theology which was translated into apartheid ideology. The ideology was later adopted as the political ideology of the Nationalist Party after the election of 1948. This ideology was supported with the teachings of John Calvin as interpreted by Abram Kuyper (Villa-Vicencio 1985) and the teachings of the covenant theology (Elazar 1980) as interpreted from the Old Testament. It is for this reason that Williams (1991:1-7), in distinguishing between the European Calvinism which became liberalized during the Enlightenment and the Afrikaner Calvinism which predominantly laid emphasis on the Old Testament, argued that “[i]n many instances, the Bible was the only book owned by the Boer settlers, so its influence was paramount ...”<sup>11</sup>

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<sup>11</sup>William (1991:n.p.) asserts that “... [*because of the influence of the Old Testament*] Afrikaner theology and society became very legalistic and harsh because of their emphasis on the Old Testament’s codes of behaviour such as the

widely-known Biblical statement ‘an eye for an eye and tooth for a tooth’. Thus, the Afrikaners began to identify with the Israelites of old.”

These sentiments by Williams are also shared by Manavhela (2009), who crushes the notion of Afrikaners replacing the Old Israel, when he made the following argument:

The Bible speaks of Israel as a special chosen people of God. They are God's people in a distinct and specific way. Israel's identity occurs with relation to calling, land, origin, history and religion. Christians throughout history are inclined to claim the Old Testament text for themselves. (p.1-7)<sup>12</sup>

The pseudo interpretation of the doctrines of John Calvin as interpreted by Abram Kuyper and the theologized politics in South Africa had a terrible impact upon the people of South Africa (both White and Black). It resulted in the inception of the ideology of a "chosen nation" amongst the White Afrikaners. Afrikaners saw themselves as the chosen nation who are civilized and who have conquered South Africa through blood, sweat and tears. They came to see themselves as the Israelites who were chosen to conquer and lead as God was with them. This ideology of a "chosen nation" was obviously internalized in the minds of the Afrikaner people (Williams 1991)

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<sup>12</sup>Manavhela (2009:n.p.) further asserted that "Whenever there is some struggle, the 'Israel Story' seems to be a consolation. The 'Israel Story' is likely put into the context to make pieces fit, hence the Old Testament texts about Israel is contextualized. The shift is created from 'Israel Story' to a church through to a specific nation or group of people. Whenever the nation is at struggle, should they win, their victory is considered as a gift from God. Likewise, the Afrikaner people developed their Christian heritage. They, for that matter had engaged themselves in the exodus to the new land, the Promised Land. Therefore they, like many other nations around the globe, had in mind that God was on their side when they were engaged in the Great Trek to the unknown land. They developed their national identity in the struggle for liberation. God was aligned with their victory, and thus the arguments shifted from theological arguments to political arguments. Because God was their victor, He gave them the land as well, and through this they can do what they like with the land, they can also kick the inhabitants out of the land. Because of this ideology, they made God their own God alone, and have forgotten that God of Israel has become the God of all people. The Biblical idea of the God of all nations should supersede any idea that people might have about a particular God of them own. It becomes a problem when the idea of God in the Old Testament is replaced by another context than Israel, or replaced by that particular tradition. Therefore the Afrikaners cannot claim to be the only people of God. If the God of Israel has become the God of all humankind through Christ, then there is no-one who could claim that his particular nation is God's. Therefore it is theologically wrong to claim that there is an elect ethic or social group of people on the surface of the earth. Racial separation became widely accepted in the church in South Africa in the early twentieth century. Most of the Afrikaners community felt some threats from outside and they started to believe that their own survival as a community was threatened, and the belief in racial separation was gaining acceptance among Whites in South African general. Social and spiritual survival became intertwined in

church polity; this was partly influenced by the early twentieth-century struggle between the English and Afrikaans-speaking people.”

especially when they started drawing similarities between what they went through as Afrikaners and what God's people in the Bible (that is, Old Testament) went through.

It is for this reason that one of their leaders, Dr DF Malan, once said the following in illustrating the idea of the Afrikaners as a "chosen nation" (Moodie 1975:1):

Our history is the greatest masterpiece of the centuries. We hold this nationhood as our due for it was given us by the Architect of the universe. [His] aim was the formation of a new nation among the nations of the world ... The last hundred years have witnessed a miracle behind which must lie a divine plan. Indeed, the history of the Afrikaner reveals a will and a determination which makes one feel that Afrikanerdom is not the work of men but the creation of God. (p. 1)

These sentiments by Dr DF Malan are just the result of a long process of socialization which the Afrikaners as a nation went through. They drew similarities between themselves and God's people in the Bible (that is, Old Testament), and they were also heavily influenced by Calvinism which in itself went through some changes (that is, political and social changes within the world influenced the Calvinism in which the Dutch who settled in South Africa believed (De Klerk 1975).

It is for this reason that this chapter together with different sources argue that the Old Testament and the pseudo-interpretation of Calvinism shaped and influenced the Afrikaners of South Africa. In particular, Calvin's emphasis on the sovereignty of God, the pre-eminence and authority of the Bible and the doctrine of predestination played a huge role in this regard. Due to this, the Calvinists emphasized Biblical authority, and this led the Calvinists (Afrikaners) to argue that the "... Holy Scripture(s) revealed the true nature and only nature of God". Hence Williams (1991:1-7.) argues that "[t]his attitude [*of placing final authority with the scriptures*]

toward scripture became manifest in an ultra-literal interpretation of the Bible by many early Calvinists”.<sup>13</sup> The early Dutch and French settlers of South Africa were Calvinists who believed that the Holy Bible, especially the Old Testament, revealed the one true and living God. This belief is a most important factor in understanding the Boer society and its legacy, apartheid (Williams 1991:2).

After the Afrikaners’ so-called liberating journey of independence from the British Empire (Great Trek), the idea of a “chosen nation” grew stronger and was exaggerated by the idea that they were predestined by the grace of God to be superior to the inferior black nation. The latter position was made possible through the pseudo-interpretation of Calvin’s doctrine of election. It is for this reason that the Afrikaners, as they came across native indigenous people in their liberating journey, believed that these indigenous people were inferior. Hence Lovell (1956:309) argues that “... [*the*] Calvinistic Boer found scriptural sanction in the relegation of the sons of the unfortunate Ham to servant status”. This point is taken further by Jemison (2003/2004) when she argues as follows:

Afrikaners distorted their Calvinistic beliefs to further this attitude of not only white supremacy but also of supremacy of the Afrikaner *volk* over all other groups. Because Afrikaner culture derived support from the Calvinist tradition, the religious ties of Afrikaners were a natural place to find additional support for the Afrikaner *volk*. (p. 80–81)

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<sup>13</sup>It is for this reason that Moodie (1975:2–3) clearly sketches out historically how the Afrikaners started to see themselves as a ‘chosen nation’ when he argues: “For the Afrikaners the century between the British occupation of the Cape in 1806 and the execution of Jopie Fourie in December 1914 was the period of revelation. During this era, God made known His will for the Afrikaner people. Prior to that period events were unimportant except to the extent that they delineated a scant ‘myth of origin’. Thus every Afrikaner knows that Jan van Riebeeck founded the first Dutch settlement in 1652 and that two hundred French Huguenots, fleeing religious persecution in their homeland, followed in 1688. Many Afrikaners believe also that the harsh rule of the Dutch East India Company at the Cape and the hard life on the frontier fostered a spirit of unity and independence within the pioneer settlement. So, according to their creation story, Afrikaners were Calvinists of Western European origin and a nation in their own right before the arrival of the English ... The subsequent history of this people, as interpreted by the civil religion, centers on the Great Trek. This latter forms the national epic – formal proof of God’s election of the Afrikaner people and His special destiny for them.”

The notion of Afrikaners perceiving themselves as a chosen nation is explained further by Moodie (1975) in the following argument:

They [*Afrikaners*] were followed by the British army [*after leaving the Cape Colony to the wilderness*], like that of Pharaoh, and everywhere were beset by the unbelieving black 'Canaanites'. Yet because God's people acted according to His will, He delivered them out of the hands of their enemies and gave them their freedom in the Promised Land. (p. 5)

It is for this reason then that this chapter, in line with different sources, argues that it is in the Afrikaners' pseudo-understanding of Calvinism that they (Afrikaners) conceived of themselves as a chosen and covenanted people like the Israelites of the Old Testament. Early Afrikaners presumed a divine mandate to smite heathen peoples and reduce them to their pre-ordained position as perpetual hewers of wood and drawers of water (Williams 1991:1-7 & Lephakga 2013:380). To the Boers, the Old Testament was like a mirror of their own lives. In it, they found the deserts and fountains, the droughts and plagues, the captivity and the exodus. Above all, they found the chosen people, guided by a stern but partial Deity through the midst of the heathen to a promised land. It was the Old Testament and the doctrines of Calvin that molded the Boer into the Afrikaner today (Hexam 1980:195).

It is also imperative to note that the kind of thinking which this chapter brings together under what can be termed "Afrikaner theology" resulted in the segregation of people on basis of race. This segregationist theology had a terrible impact upon black people (Maimela 1987). It resulted

in the institutionalization of the Apartheid ideology<sup>14</sup> within the Church and was then, in turn, adopted in the political sphere. This institutionalization of the apartheid ideology resulted in the formulation of the theologized politics of South Africa (De Klerk 1975) which were evidently seen after the 1948 elections when the NP came to power and officially adopted apartheid as a state policy (Lowenberg & Kaempfer 1998).

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<sup>14</sup>“South Africa is the only portion of that continent with an appreciable long-established European settlement. Unlike the European thrust into the Americas, that into southern Africa neither displaced non-Europeans nor produced large ethnic mixtures. Instead, as in New Zealand, the penetration left Europeans living alongside non-Europeans. But while New Zealand Maoris became a minority, South African Europeans remained one. From this basic population fact has flowed a historic concept recently caught up in the word ‘apartheid,’ which entered Afrikaans only in the late 1930’s. While the word can be translated as ‘apartness,’ significantly common usage does not make this apartness territorial or geographical. Instead the word connotes the entire complex of superior-subordinate relationships between Europeans and non-Europeans. The two concepts of territorial and social apartheid have competed in South Africa since Jan van Riebeeck’s wild orange hedge between colonists and Hottentots began official support of the literal, territorial type. When the colonists trampled the hedge, they initiated the rival frontier concept of social apartheid, which might also be termed frontier apartheid in that it was an attitude developed on the frontier, which pitted it against literal, territorial apartheid in a struggle with four stages. In each of them the frontier attitude identified itself more closely with Afrikaner nationalism and finally transferred to a larger South African nationalism, so that current usage of ‘apartheid’ is largely social with only slight territorial connotations. During the first stage frontier apartheid emerged and vainly sought to become official policy. Beginning with the Netherlands East India Company each regime deplored expansion with attendant expensive native wars, and also increasingly tended to view Europeans and natives as near equals. While the colony hugged the western district with its settled grain and wine growers of the Cape Peninsula and Berg River Valley, frontier attitudes were slight. Converted natives were deemed equal with Europeans, and it was in this time and place that the only appreciable racial mixing occurred to form the basis of the Cape colored peoples that henceforth in South Africa ‘colored’ meant persons of mixed ethnic strains with some white blood. With the second quarter of the eighteenth century Europeans moved into the frontier eastern district, where constant friction with natives made Europeans acutely conscious of being a minority, develop frontier, social apartheid attitudes. Frontiersmen, whether of the eastern district of South Africa or of the Dakotas, never thought highly of aboriginal ‘rights,’ particularly those to land. As they trekked eastward, Cape Boers became stockmen, who like their Wyoming counterparts demanded ‘Land, lots of land underneath the starry sky’ and refused to be ‘fenced-in’ to anything less than 6,000 acres, even while their Roman-Dutch law with its principle of male *partage* reduced individual holdings each generation. As they moved, trekkers either exterminated or drove the Bushmen into the Kalahari. But the Hottentots, unlike the Sioux, were useful as indentured labor. Trekker land and labor needs combined with typical frontier friction to produce frontier, social apartheid, for which the patriarchal, Calvinistic Boer found scriptural sanction in their legation of the sons of the unfortunate Ham to servant status. Frontier apartheid was social, connotative apartheid by its meaning ‘superior’ Europeans living among ‘inferior’ non-Europeans with overriding rights to their land and labor. The existence of slavery in the Cape was only incidental in the formation of this frontier attitude; because the great bulk of slaves, and those mostly from the East Indies, were in the settled western district. In the eastern district stockmen with few slaves but many indentured servants pressed eastward until in 1778 at the Fish River they met the Bantu invaders from the north. When trekkers named these Bantu ‘kaffirs’, ‘derived from an Arab word for inferior unbelievers, they gave notice of their intention to apply frontier apartheid to these rivals’(Lovell 1956:308–309).

Consequently, apartheid could never have been as successful as it was without the aid of theology and the church closely linked to it at its time (Smith 1979:1&De Gruchy & Villa-Vicencio 1983). It is imperative to note that the Afrikaners are descendants from Europe (mainly Western Europe) who settled at the southern tip of Africa. Hence Giliomee and Adam (1979) argue as follows:

South Africa's institutionalised racism (the policies that distribute power, wealth, and privileges unequally on a racial basis) can best be understood as the product of the Afrikaners conception of their distinct place in the social structure. (p. 84)

This in turn, as Giliomee mentioned, led to the Afrikaners regarding “group-belongingness”, group mobilization and the defense of the group position as positive responses that occur universally. As a result of the idea of “doing anything through the group and for the group”, discrimination was seldom justified as the consequence of the maintenance of ethnic rights and interests (Giliomee & Adam 1979:84).

Giliomee argues, in my view correctly, that the Afrikaners in South Africa established the notion of preserving themselves as a pure nation like Israel. So with this understanding, they started to see themselves as a chosen nation (Templin 1999), hence a strong covenant theology was developed and the pseudo-teachings of John Calvin were used to back this up (Villa-Vicencio & De Gruchy 1985). It is for this reason that Du Toit (1985) made the following argument:

Accounts of South African history and politics have been much influenced by what might be termed the Calvinist paradigm of Afrikaner history. As a model for the historical understanding of modern Afrikaner

nationalism and of the ideology of apartheid it has proved persuasive to historians and social scientist alike.

(p.209)<sup>15</sup>

These sentiments by Du Toit coincide with that of Williams (1991:1-7) who argues that “[r]acist sentiments are deeply ingrained in the minds of the ruling White people [*in South Africa*]”.<sup>16</sup>

The pseudo-interpretation of the theology of Calvin was coupled with the pseudo-interpretation of the Old Testament to prove the point that Afrikaners were a chosen nation of God who underwent difficult times (persecutions at the hands of the British in South Africa) like the Israelites in the Old Testament (Du Toit 1985:209). Hence Moodie (1975), while explaining the rise of Afrikaner Nationalism, once made the following argument:

They [*Afrikaners*] were followed by the British army [*following the Great Trek*], that of Pharaoh, and everywhere were beset by the unbelieving black ‘Canaanites’. Yet because God’s people acted according to His will, He delivered them out of the hands of their enemies and gave them freedom in the Promised Land [*that is South Africa*]. (p. 3)

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<sup>15</sup>Du Toit (1985:209) further argues that “[i]n outline, it amounts to the view that the seventeenth-century Calvinism which the Afrikaner founding fathers derived from their countries of origin became fixed in the isolated frontier conditions of *trekboer* society and survived for generations in the form of a kind of primitive Calvinism; that in the first part of the nineteenth century, this gave rise to a nascent chosen people ideology among early Afrikaners, which provided much of the motivation for, as well as the self-understanding of, that central event in Afrikaner history, the Great Trek, while simultaneously serving to legitimate the conquest and subordination of indigenous peoples; and that, mediated in this way, and authentic tradition of Afrikaner Calvinism thus constitutes the root source of modern Afrikaner nationalism and the ideology of apartheid.”

<sup>16</sup>Williams (1991) further argues: “How did these sentiments become so ingrained that a racist society resulted in South Africa? One answer to this question must rest with the social impact that religion had upon South African society, in particular, the strict Calvinistic theology of the early European settlers. These settlers came to be known as the Afrikaners or Boers. Afrikaner Calvinism, though theologically similar to European Calvinism, differed from its European counterpart in that it helped ultimately to create an ultra-conservative society. European Calvinism became much more liberalised during the Enlightenment. On the other hand, South African Calvinists were isolated and, thus, were not affected by the cross-currents of change which occurred elsewhere. Afrikaner Calvinism, therefore, matured in somewhat of a cultural vacuum. This variance difference between the two forms of Calvinism may be attributed [*at least*] to the three major factors that set Afrikaner Calvinism apart from its European counterpart. Perhaps the major factor involves the Boer people’s relative isolation from new ideas pertaining to Calvinistic theology. This was a direct result of their geographical separation from the liberalizing influences that the Enlightenment had upon the European Calvinists. The second equally important component was the long series of conflicts with the Bantu tribe [*tribes*] and other indigenous people in this region. These conflicts brought about the need for an orthodox position toward the natives who were viewed as a threat both physically and culturally. This was not the case in Europe where most people were of the Caucasian race. The last significant consideration to be discussed involves the assumption, by the Boers, that they were a chosen people of God, as opposed to the European Calvinistic belief of an individual calling from God.”

For this reason, I argue that it is with the misinterpretation of the Old Testament and the teachings of John Calvin that Afrikaners internalized this superiority complex which has turned them into slaves of superiority over other races in South Africa. It is this kind of thinking which has led to the obliterating of the image of God in Black and White South Africans. Due to the internalization of the inferiority complex, Black people started to doubt their humanity which was affirmed by God in creation (Tshaka & Mogashoa 2010:541). They started to doubt whether they had a right to possess the image of God in them. The image of God in White people in South Africa was shattered when they started to play the role of God over other races. They became gods because they determined what other races should eat, chapter, possess, occupy and deserve (Cone & Wilmore 1993:193).

It is for this reason that this chapter argues that the pseudo-interpretation Calvinism played a crucial role in the establishment of the apartheid ideology<sup>17</sup> within the South-African society and also within the Church, specifically in the reformed churches in South Africa.<sup>18</sup> It was the

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<sup>17</sup>For Maimela (1987:6), "... the Apartheid system which oppresses and denies Blacks their rights, which has become a theological problem, has its origin in the 17th century long before the Afrikaners took over the reins of government in 1948. The Afrikaners only perfected a system of racial injustice which they had inherited from the British government by merely carrying it ruthlessly to its logical conclusion with much candor."

<sup>18</sup>To strengthen or clarify this, I use the history of the Dutch Reformed Church (DRC) family as an example. If we remember the years 1857 and 1881 in the history of the DRC family, it is where apartheid started for them. At the 1857 Synod of the DRC, the question of segregation or not was dealt with and paved the way for church separation and racism in practice. The Synod of 1857 spoke with a double tongue and that indicated clearly that they could not take a clear stand on issues of Biblical principle. They said YES this and Yes the other. Their inability to take a qualified stand on the issue paved the way for church and societal apartheid. The decision of the DRC Synod reads as follows. "The Synod considers it desirable and according to the Holy Scripture that our heathen members (non-whites) be accepted and initiated into our congregations wherever it is possible; but where this measure, as result of the weakness of some, would stand in the way of promoting the work of Christ among the heathen people, then congregations set up among the heathen, or still to be set up, should enjoy their Christian privileges in a separate building or institution" (see Prozesky 1990). This decision paved the way for the "final solution" for this heathen problem with the establishment of the first racially separated church in 1881, called the Dutch Reformed Mission Church for "colored" people (DRMC – Sendingkerk). After this, the DRC would establish racially separated churches for Black people, which were called Dutch Reformed Church in Africa (DRCA), and for Indian people, called the Reformed Church in Africa (RCA). That this theology of apartheid became entrenched in the DRC

teachings and doctrines of John Calvin and the pseudo-interpretation of the Bible which molded and formulated the apartheid ideology in the church and consequently in the political sphere. The Afrikaners misinterpreted the doctrines of John Calvin, specifically the doctrine of predestination or grace. Calvinism in this context refers to the pseudo-incarnation of the “chosen people ideology” which was taken from John Calvin’s doctrine of election or predestination.

It is clear from the teachings of John Calvin that the Afrikaners misunderstood his notion of election or predestination because, for Calvin, election or predestination solely depended upon God (Moodie 1975). It is for this reason that Calvin defined this doctrine as follows (McGrath 2001):

... the eternal decree of God, by which he determined what he wished to make of every person. For he does not create everyone in the same condition, but ordains eternal life for some and eternal damnation for others. (p. 467)

In this doctrine, Calvin tries to explain that there are those who are graciously chosen or elected by God, and there are those who will not receive this grace because they do not respond to the gospel message (McGrath 2001).

It is therefore the contention of this chapter that apartheid gained prominence in South Africa with the blessing of Afrikaner churches like the DRC (Ritner 1967), and this led to the institutionalisation of apartheid in 1948. It is again with the blessing of churches like the DRC

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became clear when “Kerkbode”, the official newspaper of the DRC, wrote in its editorial in September 1948, after the NP came to power on an apartheid-policy platform: “Apartheid is a church policy”. This policy meant in South Africa white supremacy, and all the other races were inferior, and they were dealt with in an inferior manner. The result was the oppression of the Non-White people of South Africa and the privileged position of White people. Church (DRC) and state were inextricably linked in an unholy union. The state received moral and theological backing for its unjust and apartheid policies from the DRC (Prozesky 1990).

that the Nationalist government passed a series of laws which confined Black people in South Africa to not only slaves but pariahs in the land of their birth as Plaatje (2007) once said while referring to the Native Land Act of 1913.

These laws were met with resistance because it is always that case that “oppression breeds resistance” (Hales 2009), and because of this, a series of painful events happened in South Africa to show that the Nationalist government was serious in imposing apartheid. Examples of these are the Sharpeville massacre of 1960, the banning of political parties, the imprisonment of political activists, the formation of the militant wings of the liberation movements in South Africa and the Soweto student uprisings of 1976, to mention but a few, which shocked the entire world. More importantly, these events showed the entire world that the Black people in South Africa had heard enough of this evil policy called “apartheid” (Hlongwane & Ndlovu 2006).

This policy of racial segregation called “apartheid” has fragmented South Africa into different South Africas (a house divided against itself) (Smith 1979:1). Others like Tshaka speak of the balkanization of South Africa (2009:155). It is for this reason that this chapter argues that Black people in South Africa were regarded as foreigners in the country of their birth after the development of the ideology of apartheid which led to the establishment of the Bantustans. These homelands were established in order for Black people to think under the separate development mentality or the inferiority complex mentality (Biko 2004:88-95).

It is the contention of this chapter that the policy of apartheid in this regard was successful in making Black people in South Africa aliens (in thinking and acting) in the country of their birth

(Biko 2004). It is for this reason that the then minister of Justice, Mr Swart (1953), once said of South Africa: “In our country we have civilized people, we have semi-civilised people and we have uncivilised people. The government ... gives each section facilities, according to the circumstances” (see Spinks 2001:15). It will be shown in this chapter how the establishment of the homelands, as per the sentiments of the then minister of justice, Mr Swart, racially divided the people of South Africa not only into different races but also into different classes as is evident from Mr Swart’s sentiments of civilised people, semi-civilised and uncivilised people.

## **2.4 The ontology of domination and the 1948 civil religion and political victory**

The ideology of Apartheid, which was based on racial segregation, was developed by the Afrikaners as a liberating strategy from British rule (Giliomee & Adam 1979). It is for this reason that Serfontein (1982) asserted the following:

In 1948 the Afrikaner was still in the last phase of this fight against British imperialism. This had taken several different forms. Early in the 20<sup>th</sup> century after the Anglo-Boer War, it was against English colonial domination with its declared policy of culturally anglicizing the Afrikaner. Later followed a political fight against the paternalism, and the spiritual and economic domination of the indigenous English language group. (pp. 7–8)

Hence the policy of apartheid was adopted by the Nationalist government to play a liberating role in the advancement (that is, economically and for social status) of White South Africans (Giliomee & Adam 1979).

The advancement of White people in South Africa was done through excluding Black people in South Africa from participating in the country's economic life and through preventing Black people in South Africa from asserting their political rights (Terreblanche 2002:3-21). Hence Van Niekerk (Department of Government Communication and Information Systems 2011/12) has put forward the following argument:

[the] government policy in the Union of South Africa did not develop in isolation, but against the backdrop of black political initiatives. Segregation and apartheid assumed their shape, in part, as a white response to African's increasing participation in the country's economic life and their assertion of political rights.<sup>19</sup>

The integration of Black people into the system has resulted in Black people in South Africa becoming a product or a social construct of the racial structure of the colonial and apartheid rule. It is for this reason that Jean-Paul Sartre (Fanon 1990), in a preface to the manuscript of Frantz Fanon's *The wretched of the earth*, put forward the following argument:

The European elite undertook to manufacture native elite. They picked out promising adolescents; they branded them, as with a red-hot iron, with the principles of western culture; they stuffed their mouths full with high-sounding phrases, grand glutinous words that stuck their teeth. After a short stay in the mother country they were sent home, white-washed. (p. 7)

The ideology of apartheid was developed over years until it was taken over as the official policy of the NP after the 1948 elections (Smith 1979). The policy of apartheid was at the heart of the governance of the NP which was successfully implemented by Hendrik Verwoerd. He thus became known as the "architect of apartheid" because he played a shaping role in the implementation of the apartheid policy from the time when he was still the minister of the native

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<sup>19</sup>Van Niekerk [please insert date and page numbers] further argues that "[d]espite the government's efforts to shore up traditionalism and retribalise them, black people became more fully integrated into the urban and industrial society of 20th-century South African than elsewhere on the continent. Educated elite of clerics, teachers, business people, journalists and professionals grew to be a major force in black politics."

affairs and later as the Prime Minister (Moodie 1975:146-174). Verwoerd implemented the policy of apartheid under the pretext of separate development (Spence 1962:3–20) or a state of being apart (Smith 1979). This policy was regarded by Verwoerd as a “policy of good neighbourliness”. Under the racial policy of apartheid, the majority of Black people in South Africa were made aliens and foreigners in the country of their birth with the aim of maintaining White supremacy and Afrikaner minority rule (Pheko 1984). Hence Sol Plaatje (2007:21) asserted with emotional sentiments when he said the following: “Awakening the morning, June 20, 1913, the South African Native found himself, not actually a slave, but a pariah in the land of his birth.” These sentiments by Sol Plaatje attest to the cruel nature of the racial policies of colonization which, after 1948, became the official policies of the NP.

These racial policies did not only turn Black people into slaves (Dooling 2007), that is, people being the property of other people, but they made Black people in South Africa outcasts and aliens in their land of birth (Plaatje 2007: 21 &Pheko 1984). All these things were done to guarantee that White people in South Africa enjoy economic, social and religious privileges. As a result, Biko (2004) argued the following concerning the South African White community:

... the white community is a community of people who sit to enjoy a privileged position that they do not deserve, are aware of this, and therefore spend their time trying to justify why they are doing so. (p. 20)

The privileged position in which the White South African community found themselves came at the expense of the Black community of South Africa. It is because of the painful ripple effects of the apartheid policy that the Black community of South Africa were stripped off their right to be full human beings in this country (Tatum 2003). They became empty shells who accepted

everything coming their way even if it meant denying their human status (Biko 2004). It is for this reason that Boesak (1984) argued as follows:

... racism [*a powerful vehicle for the dehumanisation project as witnessed in South Africa*] has brought dehumanisation, has undermined black personhood, destroyed the human-beingness of those who are called to be the children of God. It has caused those who are the image of the living God to despise themselves, for they cannot understand why it should be their blackness that calls forth such hatred, such contempt, such wanton, terrible violence. (p. 113)

It is the argument of this chapter that, for White people to enjoy the privilege position that they have at the expense of the majority of Black people in South Africa, they had to oppress Black people by isolating them (this include preventing them from participating in the economy of South Africa (Terreblanche 2002:3-21?) and de-humanizing them with the aim of having Black people dependent on White people. The process of oppressing Black people in South Africa resulted in Black people being in chains everywhere they go. Hence Fanon (2008) attest to this when he says:

Dirty nigger! Or Simply, Look, a Negro ... I came into the world imbued with the will to find a meaning in things, my spirit filled with the desire to attain to the source of the world, and then I found that I was an object in the midst of other objects. (p. 82)<sup>20</sup>

It is for this reason that this chapter argues that the ideology of apartheid has caused almost the same harm as the holocaust in Germany under the Nazi regime (Peires 2006). It caused many South Africans to be aliens in their own country and to themselves. It has fragmented the identity of the majority of the people of South Africa. White people in South Africa were brought up

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<sup>20</sup>Fanon (2008) further states that “[t]heir attention was liberation, running over my body suddenly abraded into nonbeing, endowing me once more with an agility that I had though lost, and by taking me out of this world, restoring me to it.”

under the pretext that they are a superior race which must take dominion over other races. In contrast, Black people in South Africa who are a majority were brought up under the pretext that they are inferior, less human and thus in need of White people in South Africa to survive as a people (Giliomee & Adam 1979). It is for this reason that Boesak (Cone & Wilmore 1993) argues:

The right to live in God's world as a human being is not the sole right of whites that eventually, through the kindness of whites, can be extended to "deserving" (Obsequious?) Blacks as a "special privilege"'. (p. 193)<sup>21</sup>

The logic behind this fragmentation of Black people or Black society by the apartheid policies and government was to alienate Black people from their selves and the land and thus make them dependent upon White people in South Africa for their survival. As a result, White people in South Africa have preserved for themselves privileged positions. As Biko (2004:80) argues, these positions were "... created and preserved by the use of violence and fear, but the use of these methods was in itself a result of the white's fear of the black population". The reason why White people instilled fear in the Black population through violence was to dispossess them. Biko (2004) attests to this when he argues as follows:

My premise has always been that black people should not at any stage be surprised at some of the atrocities committed by the government. This follows logically after their initial assumption that they, being a settler minority, can have the right to be supreme masters. (p.80-81)<sup>22</sup>

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<sup>21</sup>Boesak (Cone & Wilmore 1993:193) further states: "Human dignity for all is a fundamental biblical right. Nevertheless, many whites seem to think that Blacks live by the grace of whites. Whites determine who and what we must be. Whites determine what our life shall be like. Whites determine where and how we may live. Whites determine who shall be our friends. Whites determine who we may marry. Whites determine how we shall be educated. Whites determine – insofar as our children receive an education at all – what sort of education our children shall receive. Whites determine the possibilities and the boundaries of our humanity. In this process, the criterion always was and still is skin color [*sic*]: white."

The cruelty as mentioned in the quotation above has resulted in Black people losing their God-given status as full human beings. This came as a result of the cruel process of dehumanization to which Black people were subjected (Asante & Hall 2011:1-24). Hence Black people started to doubt their humanness and started seeing themselves through the eyes of White people (Du Bois 2007). It is for this reason that Fanon (2008), arguing for his context, said the following:

The Negro is comparison. There is the first truth. He is comparison: that is, he is constantly preoccupied with self-evaluation and with the ego-ideal. Whenever he comes in contact with someone else, the question of value, of merit arises. (p. 163)

Fanon further states that the Negro is always preoccupied with self-evaluation and with the ego-ideal because of alienation. Fanon states that Negroes are alienated from themselves and also from participating in the economy, and they are also alienated from the land of their birth. It is for this reason that this chapter argues that this alienation, to which I have already alluded in the paragraph above, was inherited and internalized by both White and Black people in South Africa. Under the ideology of apartheid, a new culture of community emerged within the Black community of South Africa, namely a humiliated, segregated and fragmented community of Black people. This culture destroyed Black people. It led Black people to start doubting their God-given nature as being full human beings who deserve to be treated as such (Boesak 1977:1-7 & Cone & Wilmore 1993:193-194).

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<sup>22</sup>Biko (2004) further argues: “If they could be cruel enough to cow the natives down with brutal force and install

themselves as perpetual rulers in a foreign land, then anything else they do to the same black people becomes logical in terms of the initial cruelty.”

As a result of them doubting their humanity, Black people were forced to conform to the “inferiority complex” which they were taught by the White community or which they were subjected to by the White community. Thus Biko (2004) has argued the following:

...as long as Black people are suffering from the inferiority complex – a result of 300 years of deliberate oppression, denigration and derision – they will be useless as co-architects of a normal society where man is nothing but man for his own sake. (p. 22)

It is for this reason that Fanon (2008) argues that the world (that is the world which is anti-Black) that has been created by White people always reminds the Negroes (Black people in (South) Africa) that they are inferior. Hence it was not surprising for Verwoerd (the then Minister of Native Affairs) to say the following (Morris 2004):

There is no place for [*the Bantu*] in the European community above the level of certain forms of labour ... what is the use of teaching the Bantu child mathematics when it cannot use it in practice? That is quite absurd. Education must train people in accordance with their opportunities in life, according to the sphere in which they live. (p. 165)

These words clearly show how South Africa was created by White people to exclude Black people from South Africa and instead make them mere labourers (Terreblanche 2002) who will be reminded by their context that they are inferior. This in turn creates what Fanon (2008:83) terms the real dialectic between body and the world.<sup>23</sup>

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<sup>23</sup>It is for this reason that Fanon (2008:83) said: “...the occasion arose when I had to meet the white man’s eyes. An unfamiliar weight burdened me. The real world challenged my claims. In the white world the man of color encounters difficulties in the development of his bodily schema. Consciousness of the body is solely a negating activity. It is a third-person consciousness. The body is surrounded by an atmosphere of certain uncertainty. I know that if I want to smoke, I shall have to reach out my right arm and take the pack of cigarettes lying at the other end of the table. The matches, however, are in the drawer on the left, and I shall have to lean back slightly. And all these movements are made not out of habit but out of implicit knowledge. A slow composition of *myself* as a body in the middle of a spatial and temporal world – such seems to be the schema. It does not impose itself upon me; it is, rather, a definite structuring of the self and of the world – definite because it creates a real dialectic between my body and the world.”

The dialectical tension to which Fanon refers was created by the White people (world) as a social construct to always enslave Black people (or Negroes). Biko (2004) thus argued as follows:

The white man's quest for power has led him to destroy with utter ruthlessness whatever has stood in his way. In an effort to divide the black world in terms of aspirations, the powers that be have evolved a philosophy that stratifies the black world and gives preferential treatment to certain groups. (p. 66)

Maybe Jean Jacques Rousseau (1762:14) would have applied his words to the situation of Black people in (South) Africa, had he known the context of South Africa, when he said: "Man [*black man*] is born free, and everywhere he is in chains. Many Black people in South Africa can relate to these sentiments by Jean Jacques Rousseau. This is because, in every aspect of their lives, they (Black people) are always in chains. In South Africa, all the apartheid policies were created to exclude and disadvantage Black people with the aim of economically advantaging White South Africans (Giliomee & Adam 1979).

It is for this reason that this chapter argues that the apartheid ideology has created a culture which directs power to certain people on the basis of colour, gender and race. This is the kind of thinking that many South Africans have internalized and inherited. Hence it is my conviction that apartheid could never have been as successful as it was without the aid of theology and of the church closely linked to it at its time (Smith 1979: 1 & De Gruchy & Villavicencio 1983).

## **2.5 The ontology of domination and the inculcation of the apartheid system**

The vast majority of literature on South-African history emphasizes the benefits that Black

exclusion held for the ruling White group. These benefits were entrenched with the establishment

of the dispossession project<sup>24</sup> which included, amongst other things, the land-dispossession project which was officiated with the passing of the Land Act of 1913 and the official establishment of the homelands<sup>25</sup> or Bantustans. These homelands came about as a the solution of the “native problem” (Biko 2004:89) which was based on “... the fear of black insurgence and the desire to present the world with a picture of South Africa showing whites less heavily outnumbered by non-whites than they really are” (Smith 1979:22).

Attention is given in this section to the establishment of the homelands (Bantustans) because the homelands (Bantustans) project was the final seal on the guaranteed establishment of White supremacy in South Africa. The establishment of the Homelands (Bantustans) was eventually met with excitement by a few Black people in South Africa who would benefit at the expense of the Black majority. We can already see from this the division which was caused within the Black communities, which guaranteed the rehabilitation of the social and economic status of the White minority (Fanon 1986:64).

I thus argue that the implementation of the segregation policy of the apartheid government and eventually the establishment of the Homelands (Bantustans) was a liberation project of the

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<sup>24</sup>The dispossession project as it is referred to in this chapter refers to the whole history of dispossession in South Africa. The dispossession project in South Africa was entrenched through land dispossession which was officialised with the passing of the 1913 Land Act and later sealed with a series of laws which were passed by the Nationalist government after the election victory in 1948. Amongst these laws was the law which enforced the establishment of the Bantustans.

<sup>25</sup>The “homelands” policy was designed to maintain White supremacy and strengthen the government's apartheid policy. By definition, a “Bantustan” was an area set aside for African self-government and eventual independence. Later the word Bantustan was replaced by the less offensive but inaccurate term “homeland”. Over the years, many people had abandoned their ethnic regions and made their homes elsewhere in South Africa – a factor which the government refused to take into consideration. In 1951, the first stage of the policy was implemented. Black local authorities were set up in designated areas, but these soon met with bitter opposition from the local people because the chiefs and headmen that had been selected had very little real autonomy. Furthermore, they were promptly deposed and replaced if they did not cooperate with government officials. Resistance to the system was particularly vociferous in Pondoland, the Transkei and Sekhukhuneland. In 1959, the second step was taken with the passing of the Promotion of Bantu Self-Government Act, 1959. Eight ethnically defined areas were thereby designated to be given the machinery for self-government. Once this status had been attained, it was envisaged that full independence would subsequently be granted. In 1963, the Transkei became the first homeland to achieve self-government.

Nationalist government in order to rehabilitate poor Afrikaners socially and economically and also to segregate Afrikaners as a pure nation in Africa or puritans in Africa (Fanon 1986). The establishment of the Homelands (Bantustans) was a strategic move on the side of the Afrikaners, especially for their liberation project. Simultaneously, it was the official beginning of the enslavement of the Black people in South Africa after the dispossession policies which were passed by the colonial and apartheid system. The Homelands (Bantustans) created countries within a country and in turn began a process of dislocating, dehumanising and enslaving Black people in South Africa.

The Homelands (Bantustans) created a situation where Black people in South Africa were, within moments, turned from being owners to being labourers, from being human beings to becoming beings who doubt their being human. Black people in South Africa were forced to depend on the so-called White South Africa for their survival. Due to this and the situations in the Homelands (Bantustans), Black people in South Africa were forced to internalize the inferiority complex which was preached to them by their oppressors and reaffirmed by their context.

These contexts into which Black people in South Africa were dumped instilled doubt concerning their humanity in the minds of Black people in South Africa. Whiteness and the White context(s) soon became a yardstick for true humanity in South Africa. Hence Black people in South Africa started to see themselves through the eyes of the other or as a negation of Whiteness in South Africa. For as long as Black people in South Africa are faced with the same conditions as those of the apartheid times and are still faced with the same living conditions, they will always see

themselves through the eyes of the other (Whiteness), and they will, as Biko (2004) said, “... become an empty shell which accept everything”. White people in South Africa will remain slaves of the superiority complex for as long as they are still segregated and are faced with privileges which they enjoy at the expense still of the majority of Black people in South Africa.

## **2.6 The ontology of domination and the solution to the native problem**

Following the idea of the ontology of domination and the challenge of what was termed the “native problem”, homelands were established. The establishment of the Homelands (Bantustans) was the final seal of the apartheid government’s racial segregation, but this policy of racial segregation was presented to Black people in South Africa as beneficial for their independent survival even though it is a given fact that behind this policy is the old Roman imperialist idea of “divide and rule” (Biko 2004:88). The establishment of the Homelands (Bantustans) was a guaranteed seal to the maintenance and development of a privileged position (in this case, the economic privileged position). It is for this reason that Fanon (1986:64–65), as an outsider to the South-African situation, commented that “Negrophilism and philanthropy are pejoratives in South Africa ... what is proposed is the separation of the natives from the Europeans, territorially, economically, and on the political level...”<sup>26</sup>

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<sup>26</sup>Fanon (1986:64–65) further states that the aim of Homelands was “... allowing the blacks to build their own civilisation under the guidance and the authority of the whites, but with a minimum contact between the races. It is understood that territorial reservations would be set up for the blacks and that most of them would have to live there ... economic competition would be eliminated and the groundwork would be laid for the rehabilitation of the poor whites who constitute 50 per cent of the European population.”

It is for this reason that Biko (2004), as an insider to the South-African situation, argues in disputing the point that the establishment of the Homelands (Bantustans) was beneficial for the independent survival of Black people:

Economically the blacks have been given a raw deal. Generally speaking the areas where Bantustans are located the least developed in the country, often very unsuitable either for agricultural or pastoral work. Not one of the Bantustans has access to the sea [major port – editor’s note] and in all situations mineral rights are strictly reserved for the South African government. In other words Bantustans only have rights extending to 6 feet below surface of the land. (p. 91)

The notion that the establishment of the Bantustans was beneficial or that it would have been beneficial if it was funded is absurd because no African has ever asked for self-governance before.<sup>27</sup> Therefore this chapter argues that the establishment of the Bantustans was to maintain the privileged position of White people in South Africa and White supremacy while excluding Black people in South Africa from participating in its economy (Biko 2004:91). The above quotation also challenges us to also examine the rising costs of maintaining the enjoyment of the privileged position by White people in South Africa. Biko (2004:96–97) argues that “... Whites in South Africa enjoy a privilege which they do not deserve at the expense of Blacks in South Africa”. Thus, it is a fact that the apartheid ideology was created for the advancement and the liberation of the White people in South Africa at the expense of the majority of the Black people in South Africa (Giliomee 2003:487-541). Serfontein (1982) thus argued as follows:

The experience and the struggle over nearly two centuries by the Afrikaner group to establish its right to exist as a separate *volk* and to resist both English domination and attempts to anglicize it, clearly influenced Nationalist thinking in rationalising the policy of Bantustans [*or of apartheid for that matter*]. (p. 9)

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<sup>27</sup>Hence Serfontein (1982:9) argued: “It should be noted that over the past 80 years there has been no insistence, claims, demands or campaigns by the Africans to be given ‘self-government’ or ‘independence’ on a Bantustan basis. No African political leader of any standing had asked ever asked for partition, or tribal ‘independence’, with the exception of a few tribal traditionalist chiefs and captains on the payroll of the government.”

The policy of apartheid, which came under the banner of “separate but equal” (apartness) (Smith 1979), was created to bring generational racial imbalances between the racial groups in South Africa (Terreblanche 2002), and all this was done to guarantee White supremacy in South Africa (Johnstone 1970:124-140). The reason behind the racial segregation policy of the apartheid government was to rehabilitate the social and economic status of the poor White people (Fanon 1986:64–65) at the expense of the majority of poor Black South Africans, who under the colonial and later apartheid rule always found themselves at the margins of society. It is for this reason that Boesak (De Gruchy & Villa-Vicencio 1983) argued as follows:

Apartheid means that the most important thing about a person is not that he or she is a human being created in the image of God with inalienable rights, but his or her racial identity. It means that racial identity determines, with an overwhelming intensity, every-thing in a person’s life. (p. 5)

Due to this, South Africa has become a house divided against itself (Smith 1979). This is because colonization and later apartheid has made the people of South Africa (especially Black people) slaves in their own country (Plaatje 2007). White people in South Africa have become slaves of a superiority complex and Black people in South Africa have become slaves of an inferiority complex (Kenworthy 2007). The enslavement of both White and Black people in South Africa was caused by an ideology and policy of governance called “apartheid” (Smith 1979). This policy of racial governance which was enforced by the Nationalist government in South Africa after their victory in the general elections of 1948 (De Klerk 1975) can be traced back from the colonial times under the Dutch and the British before it was legislated in 1948 (Moleah 1993). Hence Serfontein (1982) argued as follows:

Apartheid was the slogan which the National Party (NP) used with devastating effect in the general election of May 1948, when in an unexpected shock victory, they unseated the United Party government of General JC Smuts. (p. 7)

## **2.7 The ontology of domination and socialization**

The *habeas corpus*, which is an ancient common-law prerogative writ, formed the foundation stone of legal institutions and legal systems of countries which were regarded as being civilised (Smith 1979). This law was simple and fundamental to American and all other systems of jurisprudence derived from English common law. The law of *habeas corpus* declares that “... anyone, no matter what rank, holding another person in custody has to produce that person before the court” (Smith 1979:5). This law declared the equality of people in spite of their race, culture, gender and religion. This is why a basic law developed out of this *habeas corpus* which declared that “... no man be punished without fair trial, that punishment must be proportionate to the offence and that justice may not be denied, delayed, or sold to any man” (Smith 1979:5). This law is specifically mentioned here because it declares equality between people. Because of this declaration, it posed a threat to the apartheid system which was going to be adopted. Consequently, it had to be scrapped in order to give way to the apartheid ideology which later became the apartheid system of governance which embodied the principle of governance according to skin colour.

The system of governance called “apartheid” was developed and engraved in the hearts and minds of South Africans over many years through moral formation and character development. It is through internal and external influences in terms of moral formation and character

development that apartheid found its way into the hearts and minds of many South Africans. Mokgethi Motlhabi (2001) argues as follows in backing up the premise that apartheid found its way through internal and external influences which contribute to moral formation and character development:

Human actions are not independent, spontaneous happenings. As human products – that is, products of conscious, reflective beings – they tell us more about the people who performs them than about the actions themselves. (p. 89)

From the nature of actions, we are able to judge whether the actions of the performer are those of a good or bad person, whether the performer demonstrates good or bad character. To elucidate this hypothesis, Motlhabi refers to an event where a disgruntled terrorist plants a bomb in the building, and this bomb results in a deplorable death toll. Motlhabi (2001) argues in this regard:

... we do not pass judgement on the bomb or the explosion itself but on the person who planted the bomb. We call him a bad or evil person, or even mindless killer ... This is because we know that this person has an internal capacity to direct his or her own actions and, therefore, is responsible for what he or she does. (p. 89)

This reflection contradicts the moral philosophy of Immanuel Kant (1724–1804) who argued that “... moral actions consists of dutiful adherence to formal rules and has nothing to do with pursuit of personal goals” (see Campbell & Christopher 1996:1).

The reflection of moral actions as found in the philosophy of Immanuel Kant has been taken over by some contemporary moral developmentalists, for instance those who are called *formalists* (Kohlberg and Turiel) (Campbell & Christopher 1996:1). They argue that moral rules are universalisable categorical imperatives, recognizable by their formal features that pertain to

social issues. In contrast, the *altruists* (e.g. Eisenberg; *ibid*) argue that moral actions are inherently self-sacrificial, and moral actions are motivated by the desire to benefit others (*ibid*). This understanding of moral actions neglects the personal. It is for this reason that Motlhabi argues that all people have an internal capacity for directing actions and a responsibility of what they do. Such capacity and responsibility are developed through time and are derived from one's upbringing and environment, that is, from one's experience in living in community (Motlhabi 2001:89).

The experience of living in a particular community shapes and influences the internal capacity and responsibility capacity of individuals living in that particular community. Due to this capacity and responsibility, one is able to develop into a person with a particular character, who acquires certain habits and who comes to the knowledge of certain norms and values of one's community (Motlhabi 2001:89). This development, which is due to one's experience of living in a particular community, is seen clearly in Biko's (2004) expression when he says the following:

I have lived all my conscious life in the framework of institutionalized separate development. My friendship, my love, my education, my thinking and every other facet of my life have been carved and shaped within the context of separate development. (p. 29)

This character development and moral formation, which played an important role in institutionalizing the apartheid ideology in South Africa in the minds and hearts of many South Africans, created what Karl Marx refers to as the "bourgeois and proletarians" (Marx & Engels 1848:1–5). The idea here is to point out that the institutionalization of colonization and clearly the institutionalization of the apartheid ideology created racialized classes – White bourgeois who own the means of production and the proletarians who slave on for the bourgeois.

The only way in which the Apartheid system could find its way successfully into South Africa was by creating a racially divided South Africa.

White people in South Africa were trained or socialized to be a superior race, and Black people in South Africa were socialized by communities to be an inferior race. This process of training or socializing is significant in the process of moral formation. In defining moral formation, Kretzschmar (2004:144) says: “When we speak of moral formation, we mean the formation or development of moral character and conduct.” The apartheid ideology was thus socialised into communities and by communities. Hence Motlhabi (2001) says:

Individuals, accordingly, are products of their communities. Just as we are physically born by our parents, we are also born psychologically, emotionally, spiritually and rationally by our communities. (p. 92)

White communities, through the education system, demarcation of land (this refers to the creation of White South Africa and the establishment of Bantustans which were meant to be independent states for Black people), legal institutions, churches and other institutions, prepared White people to be an upper or bourgeoisie class. This process has led White people in South Africa to internalize a superiority complex. This socialization process of moral formation in White communities had one aim, namely protecting White supremacy at the expense of the majority of Black people in South Africa. Black communities, in contrast, were prepared through the education system, the demarcation of land, legal institutions, churches and other institutions to be inferior, and hence, they in turn internalized an inferiority complex. It is for this reason that Biko (2004) once argued:

The logic behind white domination is to prepare the black man for the subservient role in this country. Not so long ago this used to be freely said in parliament even about the educational system of the black people. (p. 30)<sup>28</sup>

The inferiority complex within the Black communities reinforced itself through the conditions in which Black people found themselves. Hence it was difficult for them to even imagine themselves as having outgrown what the system of apartheid taught them. Consequently, Biko argued that, due to the conditions in which Black people find themselves, they lose hope that change will ever come in South Africa. He (Biko 2004) says:

Black people under the Smuts government were oppressed but they were still men. They failed to change the system for many reasons ... But the type of black man we have today had lost his manhood. Reduced to an obliging shell, he looks with awe at the white power structure and accepts what he regards as the inevitable position. (p. 30)

Due to the process through which an inferiority complex was socialised into the Black communities, Black people were dehumanized and exploited with the aim of maintaining White supremacy in South Africa. Mason (1990) thus argues:

Once oppression has been internalized, little force is needed to keep us submissive. We harbour inside ourselves the pain and the memories, the fears and the confusions, the negative self-images and the low expectations, turning them into weapons with which to re-injure ourselves, everyday of our lives. (p. 28)

Consequently Biko (2004) makes the following argument:

Deep inside his [*black person*] anger mounts at the accumulating insult, but he vents it in the wrong direction – on his fellow man in the township, on the property of black people. (p. 30)<sup>29</sup>

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<sup>28</sup>Biko (2004:30) further states that “[i]t is still said even today, although in a much more sophisticated language. To a large extent the evil-doers have succeeded in producing at the output end of their machine a kind of black man who is man only in form. This is the extent to which the process of dehumanization has advanced.”

It is our communities that play a crucial role in socializing us into members of particular communities, people who behave in a particular manner. These communities also play an important role in moral formation. White people and Black people were socialized to be members of their communities in a particular manner. It is from these communities that they learned how to behave, and it is these communities which developed their character. It is for this reason that Motlhabi (2001:93) argues that “[h]uman communities and their institutions must be scrutinized for their moral significance because they have a bearing on the kind of people we become”. Motlhabi (*ibid*) further argues that “[w]e are what we are because of our communities and their institutions and we can only fully realise ourselves and moral capacities through these communities”.

Conners and McCormick (in Motlhabi) identify mainly two ways in which communities help in shaping of our moral development. According to them, this is affected largely through the structures and through the stories of our communities. Community structures teach us how to see, feel and think about the world around us and in this way influence our moral imagination. The stories of our communities also contribute to the moral formation of our moral imagination and existence (Motlhabi 2001:93). Community structures such as schools and churches played an important part in the implementation of the apartheid system. It is these structures that created the people we see in South Africa. South Africa is a racialized country because of these

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<sup>29</sup>Biko (2004:30–31) further states: “No longer does he trust leadership ... In the privacy of his toilet his face twists in silent condemnation of white society but brightens up in sheepish obedience as he comes out hurrying in response to his master’s impatient call. In the home-bound bus or train he joins the chorus that roundly condemns the white man but is first to praise the government in the presence of the police or his employers. His heart yearns for the comfort of white society and makes him blame himself for not having been educated enough to warrant such luxury. Celebrated achievements by whites in the field of science – which he understands only hazily – serve to make him rather convinced of the futility of resistance and to throw away any hopes that change may ever come.”

structures. In the moral-formation process, these community structures are external factors which influence and carve the character of a particular person. External factors in moral formation include the influence of others such as parents, friends and teachers.

It is imperative to note that values and virtues are transmitted or handed over by these significant people. Kretzschmar (2004:148) asserts that “[t]he process of forming moral persons is called moral socialisation”. Motlhabi (2001) quotes Berger, who writes the following on socialization:

Socialization can, of course, be described psychologically as a learning process ... Socialization, however ... is not adequately grasped by speaking of a learning process. The individual not only learns the objectivated meanings [*of society*] but identifies with and is shaped by them. He draws them into himself and makes them his meanings. He becomes not only one who possesses these meanings, but one who represents and expresses them. (p. 90–91)

Through socialization, new members of the community are taught the moral norms and values of a particular community. This process begins in childhood and is centered on the life of a family. In this regard, the way children are brought up is crucial to the process of moral formation. Hence Kretzschmar (2004) argues as follows:

The experiences of childhood, psychologists are agreed, have a profound effect on our personalities. The precise effects of childhood experiences are difficult to ascertain or to predict, but there can be little doubt that the way we grow up influences our mental, emotional and spiritual outlook on life. (p. 149–150)<sup>30</sup>

It is in the process of development where a child learns what is right and good. It also in this process of socialization that children need to be disciplined properly so that they progressively

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<sup>30</sup>Kretzschmar (2004:46) further states: “Children who grow up in homes where they experience nurturing love and are encouraged to develop their own insights and abilities are likely to have much greater emotional stability and maturity than children who are unloved and neglected. Children who are forced to attend Church and Sunday school by parents, who show no spiritual life or commitment of their own, may stop attending church soon as they can.”

learn self-discipline and self-regulation. In the context of South Africa, however, where colonization and the apartheid system described all African wisdom and practices as evil, the socialization process was disturbed. More importantly due to the conditions in which Black people found themselves, their developmental experience were tormented, either by the forced removals, state of emergency incidents or other gross crimes against humanity of which Black people were victims (Biko 2004).<sup>31</sup>

For Black people, socialisation was disturbed because the conditions in which they found themselves propelled them to internalize the inferiority complex which was reinforced by their poor conditions. This in turn resulted in Black people dreaming of becoming White and thus trying by all means to flee from being Black. It is in the influence of parents, friends and teachers that children in the Black communities developed the attitude of self-hatred. The internalization of the inferiority complex, which came about as a result of the process of socialization which initiated Black people into communities with immense poverty, exploitation and dehumanization, resulted in at least four things: (1) learning, (2) identification, (3) representation and (4) manifestation.

Through the process of moral formation (giving special attention to socialization), Black people in South Africa were trained in such a way that they started to identify themselves with the

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<sup>31</sup>It is for this reason that Biko (2004:31–32) argues as follows: “One writer makes the point that in an effort to destroy completely the structures that had built up in the African society and to impose their imperialism with an unnerving totality the colonialists were not satisfied merely with holding a people in their grip and emptying the Native’s brain of all form and content, they turned to the past of the oppressed people and distorted, disfigured and destroyed it. No longer was reference made to African culture, it became barbarism. Africa was the Dark Continent. Religious practices and customs were referred to as superstition. The history of African society was reduced to tribal battles and internecine wars. There was no conscious migration by the people from one place of abode to another. No, it was always one tyrant who wanted to defeat the tribe not for any positive reason, but merely to wipe them out of the face of this earth. No wonder the African child learns to hate his heritage days at school. So negative is the image presented to him that he tends to find solace only in close identification with the white society.”

conditions of their communities. In turn, they represented those conditions, and as a result, they regarded those conditions as a normal way of life. They were faced with impoverished conditions. They were made aliens who once belonged in South Africa and were now foreigners belonging to the Bantustans. These conditions became a way of life for them, and they in turn represented and manifested those conditions. They became inferior, as suggested by their living conditions. It is for this reason that Motlhabi (2001) argues regarding moral formation:

One who has received moral formation becomes transformed in such a way that the moral outlook, that is the moral approach to life, becomes a way of life for this person. It becomes part of one, part of one's character, which means simply part of one's normal way of behaviour. (p. 91)

Due to the internalized inferiority complex within Black communities, new communities that were broken, confused, victimized, hopeless and self-hating emerged in Black society. As a result Biko (2004:31) uttered these words: "All in all black man has become a shell, a shadow of man, completely defeated, drowning in his own misery, slave, an ox bearing yoke of oppression with sheepish timidity." It is as a result of this that Black people started to lose hope that things will ever change in their lives, and thus, they started to doubt their humanness and only saw themselves through the eyes of White people who had inflicted the inferiority complex upon them. A true human being, in their eyes and mind, was a White person, and hence, they sought to be White (Fanon 1986). This has in turn resulted in Black people having a fragmented consciousness or what W.E.B Du Bois calls "double-consciousness". It is for this reason that Du Bois (2008) writes about this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity.

The double consciousness has fragmented Black people in South Africa. It has caused them to see themselves through the eyes of White people because whiteness in South Africa became yardstick for true humanity, and thus, Black people in South Africa idolized White people. This came as result of the fact that Black people in South Africa internalizeinternalized the inferiority complex which was made worse by the conditions that reminded Black people in South Africa that they are inferior and thus had to depend on White people in South Africa for their survival. This in turn has led to Black people in South Africa being aliens to themselves and living in fear and by comparison. Fanon (1986) puts it in the following words:

The negro is comparison. There is the first truth. He is comparison: that is, he is constantly preoccupied with self-evaluation and with ego-ideal. Whenever he comes into with contact with someone else, the question of value, of merit, arises. (p. 163)

The reason for this comparison within the Black person(s) is the result of self-doubt or self-worth, which arouses as a result of the inferiority complex that development over a number of years. Black people in South Africa doubt their worth as a result of the dehumanization process which was inflicted upon them in the process of safeguarding White dominance in South Africa. Hence Fanon (1986) further argues as follows:

The question is always whether he [*black/negro*] is less intelligent than I, blacker than I, less respectable than I. Every position of one's own, every effort at security is based on relations of dependence, with the diminution of the other. It is the wreckage of what surrounds me that provides the foundation for my virility. (p. 163–164)

Due to this fragmentation of consciousness, any hope for change or resistance against oppression by Black people in South Africa became futile because the double consciousness led to a struggle with a double aim. On the one hand, Black people in South Africa wanted to be Black,

and on the other hand, they were dependent on White people in South Africa for their survival or for the affirmation of their humanity in relationship to White South Africans. This was the struggle within Black people in South Africa. Du Bois (2008) argues as follows regarding this double-aimed struggle within Black people or Negroes:

The double-aimed struggle of the black artisan – on the one hand to escape white contempt for a nation of mere hewers of wood and drawers of water, and on the other hand to plough and nail and dig for a poverty-stricken horde – could only result in making him a poor craftsman, for he had but half a heart in either cause. (p. 13)

Another way in which communities help with the shaping of our moral development is through stories. These stories contribute to the formation of our moral imagination and existence. Motlhabi (2001:93) argues that these stories “... shape our moral consciousness and offer lessons about virtues and right actions”. The stories are community stories which are based on the experience of the members of a particular community (Black community in this instance). Stories in the Black communities are deeply embedded in songs which tell the story of an event that happened in the community. In the Black communities, even names are given after events. Hence, there were songs like the following:

Sobashiy’abazal’ekhaya	Our parents we will leave behind
Siphuma sangena kwamany’amazwe	We will tread in foreign lands
Lapho kungazi khon’ubaba nomama	Where our fathers and mothers never stepped
Silwel’inkululeko	Chasing the freedom dream
Sithi salani	We bid you well
Salan’ekhaya	We bid you well
Salan’ekhaya	At home stay well.

Thina sizwe	We the nation
Thina sizwe esimnyama	The Black nation
Sikhalela	We weep Sikhalela
izwe lethu	For our land
Elarojwa	Which was robbed
Elarojwa ngamabhulu	Robbed by the Boers
Mabawuyeke	They should leave
Mabawuyek'umhlaba wethu	They should leave our land alone

These songs formed part of the stories of Black communities. They brought hope and thus played an important role in the moral formation of Black people in Black communities. Some of these stories of Black communities were transmitted through radio, which played an important part during the dark days of the struggle (Riddle n.d:n.p). These community stories shaped and socialized Black people into the kind of community which was portrayed on the radio. Community stories under the apartheid regime, especially in the Black communities, were overwhelmed by police brutality towards the Black community.

The plan of using force or police brutality towards the Black community was to instill fear in the Black community, which would continue the institutionalisation of the inferiority complex within Black people, resulting in them trying to “flee from being black”. It is for this reason that Biko argues that, “[t]he philosophy behind police action in this country seems to be “harass them”! And one needs to add that they interpret the word in a very extravagant sense”.<sup>32</sup>These

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<sup>32</sup>Biko (2004:83) point to the fact that “... even young traffic policemen, people generally known for their grace, occasionally find it proper to slap adult black people. It sometimes looks obvious here that the great plan is to keep

stories which played an important part in the moral formation and character development of Black people were clouded with experiences which dehumanised and inflicted an inferiority complex upon them. These experiences, influenced by the conditions under which Black people lived, were worsened by utterances on Black conditions (conditions in which Black people in South Africa found themselves) made by White politicians and ministers. As such, we can note PW Botha's 1985 speech, known as the Rubicon speech.<sup>33</sup>

These are the kind of utterances which had a great influence upon Black people and which resulted in them internalising the inferiority complex, hating their Blackness and yearning to be White because Whiteness in this case meant to be a recognised and full human being. Malcolm X (Dyson 1995) argued as follows in this regard:

When you teach a man to hate his lips, the lips that God gave him, the shape of his nose that God gave him, the texture of the hair that God gave him, the color of the skin that God gave him, you've committed the worst crime that a race of people can commit. And this is the crime you've committed ... This is how you imprisoned us. (p. 129)

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black people thoroughly intimidated and to perpetuate the 'super race' image of the white man, if not intellectually, at least in terms of *ere* [*sic*]. White people, working through their vanguard – the South African Police – have come to realise the truth of that golden maxim – if you cannot make a man respect you, then make him fear you.”

<sup>33</sup>“We do not pretend like other whites that we like blacks. The fact that Blacks look like human beings and act like human beings do not necessarily make them sensible human beings. Hedgehogs are not porcupines and lizards are not crocodiles simply because they look alike. If God wanted us to be equal to the blacks, He would have created us all of a uniform color and intellect. But he created us differently: Whites, Blacks, Yellow, Rulers and the ruled. Intellectually, we are superior to the blacks; that has been proven beyond any reasonable doubt over the years ... [*Botha went on to say*] By now every one of us has seen it practically that the Black people cannot rule themselves. Give them guns and they will kill each other. They are good in nothing else but making noise, dancing, marrying many wives and indulging in sex. Let us all accept that the Black man is the symbol of poverty, mental inferiority, laziness and emotional incompetence” (Sunday Times 18 August 1985)

The internal oppression did not only allow Black people to imbibe a second-class citizenship given to them by White structures, but it created essential distrust within and amongst Black people themselves. It was the likes of Willie Lynch who capitalized on this.<sup>34</sup>

The results of this divide-and-rule policy described by Willie Lynch and later used by the apartheid system resulted in what Frantz Fanon(1986:42–43) asserted as follows:“... the negro is enslaved by his inferiority ... and thus negroes have self-hate; they are constantly trying to run away from their own individuality and to annihilate their presence.” Fanon (see Forsythe 1973:161) went on to say that “... the black man is insulted and feels insignificant.” And Forsythe (1973:161) asserts that “... the natives are dehumanized, and thus they are anxious, insecure, devalued, abandoned, hypersensitive, and feel worthless. This neurotic behaviour in turn fosters intra-group rivalries among the blacks – “false consciousness”.

## 2.8 Conclusion

In this chapter, I argued that the “scramble for Africa”, that is, the invasion, occupation, colonization and annexation of African territories by European powers needs to be understood

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<sup>34</sup>Lynch asserted as follows with regard to the making of slaves: “Take this simple little list of differences and think about them. On top of my list is ‘age’ but it’s there only because it starts with an ‘A’. The second is ‘COLOR’ or shade, there is intelligence, size of plantations and status on plantations, attitude of owners, whether the slaves live in a valley, on a hill, East, West, North, South, have fine hair, course hair, or is tall or short. Now that you have a list of differences, I shall give you an outline of action, but before that, I shall assure you that distrust is stronger than trust and envy stronger than adulation, respect or admiration. The black slaves after receiving this indoctrination shall carry on and will become self refuelling and self-generating for hundreds of years, maybe thousands. Don’t forget you must pitch the old black male vs. the young black male, and the young black male the old black male. You must use the dark skin slaves vs. the light skin slaves, and the light skin slaves vs. the dark skin slaves. You must use the female vs. the male. And the male vs. the female. You must also have you white servants and overseers distrust all blacks. It is necessarily that your slaves trust and depends on us. They must love, respect and trust only us. Gentlemen, these kits are your keys to control. Use them. Have your wives and children use them, never miss an opportunity. If used intensely for one year, the slaves themselves will remain perpetually distrustful of each other”. This speech was delivered by Willie Lynch on the bank of the James River in the colony of Virginia in 1712. Lynch was a British slave owner in the West Indies.

against the backdrop of the adage that “I conquer, therefore I am the sovereign” and the ontology of domination. As it has been shown through the engagement of the Dusselian geopolitics of space, the world has been divided into two parts, namely center, which is occupied by the Europeans and Beings (with a capital B), and a periphery, which is occupied by Non-Europeans and Non-beings. Through the influence of the ontology of domination, the center has imposed itself on the periphery for a long time. As a result of the adage that “I conquer, therefore I am the sovereign”, the center felt justified to impose itself on the periphery. The center, which is occupied by Europeans and Beings, has assumed the position of being the space for rational beings and beings whose soul has been ordained by God. As a result of the center assuming the position of a space of rational Beings, the Beings in this space (Europeans) felt justified to impose themselves as guardians on the non-beings of the periphery. As a result of the ontology of domination and the rise of civil religion in South Africa, White people in South Africa (particularly Afrikaners, who are descendants of Europeans) developed the notion of a chosen nation and of South Africa as a promised land. Afrikaners who felt themselves belonging to the center further felt justified in devising the apartheid policy.

## CHAPTER 3

# THE NEO-LIBERAL TRANSITION TO DEMOCRACY IN SOUTH AFRICA: COMPROMISES AND A POLITICAL SOLUTION FOR A NEW SOUTH AFRICA?

*“Socialism has collapsed. The long historic struggle between capitalism and socialism has come to an end, and capitalism has emerged the victor.”* (Fiss 1992:908)

### 3.1 Introduction

The notion of a negotiated settlement (that is, a transition to democracy) which is investigated in this chapter has given birth to the South African Truth and Reconciliation Commission and a constitutional democracy (Rosenfeld 2001:1370). I contend that the NP and the corporate sector in South Africa (at that time) opted for the negotiations not because of personal convictions but because of circumstances (Cronin 1994:5). As such, in this chapter, I shall argue that the move by the NP and the corporate sector in South Africa for negotiations was a calculated move on their part (*ibid*).

It must be noted that the assertion made above is informed by my hypothesis that FW de Klerk and his NP entered these negotiations with the aim of safeguarding the interests (that is, the assets they have accumulated) of the White people in South Africa. These interests were later invented under the pretext of the so-called minority rights. FW de Klerk himself promised the White community that he would not sign the constitution before the minority rights were assured in the constitutional democracy (Mkhondo 1993:3-13; Terreblanche 2002:102).

It is in the nature of negotiations to have compromises, and it is also within the nature of the negotiations to come to a decision through a mutual concession. It is furthermore in the nature of the negotiations that those who prepared adequately for the negotiations always get the upper hand. Thus, the notion of a negotiated settlement needs to be invoked carefully because the negotiated transition established the Truth and Reconciliation Commission for a decorative exhibition (that is, to give the world the impression that South Africa and South Africans are moving forward). It is the contention of this chapter that the TRC was established to avoid a type of commission like the Nuremberg International Tribunal, which used a judicial approach as its solution (Mamdani 2013:33–34).

It seems that a political solution was only recommended for the victims of gross crimes against humanity on the continent of African and for descendants of the African continent in the diaspora or Third-World countries. This is based on Mamdani's (2013) assertion:

I want to suggest an alternative way of thinking of mass violence, as political rather than criminal. Rather than arguing that no one be held responsible to arrive at a new political imagination, a new state form, a more inclusive political participation. (p.1)

A political solution fits in well with the idea of “democratization”. This is because the notion of “democratization” is a strategic system for the beneficiaries of the authoritarian regimes (that is, the NP in South Africa) (Cronin 1994), which results in the freedom for perpetrators (that is, slave owners, in Lenin’s words) and nothing for the victims of gross crimes against humanity (that is, slaves, in Lenin’s words) (Lenin 1917:41). It must be added that a political solution in this regard becomes a final seal that guarantees freedom for perpetrators and nothing for victims. Freedom for the perpetrators is freedom to participate in the economy with the assets and property that was accumulated under the authoritarian regimes. Because of the freedom for perpetrators to participate in the economy with the assets that they had accumulated under the authoritarian regime, this freedom becomes a barrier for victims and thus continue to exclude them from participating in the economy of South Africa (Terreblanche 2002:25-47).

The notion of “negotiations” was the last resort that the NP used deviously to make sure its people (that is, the White community) continued to hold on to strategic sectors of the country (e.g. the corporate/economic sector). This was done while the NP was giving political power to the incoming Black government. In a capitalist system under democracy, political power and economic power become two separate entities. The NP and the corporate sector in South Africa thus took advantage of the (ideological) un-preparedness of the ANC. One cannot but note that idea of democratization and of a transition to democracy was promoted at the same time as the collapse of the Soviet Union (1989–1991), which it the time when the ANC was in ideological disarray. The disarray follows from the fact that the ANC based their policies on the notion of “socialism” and, during this time (1989–1991), socialism collapsed and “... the long, historic

struggle between capitalism and socialism had come to an end, and capitalism had emerged the victor” (Fiss 1992:908).

The following series of events which happened around the period 1989 to 1991 (that is, the same time as the collapse of the Soviet Union) were not accidental: the release of political prisoners (specifically, the release of Nelson Mandela and the core leadership of the ANC), the debate over sanctions, the debate over negotiations and specifically the debate over the idea of shared power (Mkhondo 1993; Terreblanche 2002). This is the transition to democracy, especially under the capitalist system, was the only viable option for the NP and the corporate sector of South Africa to continue to have a grip to the economy of South Africa. The association between democracy and capitalism results in conflicting logics, which boil down to privileges being maintained. Terreblanche (2002) points out the following:

... democracy is based on the equality of rights and privileges maintained and supplied by state power, while capitalism is based on the unequal distribution of property and assets and on the state guaranteed freedom of everyone to use his/her assets and property as he/she pleases within the prescription of the law.  
(p. 17)

It is no accident that the ANC and the NP and the corporate sector in South Africa became the major role players in the negotiations (that is, the informal negotiations and the formal CODESA negotiations). This is because the NP was in government and the ANC had ignited international media attention, that is, they had managed to ignite support for their sanction campaigns against the apartheid government. The ANC was the only major player convincible to the notion of democratization or of transition to democracy as a result of the collapse of the Soviet Union (1989–1991). This is because of its strong links with the Soviet Union. Parties like the Pan

Africanist Congress of Azania (PAC) could not be convinced about the notion of democratization or transition to democracy because of its links with China which was still waving the socialist banner during the period of 1989 to 1991 (Fiss 1992:908). As such, the ANC assumed the status of being the mouthpiece of the Black masses, and the NP assumed the status of being the mouthpiece of the White masses. As a result, any decision and/or compromises reached at the negotiations became a pseudo-concession of the people of South Africa (Mkhondo 2002:7-8).

Thus, the move to negotiations was a calculated move on the side of the NP and the corporate sector in South Africa. Prior the negotiations, the NP and the corporate sector in South Africa had already started making the environment conducive for capitalism, which is based on free-market system. The NP and the corporate sector in South Africa did this by starting to privatize state-owned companies or institutions (e.g. ISCOR) through selling them to private business companies and/or private business people. Private companies had started shifting money from South Africa to other countries (Mkhondo 1993:29-32; Terreblanche 2002:51-89).

While the NP and the corporate sector in South Africa was busy making the ground fertile for capitalism based on a free-market system, the economy of South Africa was going through difficult times. This is mentioned here to point out that the notion of democracy or a transition to democracy in South Africa was the last resort for the NP and the corporate sector in South Africa to come up with a new accumulation strategy for their constituency. They opted for negotiations not because of their convictions but because of circumstances (Cronin 1994). As such, it must be noted that the negotiations resulted in the NP and the corporate sector in South Africa obtaining their first prize, namely the economic power of South Africa, and the ANC getting their first

prize, namely the political power of South Africa, with a bankrupted economy which needed loans to recover (Terreblanche 2002:96-108).

It is thus important to note that the NP and the corporate sector in South Africa entered the negotiations from a position of strength. The NP had the political power whilst the corporate sector in South Africa had the economic power. Thus, the NP and the corporate sector of South Africa had bargaining power, on the one hand, and on the other hand, they strategically showed courage and willingness to reconstruct South Africa. One also has to mention that, in contrast to the NP and the corporate sector in South Africa entering the negotiations from a position of strength, the ANC entered the negotiations from a position of weakness. This is because the ANC, on the one hand, found itself in ideological and political disarray as a result of the collapse of the Soviet Union, and on the other hand, they found themselves having to accept the NP's challenge for reconstructing South Africa (Mkhondo 1993:34-43; Terreblanche 2002:51-89).

The ANC found itself in a position where it had to amend policies in order for them to fit their policies within the parameters of democracy. This is because their policies were mainly influenced by and based on socialism. Their strategy was to overthrow the authoritarian regime in South Africa through military power. As such, the collapse of the Soviet Union (1989–1991) left the ANC in disarray. This is because the collapse of the Soviet Union gave the authoritarian regime in South Africa the bargaining power to promote the idea of democratization or transition to democracy as a last available option. The bargaining power became possible because capitalism had won the long historic struggle between socialism and capitalism. As such, notions

of nationalization were not going to be viable in a democratic state. Thus the ANC had to amend their policy positions (Cronin 1994:1-6; Mkhondo 1993:3-33; Terreblanche 2002:51-89).

Thus, the ANC was outsmarted during the informal and formal negotiations. This is because the NP and the corporate sector of South Africa created different platforms (that is, informal and formal – CODESA – negotiations) for negotiating for political issues or power and economic issues or power. It means that the corporate sector in South Africa managed to shift the ideological position of the ANC and convinced it that a transition to democracy under the capitalist system was the only way out. This challenged the core position of the ANC. As such, the shift in the ideological position of the ANC was a victory for the corporate sector in South Africa. During the period of a transition to democracy (1989–1991), the accumulation strategy of the corporate sector in South Africa was failing mainly because of the sanctions campaign of the ANC. As such, the shift in the ideological position of the ANC would mean that the South African economic system would be based on a free market and little state intervention. This constituted a victory for the corporate sector.

After the corporate sector had “boxed in” the ANC in the informal negotiations, it puts pressure on the formal negotiations to reach an agreement. It thus seems that the corporate sector in South Africa outsmarted the ANC on economic matters, which resulted in the ANC adopting economic policies which continue to benefit the past beneficiaries. Furthermore, the economic policies which were agreed upon in the informal negotiations were politically sealed in the formal negotiations. As such, it is the contention of this chapter that the ANC was outsmarted in both the informal and the formal negotiations because the delays in the formal negotiations were not

accidental. It is my argument that the corporate sector in South Africa were controlling the negotiations. I argue that it is suspicious that an agreement was finally reached only after an agreement was reached in the informal negotiations when the corporate sector in South Africa obtained its first prize (economic power) while the ANC obtained its first prize (political power which does not translate to economic power).

The Truth and Reconciliation Commission in South Africa then ratified the agreement reached at both the informal and formal negotiations. I make this claim because of the failure of the TRC to execute its mandate, namely (TRC 1998):

... promoting national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights. (p. 130)

Gross violations include violations which were part of a systemic pattern of abuse (Terreblanche 2002:127). As such, the TRC failed to execute its mandate, especially that of identifying all persons, authorities, institutions and organisations which were involved in the gross violations of human rights (*ibid*).

It is no accident that, following the promotion of the notion of democratization and/or transition to democracy and the ideological shifts within the ANC, NP and corporate sector in South Africa the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, was passed. This act gave birth to the Truth and Reconciliation Commission of South Africa. This is mentioned here to point out that none of these events were accidents. It is the contention of this chapter that these occurrences – specifically the passing of the Promotion of National Unity and Reconciliation

Act, No. 34 of 1994 – strategically occurred as a final seal to the elite compromise reached at the informal and formal negotiations in order to close the chapter on apartheid and open a new chapter on a democratic South Africa.

This chapter will make the argument, namely that the Truth and Reconciliation Commission of South Africa was a final seal on the elite compromise and that the TRC ratified the agreements of the informal and formal negotiations, by looking at the following sub-sections:

(1) Neo-liberal transition: democratization as the only way out? This sub-section will look at how the notion of democratization and/or transition to democracy was promoted for Third-World countries, specifically South Africa. This sub-section will point out how the notion of democratization and/or transition to democracy was strategically promoted when capitalism was becoming global in character (Cronin 1994). Democracy under capitalism results in the maintenance of privileges because democracy under capitalism promotes conflicting logics. On the one hand, democracy emphasises joint interests, equality and common loyalties whilst, on the other hand, capitalism is based on self-seeking inequality and conflicting individual and group interests. Democracy in this regard becomes freedom for the beneficiaries of the apartheid system (Democracy 2002).

(2) Neo-liberal transition: shifts in the thinking of the ANC and NP (and the corporate sector in South Africa)? This sub-section will look at how the promotion of the notion of democratization and/or the transition to democracy at the same time as the collapse of the Soviet Union (1989–1991) had an impact on the ideological position of the ANC (Cronin 1994:1-8; Terreblanche 2002:95-124). It will become clear that the collapse of the Soviet Union (1989–1991) had a massive impact upon the bargaining power and ideological position of the ANC (Terreblanche

2002:95-124). The collapse of the Soviet Union (1989–1991) left the ANC in ideological disarray because the collapse of the Soviet Union meant that capitalism had won the long historic struggle against socialism. As such, the ANC was forced to amend its fundamental policy positions (*ibid*).

(3) Neo-liberal transition: TRC as a final seal? This sub-section will look at how the promotion of the notion of democratization and/or the transition to democracy and the ideological shifts within the thinking of the NP, the corporate sector in South Africa and the ANC led to the sudden passing of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, which gave birth to the Truth and Reconciliation Commission of South Africa (Terreblanche 2002:126). It is the contention of this chapter that the Truth and Reconciliation Commission of South Africa became a seal to the elite compromise reached at the informal and formal negotiations. This is seen in how the TRC dealt, for instance, with the corporate sector in South Africa.

### **3.2 Neo-liberal transition: Democratization as the only way out?**

The South African transition, which is of a special kind, can be seen as a neo-liberal transition to democracy.<sup>35</sup> It tries to unify the previously divided parties (that is, the oppressor and the oppressed) or to balance forces into a shared political power under a multi-party democracy. This approach to a transition from an authoritarian regime to a multi-party democracy reduces,

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<sup>35</sup>We need to note that there are different types of transitions from a regime within a country like the following: (1) A transition after regime breakdown: Here the authoritarian elite, having been thoroughly discredited and delegitimized, has virtually no control over the process of transition. (2) Transition through extrication: Here the regime manages to avoid a breakdown or collapse but for several reasons, including a lack of popular support, is compelled to retreat from its position of power. (3) Transition through transaction: Here the balance of power is in favour of the regime which is reflected in the transactions it concludes with its democratic challengers. Over time, the regime's control declines noticeably, but the authoritarian elite retain a greater capacity to shape the parameters of the political process than other types of transition (Rantete & Giliomee 1992:515).

according to Cronin (1994:3), the South African transition to “... part of a global phenomenon, the third wave of democratization – that is, the negotiated shift from authoritarian regimes to some kind of a multi-party democracy”.

The neo-liberal approach to a transition to democracy operates under a pseudo-assumption that political power comes first and that the rest shall follow automatically (Cronin 1994; Terreblanche 2002). The reason for this assumption is that the imperialist forces were working hand in hand with the authoritarian regimes to do everything in their power to deceive Third-World countries, that is, the countries that developed after the division of humanity into haves and have-nots. Consequently, this process suggests that, through democratization, those who were previously excluded will be included, and everything will fall into place. However, the notion of democratization is mainly suggested for Third-World countries because the imperialist forces<sup>36</sup> fear that authoritarian regimes will be overthrown, and as a result, these imperialist forces will lose their grip on the economy of the Third-World countries. As a result, democratization becomes the only way in which they can maintain their grip to the economy of the Third-World countries.

The notion of democracy (that is, the idea of power to the people) started as a system that replaced the aristocratic system (that is, the system which channelled power and resources to the few elites who are members of the aristocracy). The idea here is to point to the hypothesis that the notion of democracy started in a society (ancient Greek society). In the mentioned context,

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<sup>36</sup>References to imperial forces in this chapter refer to former colonialists or colonial countries which had expanded their territories to other countries which later became their colony. These countries include the United Kingdom, France, Spain, Portugal, Germany, Belgium and the Netherlands. So the notion of former colonialists or colonial countries using a different strategy to maintain a grip on their colonies is named colonialism. These former colonialists or colonial countries make use of financial bodies (the IMF, the World bank etc.) and control over knowledge production, control over power and control over being.

one finds slaves and freemen (Sinclair 1962). Democracy meant, in this context, participation and freedom for slave owners only (Lenin 1917). The idea of democratization was thus recommended as an option for Third-World countries because the democratization process was going to fit in well with the continued domination of imperialists over Third-World countries because it was going to be exerted through capitalism. It is for this reason that Cronin (1994) notes that the idea of democratization was recommended at the same time that capitalism was becoming global in character.

With (democratic) capitalism, Third-World countries would get political power whilst the imperialist forces would still maintain their grip on the economy of these countries. It is concerning this matter that Lenin (1917) argued as follows:

In a capitalist society, under the conditions most favourable to its development, we have more or less complete democracy in the democratic republic. But this democracy is always bound by the narrow framework of capitalist exploitation and consequently always remains, in reality, a democracy for the minority, only for the possessing classes, only for the rich. (p. 41)

Capitalism under a democratic state would mean that those who have assets and properties would have state-guaranteed freedom to participate in the economy of a particular capitalistic country. Under a capitalistic democracy, questions concerning the history of accumulation are never asked. As such, democracy becomes a convenient lever for the privileged.

Imperial forces thus deploy the notion of democratic capitalism, and under this system, Third-World countries take political power whilst the imperial forces retain their grip on the economy of these countries (Cronin 1994; Terreblanche 2002). This system is contradictory in that, on the

one hand, it emphasizes joint interests, equality and common loyalties whilst, on the other hand, it is based on self-seeking inequality and bringing individual and group interests into conflict (Terreblanche 2002:96). The bottom line here is that this system does not translate into socio-economic transformation. As such, it means nothing to those who are on the margins of society as a result of their exclusion by authoritarian regimes. It is for this reason that Lenin (1917:41) further argues in relation to this kind of democracy that “[f]reedom in capitalist society remains just about the same as it was in the ancient Greek republics: freedom for the slave-owners”.

Cronin (1994) points to the following as the strengths of neo-liberal thinking on democracy. Firstly, this approach introduces useful comparative material, that is, it gives different parties a chance to learn from a study of transitions in other countries (for example, Brazil, the Philippines or El Salvador). Secondly, this approach helps to explain why, on some issues at least, there is a very broad national and international consensus on a negotiated transition to democracy. Thirdly, this approach draws attention to the need for practical, tactical and medium engagement with the transition process.

Let us now briefly engage critically with some of the strengths of this approach as outlined by Cronin. Given the outlined strengths of this approach, it presents itself as the best possible solution. This approach is also presented as the best approach for Third-World countries, being a prescriptive approach. This is because the approach seems to present itself to Third-World countries with two options: One is peace through negotiations, and the other is power struggle through violence. The former is presented as practical and tactical and the latter as impractical and irrational. This is because the latter option is presented as being unsuccessful in countries

which have close links to the liberation movements in Third-World countries. It is for this reason that De Klerk once said in South Africa (Mkhondo 1993:9): “The choices are between peace through negotiations or a power struggle through violence.”

As such, it could be asked why the South-African transition to democracy is internationally praised, and why the NP coincidentally decided to unban the liberation movements, release the figure of Nelson Mandela and opted for negotiations (Mkhondo 1993) at the same time as the collapse of the Soviet Union (Cronin 1994). Fiss (1992:908) captures this well when he argues that “[s]ocialism has collapsed. The long, historic struggle between capitalism and socialism has come to an end, and capitalism has emerged the victor.” It is the contention of this chapter that the NP opted for the negotiations coincidentally at the same time as the collapse of the Soviet Union because it was a strategic period to convince the liberation movements, specifically the ANC, that democratization was the only approach viable because a different approach led to the collapse of the Soviet Union (Cronin 1994).

It is, however, important to be sceptical about this approach. It is the contention of this chapter that this approach or model (that is, the neo-liberal approach to transition) is not innocent. This because this approach is mainly recommended for Third-World countries. Thus Cronin (1994:3-4) argues that, “[i]n many ways the transition to democracy literature reflects changing imperialist strategies towards third world countries”. As such, Cronin further notes that the notion of transition to democracy was a strategic shift by imperialists in their approach to Third-World countries. These shifts, according Cronin, have gone through major steps after the strategic defeat of the United States in Vietnam at the beginning of the 1970s.

According to Cronin, the shift entailed a shift to a “Vietnamese” Third-World struggle, that is, the United States gave massive political and military support for the regional authoritarian regimes (e.g. PW Botha in Southern Africa). Cronin further notes that, due to the hypothesis that these regional authoritarian regimes were becoming unstable, the United States had to make some changes to their approach towards Third-World countries. The instability of these regional authoritarian regimes was viewed as being targeted and as often becoming the direct causes of growing mass and guerrilla movements (Cronin 1994).

In the interpretation of Cronin, we could construe the view that the imperialist powers, after realising that their allies (that is, the regional authoritarian regimes) were unstable and were at the verge of being overthrown, strategically deployed what they termed “a low-intensity warfare”. This was a double-strategy approach, which meant that, on the one hand, the imperialist forces did not abandon the local military proxy forces and, on the other hand, they started encouraging a transition to democracy in Third-World countries.

The imperialist forces were realigning themselves because they realised that the “winds of change” were blowing through Third-World countries. Because of this change, they had to shift their strategy in order to balance forces. Cronin (1994:4) thus argued that “[t]hey [*imperialist forces*] progressively withdrew full support from their own dictators, or pressured them to reform, while building [*a*] pro-imperialist centrist political alliances”. It must be mentioned that the imperialist forces were building a pro-imperialist centrist political alliances because their plan was to blunt the edge of the national liberation movements and mass struggles.

Thus, the imperialist forces strategically deployed a “low-intensity warfare” which was now closely connected to the world capitalist system. This is because the imperialist forces started to exert domination over Third-World countries through financial mechanisms imposed by bodies like the IMF, World Bank, et cetera. The transition to democracy as enforced by the imperialist forces was to make sure that they continued to maintain a grip on Third-World countries. For instance, Terreblanche (2002) argues as follows:

... in 1993 the corporate sector [*in South Africa*] and the ANC leaders reached a hugely important elite compromise. This happened before the transitional executive council (TEC) accepted a secret \$850 million loan from the IMF (International Monetary Fund) to help tide the country over the balance payments difficulties in November 1993. (p. 96)

The IMF loaning money to the transitional executive council (TEC) is mentioned here to show the extent of the strategy that the imperialist forces were using to exert domination over Third-World countries, using financial mechanisms. For instance, after the ANC agreed with the IMF in the statement on economic policies, it committed itself to a neo-liberal, exported-oriented economic policy and a redistribution-through-growth strategy.

Thus, Terreblanche (2002:98) argued: “As soon as the ANC’s leaders agreed to the statement, they were trapped in the formidable establishment, represented by the IMF and World Bank.” It must be noted that these actions were taken under the pre-text of democratizing Third-World countries. Cronin (1994) notes the following:

Democratization in the third world [*countries*] has often been motivated by the belief in imperialist circles that [*the*] elected centrist [*or even left*] governments would have more legitimacy in imposing the bitter pill of structural adjustment programmes on their own third world populations. (p. 5)

One has to remember that the notion of democratization was presented to Third-World countries as the only way out of authoritarian rule. According to Cronin, this was a strategic move on the side of the imperialist forces. These imperial forces used the collapse of the Soviet Union as an example to show that democratization is the only way out. This strategy was used because most of the liberation movements in Third-World countries, more specifically those in South Africa, had connections with the Soviet Union (Cronin 1994).

The idea was to show the Third-World countries that the Soviet Union deployed an approach or model other than democratization, and it collapsed. As such, democratization became the only way out. It is thus not surprising that the NP opted for the negotiations and the idea of a transition to democracy at the same time that the Soviet Union collapsed. The timing of FW de Klerk's move to unban the ANC, the South African Communist Party (SACP) and the Pan Africanist Congress of Azania (PAC) and to engage in negotiations was no accident (Cronin 1994:5; Mkhondo 1993:14-23; Terreblanche 2002:95-124).

As said above, this chapter contends that the NP's option for negotiations and the idea of a transition to democracy was not accidental. I make this claim that the idea of negotiations and democratization was calculated because the NP feared the socialist programmes of the ANC as outlined in their Freedom Charter. As such, democratization and negotiations were the only way out for the NP.

This point is captured well by Terreblanche (2002) when he argues as follows:

Because of the ANC's alliance with the SACP, and its close relations with the Soviet Union, they were interpreted as prescribing a programme of nationalization and even the introduction of full-blown socialism. (p. 84)

Cronin (1994), in arguing that the idea of negotiations and the idea of a transition to democracy was no accident, says the following:

... in the historic speech in February 1990 in which these measures were announced, De Klerk specifically referred to the collapse in eastern Europe as a reason allowing for democratization in South Africa. He was admitting that he was not a democrat by conviction, but by circumstances. (p. 5)

### **3.3 Neo-liberal transition: Shifts in the thinking of the ANC and NP**

The NP was forced due to internal and external forces to commit itself as a matter of urgency to admit Black people to the country's White-dominated parliament in a bid to help the transfer of power to a post-apartheid authority (Mkhondo 1993:8). However, this shift by the NP, and the corporate sector in South Africa, was calculated. It is the contention of this chapter that the release of political prisoners, specifically the release of Nelson Mandela, and the proposed debate over the negotiations were not accidental but strategic and calculated by the NP (Cronin 1994). This is because these developments (that is, the release, especially of Nelson Mandela, debate over sanctions and the debate over the negotiations) were done deliberately to confront the ANC with a host of thorny questions about how to adapt their strategies to the new political terrain. Given the years of banning, detentions, restrictions, jailing and mass protests, the ANC found themselves having to accept de Klerk's challenge of reconstructing South Africa (Cronin 1994).

The ANC entered the negotiations as a result of accepting the challenge by the NP of reconstructing South Africa. Both the NP and the ANC entered the negotiations not out of conviction but as a result of circumstances. As such, both the NP and the ANC had to change their strategy. Mkhonto surmises that the NP strategically wanted a non-racial country with a free-market economy, an entrenched Bill of Rights, a guarantee of regular, multi-party elections for a government with a limited lifespan and an independent judiciary (Mkhondo 1993:4). The ANC initially wanted a share in the country's wealth. They wanted the wealth and heritage of every South African restored to the people, and they wanted the mineral wealth beneath the soil, the banks and the monopoly industries transferred to the ownership of the people as a whole. They wanted all other industries and trade to be controlled to assist the well-being of the people. It is imperative, to note that, the shift the ANC had to make to partake in the negotiations. For instance the ANC strategically for the negotiations wanted the following: redressing the inequalities of wealth and the creation of a unitary, non-racial, non-sexiest democratic state (Terreblanche 2002:84).

As argued, one should note the shifts in ideology and demands between the NP and the ANC in their commitment to a transition to democracy. It is particularly important to note the drastic shift in ideals of socialism to democracy within the ANC. The struggle in the ANC shifted from what it had committed to in the freedom charter to the ideals of democracy. After the ANC had agreed to the ideals of democracy, under capitalism, it allowed itself to be outsmarted, and from all the demands it had made it only received the right to vote. It is for this reason that De Klerk said (Mkhondo 1993):

For the first time ... this government was committed as a matter of urgency to admitting blacks to the country's white dominated parliament in a bid to help transfer of power to a post-apartheid authority. (p. 8)

On thus has to point to the sacrifices the ANC had to make in its commitment to the transition to democracy. As argued above, the transition to democracy is always recommended for Third-World countries by the imperial forces which previously funded the authoritarian regimes. Their sole purpose with this recommendation is maintaining the colonial power relationships. As a result, the liberation movements who agree to this transition get the vote, but power relationships remain the same. Mkhondo observes that the following elements formed part of the demands by the NP, which they obtained: constitutional negotiations with Black moderates, the maintenance of group rights on a non-discriminatory basis, political incorporation of all groups with no domination of one by another, security, the normalization of foreign relationships and maximum devolution of state functions at a regional and local level (Mkhondo 1993:16). As such, this chapter contends that it is not surprising that the NP opted for negotiations.

The commitment by the ANC to the ideals of democracy cost them some of their crucial positions (especially on nationalization). This is mentioned to point out how the imperial forces, through enforcing the notion of a transition to democracy, reproduce the authoritarian (colonial) regimes' power patterns. This means that only political systems change in the context of democratic capitalism, but power relations remain the same. For instance, Nelson Mandela, the leader of the ANC, made the following statement concerning ideas of nationalization on the day of his release (Terreblanche 2002):

The white monopoly of political power must be ended, and we need a fundamental restructuring of our political and economic systems to address the inequalities of apartheid and create a genuine democratic South Africa. (p. 86)

Under democratic capitalism, the idea of the restructuring of economic systems to address the inequalities of an authoritarian regime is not possible. Furthermore, under democratic capitalism, which is what the ANC committed itself to under the notion of a transition to democracy, the idea of redressing inequalities of wealth collide with financial markets, which the imperial forces use to dominate Third-World countries. Terreblanche notes that it is thus not surprising that, early in 1992, Mandela became convinced – under severe internal and external pressure – that South Africa would not be able to attract foreign investment if investors felt the sword of Damocles of nationalisation hanging over their heads. In 1992, the ANC then dropped nationalisation from its policy programmes (Terreblanche 2002:84-89). Mkhondo captures this well when he argues the following:

As a result of internal and external pressure, the nationalisation and redistribution hysteria has subsided because of the ANC promise that it would keep them as options, but not as policies. (p. 86)

The Cold War (1947 until 1989–1991), the apartheid system (1948 until 1990–1994), the transition from an authoritarian regime (that is, apartheid) to democracy (1989–1994) and the collapse of the Soviet Union (1989–1991) remarkably ran concurrently. It is the contention of this chapter that the sudden interest of the NP and the corporate sector in South Africa, to opt for the negotiations and a transition to democracy was no accident. The collapse of the Soviet Union was enough proof to the authoritarian regime of the NP, and the corporate sector in South Africa that they could use to persuade the ANC that democratization was the only option. As such, democratization was used strategically to help the constituency of the NP to maintain their grip on the economy of South Africa (Cronin 1993:1-12 & Terreblanche 2002:95-124).

The collapse of the Soviet Union further disadvantaged the ANC during the negotiations. This is because the ANC, like many other liberation movements, had as their liberation strategy the idea of overthrowing the authoritarian regimes militarily. As such, the collapse of the Soviet Union had tremendous effects on the liberation movements. This is because the Soviet Union was supporting many of the liberation movements, and they (the liberation movements) were encouraged to overthrow the authoritarian regimes militarily. So the collapse of the Soviet Union meant that there would be a decline in financial support from the Soviet Union, and therefore, many of the liberation movements were forced to abandon the idea of overthrowing authoritarian regimes militarily. It is for this reason that this chapter contends that, without a military victory, the ANC's bargaining power at the negotiations were reduced significantly (Terreblanche 2002:103).

The claim, namely that democratization was used strategically to help the constituency of the NP to maintain a grip on the economy of South Africa, has to be seen in context. The NP, and more specifically the corporate sector in South Africa, opted for a transition to democracy, in particular through negotiations, for their own narrow interest of finding a new accumulation strategy (Cronin 1994; Mkhondo 1993; Terreblanche 2002). The years leading up to the negotiations have cost the corporate sector in South Africa dearly because of sanctions. They therefore needed a new accumulation strategy. It is for this reason that they opted for the negotiations. Prior the negotiations, however, the corporate sector in South Africa and the NP strategically had informal negotiations with the ANC. It is alleged that, during those informal negotiations, "the leaders of the ANC were wine and dined from morning till night" (Terreblanche 2002:95).

What was at stake for the corporate sector was not only the economic policy of the ANC but the very nature of South Africa's future economic system (Terreblanche 2002:95). For them, South Africa was the most-developed country in Africa, and therefore the stakes were extremely high. The negotiations were therefore of immense strategic importance for the corporate sector (*ibid*). In particular, the stakes were high for the corporate sector in South Africa because of their fear of the ANC's socialist-orientated policies, given their association with the Soviet Union. As such, the corporate sector in South Africa wanted to make sure that the ANC did not argue strongly for a socialist-orientated economic system. Terreblanche (*ibid*) argues as follows in this regard:

Owing to the extraordinary nature of the power shift in the making in the early 1990s, informal negotiations were essential in order to dispel the mutual suspicion between the capitalist-oriented corporate sector and the socialist-oriented democratic movement. (p. 95)

It must be noted that the accord which came about as result of the leaders of the ANC being wined and dine were doomed and set up the ANC for failure. It caused them to move away from their priority as outlined in the Freedom Charter, namely transforming the economy of South Africa in order to uplift the majority of Black people in the country. This is because the accord upon which they agreed made it difficult for the ANC to transform the lives of Black people in South Africa. Terreblanche (2002), once again, points out the following:

By convincing ANC leaders to accept the AAC's approach, the corporate sector in effect persuaded – or forced – the ANC to move away from its traditional priority, namely to uplift the impoverished black majority socially and economically. (p. 96)

I have to point out that the ANC went through a series of ideological shifts or compromises. Most of these compromises came at the expense of their traditional priorities. As a result, they agreed to a neo-liberal, export-oriented economic policy and to a strategy of redistribution through growth. This (economic) strategy, as Terreblanche notes, appears to be a wish list of a corporate sector that was desperate to resolve its 20-year-long accumulation crisis. As a result, the corporate sector further outsmarted the ANC under the pseudo-notion of transition to democracy. To this day, the corporate sector continues to maintain their grip on the economy of South Africa at the expense of Black people. Terreblanche (2002) puts it in the following words:

By agreeing to a elite compromise the ANC put in place the first cornerstone of the economic edifice of a post-apartheid South Africa. In effect, it agreed to an economic policy and system that would exclude the poorest half of the population from a solution that was really aimed at resolving the corporate sector's long standing accumulation crisis. (p. 98)

On thus cannot but come to the realisation that the corporate sector in South Africa outsmarted and used the ANC to solve their accumulation problems and to help them to come up with a new accumulation strategy in order to continue to hold on to the economic power of South Africa. It was the idea and strategy of the NP and the corporate sector in South Africa to have informal negotiations and the formal negotiations because it was in the interest of the NP and the corporate sector in South Africa to have political issues and economic issues being discussed on two separate forums.

As such, the corporate sector in South Africa felt strategically comfortable discussing economic issues with one party (that is, the ANC) in the informal negotiations and, later, concurrently allowing other parties (that is, opposition parties) to discuss political issues. The ANC was

outsmarted and used by the corporate sector to solve their accumulation strategy problems, and when they had reached a deal with the ANC, they pushed for formal negotiations to reach a deal on political issues. It is for this reason that Terreblanche (2002:102) says when he outlines the influence of the corporate sector in South Africa: “As soon as it [*the corporate sector*] was satisfied that it had boxed in the ANC leaders to the necessary degree, it pressurised the participants at Kempton Park into agreeing on constitutional matters.”

The corporate sector in South Africa and the NP realised that the ANC operated under an unpractical and tactically bad slogan, namely: “Get political power and the rest shall follow” (Kwame Nkrumah, in Biney 2011). As such, the NP and the corporate sector in South Africa were willing to give the ANC the political power under a constitutional democracy (contrary to a parliamentary democracy under which the NP governed). This meant that the ANC was strategically outsmarted because, after their long years of struggle, they would only obtain political power and little access to economic power. Terreblanche (2002) puts it eloquently in the following words:

Be that as it may, in this way the ANC got its first prize – political control of South Africa – while the corporate got its first prize – continued control of the South African economy – to an even greater extent than before. (p. 102)

The ANC was thus put in a position where it had to make unpopular choices and even compromises, and this would eventually make it unpopular with its Black constituency and lead to the segmentation of the Black masses of South Africa. It is for this reason that Mkhondo (1993) argues as follows:

By legalizing the ANC, he [*de Klerk*] removed its cloak of underground heroism and turned it into an ordinary political party which would have to make hard choices and unpopular compromises. These

compromises were expected to anger and disillusion segments of the black majority, giving the government an additional opportunity to divide the opposition. (p. 30)

This chapter contends that the NP strategically put the ANC in a situation where they were forced to drift from their political and ideological positions. Cronin captures this well, when he mentions that, since May 1990 when the ANC started negotiating with the De Klerk government as led by the NP, the ANC started to drift strategically, tactically and organizationally. Cronin (1976:1) further asserts that “[s]ome of this drift was due to a deliberate, double agenda strategy from the incumbent regime”. One has to note that the NP, obviously with the corporate sector in South Africa, in their double-agenda strategy, was negotiating with the ANC while at the same time destabilizing the ANC.

One of the other things which led to the drift within the policy and ideological position of the ANC was the internal difficulties within the organization, in particular the disunity within the organisation. It must be kept in mind that the banning of the liberation movements in South Africa opened a political vacuum. Some leaders of the liberation movements were jailed, and some left the country for exile, which meant that there was a political gap between the leadership of the liberation movements and the younger generation (e.g. the 1976 generation). Because of differences in approaches and ideologies, of the generational kind mentioned above, the ANC had to drift in its positions. Mkhondo (1993) argues as follows regarding the challenges faced by the ANC leadership:

Mandela also faced challenges inside his own organisation. His first and most daunting task was to unify his party and to persuade the various factions of the black community to move forward together. (p. 30)

Concerning the notion of drifting from political and ideological positions, which occurred within the ANC during the period of the negotiations, there is another aspect that comes into play. I refer to the notion that the negotiations did not form part of the strategy that the ANC was going to utilise. This created more disjuncture within the organisation, in particular between the leadership and the younger militant generation within the organisation. It is for this reason that Cronin (1994) notes the following statement from a SASCO student:

At the national political level, the advent of the negotiations has seen a continuous marginalization of the masses of our people. Instead of playing a central role in shaping the direction the struggle takes in the era of negotiations, the masses found themselves side-lined. (p. 1)

Except for the disjuncture within the ANC and its constituency, which caused them to drift away from their ideological and policy positions, the idea of negotiations – which I contend the ANC was never prepared for – led to a fundamental disjuncture in the strategy to be utilised for the liberation of the oppressed in South Africa. Thus, the ANC started to become alienated from its constituency, specifically the militant younger generation. As a result, the younger militant generation of the organisation started to become skeptical about the leadership of the organisation, specifically the jailed leadership.

The political or the strategic (that is, what is to be done to overthrow the apartheid government) gap between the leadership of the ANC and the new generation of militant youth widened. This was because the young militant youth saw militancy as the only solution for the problems of South Africa. The idea of negotiations made the youth of the ANC even more sceptical about the leaders of the organisation. Mkhondo (1993) argues as follows concerning the idea of negotiations within the organisation:

If a deal was to be struck with the government, it had to be acceptable to a broad black constituency. The biggest challenge came from a new generation of militant youth within the ANC who resented his [Mandela] resumption of leadership. They considered him too willing to compromise and were angered by his [Mandela] initiating a personal dialogue with De Klerk. (p.30)

As mentioned before, the ANC was never prepared for negotiations. This is because the ANC (and other liberation movements) had prepared themselves for a revolutionary take-over. Thus, the idea of negotiations presented them with an unforeseeable problem, namely that of an evolutionary reform process (Terreblanche 2002:85–86). This is mentioned here to point to the hypothesis that the ANC, as a mouthpiece of the majority of the Black masses, was not prepared for negotiations. It was only after some persuasion that they started changing their ideological position. It must also be reiterated that the NP and the corporate sector of South Africa did not opt for negotiations because of their moral convictions. Rather, they opted for negotiations because there was no other way out. In this regard, Mkhondo (1993:19) makes clear the point that “De Klerk himself said there had been no Damascus conversion, just a realisation that ‘if we [NP and its constituency] remained as we were, we were in a cul-de-sac’”.

As indicated earlier, one has to take note of the sudden agreement on a negotiated settlement between the NP and the corporate sector in South Africa. As pointed out, the negotiations became a viable option to guarantee that the White community maintains its grip on the economy. This development came about because the NP and the corporate sector of South Africa needed each other for the accumulation of riches in the White community. The corporate sector of South Africa needed the NP for its political power whilst the NP needed the corporate sector of South Africa for their continuing grip on the economy. As such, the corporate sector of South

Africa pushed the NP to "... risk Africans' inclusion in the political system in a desperate attempt to resolve the accumulation crisis" (Terreblanche 2002:79–80).

The NP then came with a threefold strategy to resolve the accumulation crisis in South Africa. According to Terreblanche (2002), this strategy entailed the following:

Firstly, accommodating black people in a majoritarian democratic system. Secondly, attaining a high economic growth rate within the framework of an unrestrained free-market capitalist system, marked by minimum state intervention and a neo-liberal and export-oriented economic approach. Thirdly, avoiding an aggressive redistribution policy because the benefits of high levels of economic growth would trickle down to the poor, while the government could provide some support through welfare measures and public projects to the short-term victims of the adjustment process. (pp. 79–80)

As mentioned before, the economy of South Africa was in a crisis because of, amongst other things, internal and external pressure such as sanctions. The only solution with which both the NP and corporate sector of South Africa could come up was the inclusion of Black people into the political system of South Africa and convincing them of the virtues of capitalism. Terreblanche (2002) phrased it as follows:

During the five years from 1990–1994 the corporate sector anxiously participated in various scenario-building exercises aimed at formulating an economic strategy that would be business-friendly and would perpetuate its position of power and privilege in a fully democratised South Africa. (p. 80)

Thus, the NP had already made calculated arrangements with the corporate sector in South Africa prior to the formal negotiations. These arrangements included the political accommodation of Black people and an economic strategy which would exclude Black people, based on their history of a lack of accumulation of wealth. Terreblanche points to the

commitment by the NP after it was put under massive pressure by the British Prime Minister, Margaret Thatcher, and the local corporate sector as well as many proposals from the Democratic Party (DP). In his words (Terreblanche 2002:79), the external pressure “... committed the NP government to negotiating a constitution embodying the political accommodation of black people, while also reaffirming the economic strategy of privatisation, deregulation, and ‘free marketeerism[*sic*]’”.

I thus argue that the negotiated transition was a mere amendment to the apartheid system which excluded Black people in South Africa. This is because the negotiated transition was a ploy aimed at politically accommodating Black people whilst simultaneously employing economic strategies which would exclude them. The notions of privatisation, deregulation and a free market were put in place to continue, under the guise of the constitution, to exclude Black people from participating in the economy. These notions, namely privatisation, deregulation and the free market, are based on the capitalistic idea of competition, which is based on competing through capital. This is modern-day economic exclusion, which is regulated by law. The settlement of the new South Africa thus continued the history of accumulation in South Africa, favoured White people in South Africa at the expense of the Black majority of South Africa (Terreblanche 2002).

In my view, then, the ANC was misled by both the NP and the corporate sector of South Africa, but more so the corporate sector, to view the crisis in South Africa as a political crisis and not so much an economic crisis. A political solution would thus be perfect for South Africa. The ANC and the democratic government of the new South Africa were therefore misled into following the

logic that, once political and constitutional issues were sorted out, the rest would follow. Morris (as quoted in Terreblanche 2002:81) sums up logic when he argues that “[t]here was an assumption that, once the constitutional issues were sorted out, the dozing South African economic giant would lumber its feet and cart off to the land of promise”.

The NP and the corporate sector thus used the notions of the political accommodation of Black people and an economic strategy which was based on the notions of privatisation, deregulation, and the free market as a new accumulation strategy. The kind of economic system that the NP and the corporate sector left when they vacated office had in mind an economic strategy which guaranteed the White population – mainly those who were in the corporate sector – that the economy would continue to be managed to their advantage. Terreblanche (2002:79) puts it as follows: “... the NP became convinced in 1990 that a fundamental restructuring of the political and ideological system had become a sine qua non for formulating a new accumulation strategy ...”

With the new accumulation strategy, disguised under the capitalist notions of privatisation, deregulation and the free market, Black people in South Africa would continue to be excluded from participating in the economy of South Africa. The current economic system, which came into being as a result of the calculated collusion between the NP and the corporate sector of South Africa, means that Black people will always find themselves at the margin of the accumulation chain. This is because the current economic system benefits those who can compete in the market, and Black people in South Africa find it impossible to compete as a result of a lack of capital (Wale 2013:1–44). It is for this reason that Terreblanche (2002:78) argued

that the "... victims of apartheid were [*and still are*] not fit – psychologically, educationally, or physically [*and I would add economically*] – to play the free market game". The constitutional democracy and specifically the economic system, which is based on the free-market acknowledges the history of exclusion of a few at the expense of the majority. However, acknowledging this history does not in any practical way automatically benefit those who were previously disadvantaged. Instead, it operates from the premise that everybody would partake equally in the economy of South Africa.

The notion of equally partaking in the economy sounds good and well in policies, but in practice, this system works on competition based on capital. Given the long history of exclusion of Black people in South Africa, it means that Black people remain at the receiving end of the economy of South Africa. Terreblanche (2002:78) contends that this free-market system excludes those who were previously excluded when he argues that the Black people in South Africa "... were not equipped with even the minimum of resources and opportunities needed to make progress in a free market environment".

As argued before, the NP and the corporate sector of South Africa outsmarted the ANC in the informal negotiations (Terreblanche 2002:78). This is mentioned here to illustrate that the NP and the corporate sector of South Africa set up the ANC and the coming democratic government for failure in their struggle for socioeconomic transformation. This is because the conditions and arrangements set out in the informal negotiations led to the dismantlement of the notion of "the winner takes all". Instead, a new notion of political and economic history emerged, namely the notion of both parties, the former government with its constituency and the current government

with a united constituency, becoming winners (Mamdani 2013). It is for this reason that

Terreblanche (2002) argues the following point:

While the NP was still unclear about the terms under which Black people should be politically incorporated, it was adamant about constraining the ANC's ability to wield political power in the service of a radical agenda of socio-economic transformation. (p. 79)

As pointed out before, the ANC, who assumed the status of being the voice of the Black people of South Africa, operated under a pseudo-slogan, namely "Seek ye first the political kingdom [power], and all else will follow." In contrast, the NP and corporate South Africa had strategically prepared the ground for the implementation of an economic strategy which included, amongst other things, the notions of privatisation, deregulation and the free market. This economic strategy would result in discouraging state intervention in the economic activities of South Africa. Concerning matters economic, the market would decide, not so much the state. This would eventually lead to the democratic government, eventually under the ANC, having political power but not much economic power.

I thus contend that the slogan which the ANC followed will not materialise. This is because the ANC found itself entangled in a position which they had rightly deemed impossible for executing their quest for liberation, namely the idea of reforming capitalism. The ANC had rightly pointed out that it is impossible to reform capitalism because it was inseparable from apartheid. This is why the ANC had advocated the eradication of racial capitalism. Due to its failure to pay attention to the future of the economic system and economic policy in a democratic South Africa, the ANC thus opted for a reformed form of capitalism, namely free-market capitalism (Terreblanche 2002:79).

Because of the vacuum opened by the ANC's lack of a position on economic views and ideologies, the NP and corporate sector of South Africa had ample time to prepare the ground for the implementation of free-market capitalism. This outcome was contrary to what the ANC advocated for long before the negotiations. I thus highlight the point that the failure on the side of the ANC to pay attention to what the economic system and economic policy in a democratised South Africa should be caused it and its constituency, the Black people of South Africa, to get a raw deal at the negotiation table.

The ANC's last statement on the economy was set out in the Freedom Charter of 1955. In this document, the statements on the economy included the following: (1) The people shall share in the country's wealth. (2) The national wealth of our country, the heritage of all South Africans, shall be restored to the people. (3) The mineral wealth beneath the soil, the banks and monopoly industry shall be transferred to the ownership of the people as a whole. (4) All other industries and trade shall be controlled to assist the well-being of the people (Freedom Charter 1995; see Terreblanche 2002:84). The failure on the side of the ANC to think about the economic system and economic policy in a democratized South Africa led to its policy, as outlined in the Freedom Charter of 1955, being un-implementable. Maybe the ANC operated under the pseudo-idea that, with political power, it would easy to implement its policy as outlined in the Freedom Charter. Thus Morris (in Terreblanche) argues as follows:

... the ANC's historical neglect of economic policy left it prone to the counsel of business and mainstream foreign experts that set about schooling ANC leaders in the realities of the world. (p. 85)

### **3.4 Neo-liberal transition: The TRC as a final seal?**

Following the ideological shifts within the thinking of the ANC and the NP, the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, was passed. This act was passed as the final seal to the elite compromise in order to close a chapter on the negotiations and open a new chapter on a democratic state. My argument is based on the following occurrences: (1) the idea of a transition to democracy (Cronin 1994), (2) the sudden ideological shifts within the thinking of specifically the NP (Cronin 1994:1-8; Mkhondo 1993:14-23; Terreblanche 2002:95-124), (3) the informal and formal negotiations and (4) the sudden passing of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995.

After a political transition had been negotiated, the new government deemed it necessary to consolidate its precarious political power by using the formation of the South African Truth and Reconciliation Commission to delegitimize the apartheid regime and its security forces. Equally important to note is that the TRC, in its work, identified individuals as either perpetrators or victims. This choice means that they ignored gross crimes, namely human-rights violations perpetrated collectively and systematically against millions of Black people under White political domination and racial capitalism (Mamdani 2002:?). In this regard, Terreblanche (2002) makes the following argument:

But because of the new symbolic relationship between ANC leaders and the corporate sector, it was expedient for the new government not to pressurize the TRC into uncovering the truth about systematic exploitation, or to delegitimize the corporate for its part in the design and utilization of repressive labour systems. (p. 125)

I have to mention that the TRC has done an excellent job of discrediting the apartheid regime and the atrocities of the past committed under its aegis (Terreblanche 2002:124). However, despite the excellent job the TRC did in discrediting the apartheid regime, it let the corporate sector in South Africa off the hook. The reason for this problematic thinking of the TRC is that they identified individual rather than group or collective perpetrators and victims of gross human-rights violations. To my mind, the idea of identifying individuals as either perpetrators or victims of gross human-rights violations was an oversight on the side of the TRC. As Mamdani (1996) notes, it should have been clear that “... beneficiaries [*of the system of apartheid*] are a large group, and victims defined in relation to beneficiaries are the vast majority in society”.

In a sense, then, the South African TRC was a final seal to the transition to democracy. This is because, the TRC ignored the gross human-rights violations perpetrated collectively and systematically against millions of Black people under White political domination and racial capitalism. Terreblanche (2002:124) notes that “[i]ts [*TRC*] inability and/or unwillingness to systematically analyse South Africa’s history of unequal power structures are puzzling”. Terreblanche (2002) clarifies his claim about the puzzling conduct of the TRC as follows:

... there was close relationship between the corporate sector in South Africa and successive white supremacist governments. Those relationships were maintained for a century, from ±1890 to ±1990. This is mentioned here, to point out, that the relationship between the corporate sector in South Africa and different white supremacist governments worked hand in glove to protect and promote their mutual interest in the maintenance of the racist political and economic structures that secured power, privileges, and wealth for whites, and inevitably caused – as the other side of the same systematic coin – deprivation, repression, and poverty for the majority of blacks. (p. 65)

Thus, the South African TRC tried to uncover the “truth” about one form of victimization and unfortunately ignored the other form of victimization. This chapter thus contends that the South African TRC ratified the agreement between the corporate sector in South Africa and ANC. This agreement entails that the benefits that had been accumulated [*mostly undeservedly*] in the hands of the corporate sector and other White people through systemic exploitation would either be forgotten or condoned. The systemic exploitation was ignored because the TRC, in their work in trying to uncover the truth, intentionally or unintentionally failed to take the corporate to task. In this regard, Terreblanche (2002) makes the following argument:

By trying to uncover the truth about one form of victimization under apartheid and ignoring another (and perhaps even more important) form of victimization, the TRC has failed dismally in its quest for truth and reconciliation. (p. 125)

So the TRC ratified the way in which the ANC was outsmarted at the negotiation table as the corporate sector in South Africa and the NP managed to convince the ANC to opt for informal and formal negotiations. On the one hand, the corporate sector in South Africa would negotiate separately with the leaders of the ANC while, on the other hand, the NP and other stakeholders would negotiate mainly with the ANC and other political parties at the formal negotiations (Terreblanche 2002:125). Both the NP and the corporate sector in South Africa used delaying tactics. The reason for this was that the corporate sector in South Africa strategically “boxed in” the ANC and misled them into accepting an economic system which served as a new accumulating strategy for the corporate sector in South Africa. In this process, the NP used delaying tactics so as to allow the corporate sector in South Africa to finish with the ANC.

In this regard, I can point, for instance, to a speech in which FW de Klerk assured his White constituency that he would not sign a new constitution if it did not contain a statutory entrenched minority (read “*white*”) veto (Mkhondo 1993). After several insurrections in 1992 threatened to derail the negotiation process, the NP accepted, on 26 September 1992, the so-called sunset clauses in which agreement was reached on a “... one person, one vote system and on a period of power sharing of five years in a government of National Unity” (Terreblanche 2002:79). My point is that the NP’s reluctance to sign the agreement was a delaying tactic on its side because the NP signed the constitution only after the corporate sector in South Africa and the ANC had reached an agreement (that is, an elite compromise) (Cronin 1994; Mkhondo 1993; Terreblanche 2002).

What this brought to the fore was the notion of the “truth” that the TRC was supposed to uncover. It remains puzzling that the TRC thought of uncovering the “truth” by looking at one form of victimization and ignoring the other. As I argued above, through this oversight of uncovering the “truth” at an individual level and not at a communal level, the TRC ratified and sealed the transition to democracy. The TRC should thus be judged against the compromise, that is, the elite compromise, reached at the informal and formal negotiations that preceded it (Boesak 2008:636-654). Moosa, in Villa-Vicencio & Verwoerd 2002:116; Terreblanche 2002:125) thus concluded that “... the truth of the TRC was what the party (parties) said it was. The truth was not measured, but manufactured. To be charitable [*to the TRC*], we can say that truth was negotiated [*in the informal negotiations*].” The “truth” was thus manufactured by elites in the negotiations, and the TRC became a final seal to the neo-liberal transition to democracy. Mamdani in Amadiume & Abdullahi 2000) argues as follows:

The truth of the TRC makes more sense when understood as institutionally produced truth, as the outcome of a process of truth-seeking, one whose boundaries were so narrowly defined by power [*especially, the corporate sector*] and whose search was so committed to reinforce the new power [*of the ANC government*]. (p. 55)

Established by the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, the mandate of the TRC was as follows: The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period 1 March 1960 to 10 May 1994.

The definition of gross violations of human rights was stated as follows (TRC 1998):

The commission shall facilitate ... inquiries into (1) gross violations of human rights, including violations which were part of a systematic pattern of abuse ... (2) [*And shall facilitate inquiries into*] the identity of all persons, authorities, institutions and organizations involved in such violations. (p. 56)

The definition of gross violations of human rights was left vague, but the TRC decided to interpret its mandate far more narrowly. It is for this reason that Terreblanche (2002) notes the following:

... in its final report, it states categorically that its governing mandate act limited its investigation to gross violations of human rights defined as killing, abduction, torture or severe ill-treatment and the attempt, conspiracy, incitement, instigation, command or procurement to commit such acts. Consequently, it concentrated almost exclusively on violations of human rights on individual victims by individual perpetrators. (p. 127)

By interpreting its mandate narrowly, the TRC for all practical purposes chose to ignore the violation of human rights which were part of a systemic pattern of abuse. By concentrating on individual perpetrators and victims, it also chose not to identify all authorities, institutions, and organisations involved in violations of human rights. In addition, the TRC also chose to interpret human rights as mainly first-generation or legal human rights whilst the violation of second-generation human rights or social rights were practically ignored. Consequently, it concentrated on perpetrators and victims while neglecting the relationship between the beneficiaries and victims of racial capitalism and White political domination (Terreblanche 2002:127). As a result, the TRC, "... made perhaps the greatest moral compromise ... [*in embracing*] the legal fetishism of apartheid ... [*by making*] little distinction between what is legal and what is legitimate [*and*] between law and right" (Amadiume & Abdullahi 2000:181). As indicated above, the TRC made this compromise because it focused on individual perpetrators and victims rather than on a group and a system which perpetrated gross human-rights violations. These violations were perpetrated not only against individuals but collectively and systemically against millions of Black people under White political domination and racial capitalism. Terreblanche (2002) comments on this situation as follows:

The TRC understood beneficiaries to mean those who had gained from corrupting the laws and from acting illegally, but not those who those who had designed and implemented the immoral, corrupt, and skewed system of apartheid. (p. 127)

Due to the oversight, or intention, on the side of the TRC to understand the beneficiaries of the apartheid system narrowly as those who merely corrupted the system and not helped to design

and implement it, the TRC allowed the corporate sector in South Africa to get off the hook. In its final report, the TRC (1998) acknowledged the following:

... there had been an expectation that the commission would investigate many of the human rights violations which had been caused by the denial of freedom of movement through the pass laws, by forced removals of people from their land, by denial of the franchise to citizens, by treatment of farm workers and other labour disputes, and by discrimination in such areas as education and work opportunities. (p. 11)

All the laws passed by either the colonial or the apartheid system were passed in order to exclude Black people from participating in the affairs, namely the economy and socio-political matters, of South Africa. As such, these laws helped to build the economic system which benefited White people. Terreblanche (2002) explains this situation as follows:

The South African economic system was deliberately molded (by compact power between successive white supremacist political authorities and the white-controlled corporate sector on the basis of un-free black labour, the systematic exploitation of blacks ... (p. 57)

The corporate sector in South Africa can claim that it had strongly opposed apartheid it have impeded the unfolding of capitalism (see Terreblanche 2002:101). However, the corporate sector can never claim that it had opposed repressive labour and other segregationist measures. This means that the corporate sector in South Africa can never be excused from helping to design and implement the apartheid system. On the contrary, these repressive labour and segregationist measures helped design and implement the apartheid system. It is for this reason that the commission (TRC 1998) acknowledges this point in its final report:

Many organizations lobbied the Commission to insist that these issues should form part of its investigations. Commission members, too, felt that these were important areas that could not be ignored. (p.11, vol5, chp1 )

Interestingly, however, the TRC argued, that these issues cannot be interpreted as falling directly within the Commission's mandate (TRC 1998). The decision by the TRC not to investigate the issues involving the corporate sector in South Africa remains suspicious. The excuse that these issues could not be interpreted as falling directly under the commission's mandate is flawed because the mandate of the TRC was clear. Only the TRC decided to interpret its mandate narrowly. In this regard, Terreblanche (2002) argues as follows:

*[this decision]* ... could only have resulted from pressure exerted on it by the corporate sector (and perhaps also by the new government), which realized that a broader investigation would include a systematic analysis of racial capitalism. Such an investigation would have embarrassed – and even angered – the business sector. (p. 128)

To my mind, it is an important factor in the development of the new South Africa that the corporate in South Africa was never investigated though it was responsible for racial capitalism. By racial capitalism, I mean the economic system which caused economic wealth to be accumulated undeservedly in the hands of White beneficiaries through systemic exploitation and the huge economic power concentrated in White conglomerates through racial capitalism and White political domination. It is noteworthy that the South African Truth and Reconciliation Commission devoted only three days of its existence to the corporate sector (Terreblanche 2002:128). As Terreblanche notes not surprisingly, the hearings were conducted in a way that obscured the systemic character of apartheid and offered business people an undeserved opportunity to clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid. Furthermore, during the informal negotiations, the corporate sector in South Africa strategically proceeded to clear its name of any wrongdoings and later presented itself as the

*deus ex machina* that would solve all of the social problems of poverty, inequality and unemployment. Thus, at the TRC, the corporate sector of South Africa had to face its history for three days only in order for them to finish clearing themselves of any wrongdoing (Terreblanche 2002:128).

All of these occurrences contributed to the notion that the South African Truth and Reconciliation Commission was the final seal to the elite compromise. With regard to the idea of a transition to democracy, it was no accident that the NP and the corporate sector in South Africa opted for the idea of transition to democracy. Concerning the ideological shifts within the thinking of the ANC and the NP, it was also no accident but part of a well-thought strategy. This strategy came about as the NP operated with the strategy of many imperialist forces, namely to opt for a transition in order strategically to continue to hold on to the economy of South Africa (Cronin 1994). Cronin notes that the idea of the transition to democracy, specifically for Third-World countries, came from imperial forces upon realizing that their authoritarian regimes were losing their grip on these countries. It is important to note that these authoritarian regimes (that is, the apartheid regime under the NP) belonged or had a relationship with these imperial forces. The imperial forces gave massive political and military support to these authoritarian regimes. This support, however, caused a growing mass of guerrilla movements so that these imperial forces, through the authoritarian regimes, had to change their strategy.

One of the strategies that the imperial forces used through their authoritarian regimes (namely the apartheid regime under the NP) was the notion of democratization (Cronin 1994). This notion

of democratization was presented as the only option available for the Third-World countries to use. Cronin (1994) says the following about this notion, democratization:

[It] has often been motivated by the belief in imperialist circles that elected centrist (or even left) governments would have more legitimacy in imposing the bitter pill of structural adjustment programmes on their own third populations. (p. 5)

The imperialist forces thus strategically changed their strategies in order to maintain a grip on the economy of Third-World countries, as Cronin (1994:5) argues: “In the past two and a half decades, domination has been exerted more and more through financial mechanism imposed by bodies like the IMF, World Bank and GATT.”

The notion of democratization was not recommended for Third-World countries by accident. The reason why I make this claim is that this notion (democratization) was promoted in Third-World countries at the same time as the collapse of the Soviet Union (1989–1991) (Cronin 1994:1-8; Mkhondo 1993:14-23; Terreblanche 2002:95-124) and when the capitalist system was becoming global in character (Cronin 1993:4-5 & Terreblanche 2002:95-124). The notion of a transition to democracy was thus presented as the only way or solution to the problems (of South Africa). Yet, simultaneously, the notion of democracy became attractive at the same time as when capitalism was becoming global in character. This meant that this new system would be based on equal rights, and privileges would be maintained and supplied by state power. At the same time, this system would be based on the unequal distribution of property and assets and on the state-guaranteed freedom of everyone to use their assets and property as they please within the prescriptions of the law (Terreblanche 2002:16-17).

The association between democracy and capitalism would mean that those who had previously accumulated would continue to participate in the economy at the expense of the majority (that is, mainly Black people in South Africa). This is because the association between democracy and capitalism would send contradictory messages to the people of South Africa. On the one hand, this association would be based on joint interests, equality and common loyalties, and on the one hand, it would be based on self-seeking inequality and conflicting individual and group interests (Terreblanche 2002:16-17). The direct result of this association, the association between capitalism and democracy, would be unequal freedom and unequal rights (*ibid*:16). This association, which was supposed to defend equality on two conflicting positions, by definition has to maximise efficiency and profit through merciless competition in a free-market system and simultaneously work for those who can compete through assets. This resulted in a victory for the stronger, the skilful and the property owners and loss for the less cunning (*ibid*:16).

The notion of a transition to democracy, in my opinion, caught the liberation movements, the ANC in South Africa, of Third-World countries off guard and also set up for failure the so-called democratically elected governments in Third-World countries. The notion of democratization presented itself as a perfect solution for Third-World countries which operates on the premise of equality. At the same time, it operates under the notion of global capitalism, which works with competition in the free-market system. This notion of democratization thus presented dual freedoms: freedom for those who own the means of production – those who have accumulated and can continue to participate in the economy of South Africa – and freedom for those who are on the margins of society – Black people in South Africa. These two freedoms are unequal and

thus the people of South Africa remain unequal. Terreblanche (2002) quotes Lyndon Johnson, who said the following:

But freedom is not enough. You do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of the race, and then say you are free to compete with all the others, and still justly believe that you have been completely fair. (p. 35)

Freedom which does not lead to (socio-politico-economic) opportunities is not enough. Opening up opportunities without citizens, specifically those who have been prevented from accessing these opportunities, who can walk through those gates is not enough. It is for this reason that I use Terreblanche's quote of Johnson again: "We seek not just freedom but opportunity – not just legal equity, but human ability – not just as a right and a theory but equality as a hypothesis and as a result." Thus, the notion of democratization presented dual and conflicting freedoms. This duality and conflicting nature of democratization presented itself as the best solution, but at the same time, it left the democratically elected government (ANC) with conflicting logics as presented by democratic capitalism. Terreblanche (2002) expresses this dilemma as follows:

It is the task of a democratically elected government to reconcile not only the conflicting logics of democracy and capitalism, but also the power with which they exert themselves in the dual system of democratic capitalism. South Africa's democratically elected government must try to bring about reconciliations that will promote the welfare of society at large. It must also rectify the unacceptable inequalities produced by capitalism. (p. 16)

In the negotiating process, the corporate sector in South Africa strategically started presenting itself as unblemished by apartheid and racism. This was because the corporate sector wanted to convince the ANC during the informal negotiations that it was committed to the transition to democracy and that it was, at the same time, committed to proposing an economic system which

would equally benefit the people of South Africa. This happened at the time when the NP, as the party responsible for apartheid, had lost its legitimacy (both internally and externally) and the ANC was enjoying the moral high ground (Cronin 1994; Mkhondo 1993; Terreblanche 2002:100). This means that the corporate sector in South Africa strategically wanted to align itself with where political will was going. Therefore, the corporate sector in South Africa claimed that it had always strongly opposed apartheid because it had impeded the unfolding of capitalism (Terreblanche 2002:101). It claimed that it has always been promoting the idea of individuals (whether Black or White) partaking in the economy through competition as outlined by the free-market system.

In this process, the corporate sector in South Africa was strategically shifting attention away from the consequences of racial capitalism, which could be conceptualized as follows:

... the economic wealth that had accumulated undeservedly in the hands of white beneficiaries through systematic exploitation, the huge economic power concentrated in white conglomerates through racial capitalism and white political domination; or the abject poverty, destitution, and socio-economic powerlessness of the victims of racial capitalism. (p. 101)

The corporate sector in South Africa managed to convince the ANC that the focus should only be on a transition to majoritarian democracy and the creation of economic and political conditions conducive to accumulation (Terreblanche 2002:101). In this regard, Terreblanche (*ibid*) notes the following:

By remaining silent about its own ignoble involvement with colonialism, segregation and apartheid, and even explicitly denying involvement, the corporate sector presented itself as the *deus ex machine* that would solve all social problems and poverty, inequality, and unemployment. (p. 101)

In the negotiations then, the corporate sector in South Africa managed to reach an agreement with the ANC that South Africa would not become a parliamentary democracy but a constitutional democracy (Terreblanche 2002:99). It also reached the following agreements with the ANC: (1) that the South African Reserve Bank (SARB) would remain an independent institution and (2) that property rights would be entrenched to the extent that they could only be revoked by a 75% majority in the national assembly (*ibid*). The corporate sector thus managed to cleanse itself of any involvement with the apartheid government and how they managed to mislead the ANC into accepting a system which exclude the poorest part of the population from a solution.

The corporate sector in South Africa helped to entrench the policy of apartheid, and when power changed hands, they managed to use the ANC to come up with an accumulation strategy. They did this by providing three preconditions for their involvement in solving social problems in South Africa: (1) South Africa should be democratised, (2) the corporate sector should be left intact and granted all freedom (that is, a free-market system) normally granted to a corporate sector in a genuinely liberal capitalist system and (3) a neo-liberal macroeconomic and export-oriented policy should be implemented in order to integrate South Africa into global capitalism (Terreblanche 2002:101).

In convincing the ANC of the implementation democratization, a free-market system and the implementation of a neo-liberal macroeconomic, export-oriented policy in order to integrate South into global capitalism, the corporate sector in South Africa had scored an immensely important victory which had far-reaching implications for the poorer part of the population. Out

of the negotiations, the ANC and its constituency received only political power and constitutional democracy, which is why this chapter contends that the ANC was outsmarted with lies.

Terreblanche (2002) makes this point vividly:

Almost all its argument [corporate sector in South Africa] were based on myths and lies, but were presented with so much conviction, sophistication, and power that the ANC leaders apparently had little choice but to accept them. (pp. 101–102)

While explaining how the ANC was outsmarted, Pheko notes that, in September 1985, the ANC leaders met with a group of White people in Lusaka. The latter were led by Anglo-American chairman Gavin Relly. Their message to the ANC leaders in exile was that a transition to a Black-governed liberal democracy was possible only if order and stability were guaranteed. This was a reference to a free-market state where social justice would not be a priority (Pheko 2012).

The idea of democratization, which presented itself under the notion of a transition to democracy, dismantled the liberation strategy of the ANC. This notion also led the ANC to be in a situation where it had to choose between economic power and political power, which means that the NP strategically caught the ANC off guard. The NP was able to do this because the ANC operated under a pseudo-idea, namely “seek political power and the rest shall follow”. The NP also saw the ideological vacuum opened by the unattainable idea of “seek political power and the rest shall follow”, and they led the ANC to have informal negotiations on economic issues with the corporate sector in South Africa and have formal negotiations on political issues with all the stakeholders.

The corporate sector was thus directly and indirectly a major player in the negotiations or the transition to democracy. The chapter pointed out that, as soon as the corporate sector in South Africa was satisfied that it had “boxed in” the ANC’s leaders in the informal negotiations, it pressured the participants at the formal negotiations into agreeing on political and constitutional matters (Terreblanche 2002:100).

### **3.5 Conclusion**

It is the contention of this chapter that the passing of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, which led to establishment of the Truth and Reconciliation Commission in South Africa, was the final seal to the elite compromise reached at the informal and formal negotiations. This is based on the following occurrences: (1) the sudden promotion of the notion of democratization and the transition to democracy, (2) the sudden ideological shifts in the thinking of the NP, corporate sector in South Africa and the ANC and (3) the sudden passing of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995.

The sudden promotion of the notion of democratization and the transition to democracy were not accidental. This is because the notion of democratization was promoted as a strategic shift in the approach to Third-World countries by imperialist governments. Cronin notes that these shifts have gone through two major steps after the strategic defeat of the United States in Vietnam at the beginning of the 1970s. The first shift was to Vietnamese Third-World struggles. This meant massive political and military support for regional authoritarian regimes such as the NP in South Africa. By the end of the 1970s, however, these regional authoritarian regimes were proving to be increasingly unstable. They were the targets and often the direct cause of growing mass and

guerrilla movements. As such, the imperial governments strategically shifted their strategy because their politico-military strategy was not working and posed threats to their continued control over these countries. Thus, these imperial governments started promoting the notion of democratization and that at the same time as capitalism was becoming global in character.

The notion of a transition to democracy was promoted strategically at the same time as the collapse of the Soviet Union (1989–1991). This becomes important as many liberation movements were supported by the Soviet Union and were promoting the idea of overthrowing the authoritarian regimes through military power. The collapse of the Soviet Union thus provided the imperial governments through their authoritarian regimes the opportunity to promote the notion of a transition to democracy. The collapse of the Soviet Union (1989–1991) left the liberation movements in disarray. As a result, the notion of democratization or a transition to democracy was the only option available for Third-World countries.

The notion of democratization was promoted at the same time when capitalism was becoming global in character. Though democracy sounds good in theory, in practice, especially under the capitalist system, it becomes a nightmare. Whilst democracy is based on the equality of rights and privileges maintained and supplied by state power, capitalism is based on the unequal distribution of property and assets and on the state-guaranteed freedom of all people to own their assets and property as they please, within the prescriptions of the law. The sudden promotion of the notion of democratization under the capitalist system thus resulted in unequal freedom and unequal rights.

The sudden ideological shifts in the thinking of the NP, the corporate sector in South Africa and the ANC were not accidental. This means that the promotion of the transition to democracy and the opting by the NP and corporate sector in South Africa to negotiate and the sudden shifts in the ideological thinking of the ANC were not accidental. Given the internal and external pressures, the apartheid government, and specifically the economy and the corporate sector in South Africa, had to make a strategic move to guarantee their continued grip on the economy of South Africa. Under that time, the economy of South Africa was under pressure, which was why the NP and specifically the corporate sector in South Africa were looking for a new accumulation strategy. As a result, the idea of a transition to democracy was the only option for the NP and the corporate sector in South Africa.

The collapse of the Soviet Union left the ANC in disarray. This is because their alternative to the authoritarian system, apartheid, was socialism or communism. The ANC was not prepared or had never prepared themselves for democracy. Their policies (e.g. the Freedom Charter) were based on influences from socialism and communism. As such, the collapse of the Soviet Union (1989–1991) opened an ideological vacuum within the ANC, and the NP and corporate sector in South Africa grabbed the opportunity and convinced the ANC to opt for democracy. I have to note again that the notion of democratization was promoted when capitalism was becoming global in character. Thus, the ANC was not only unprepared for democracy, but they were also unprepared for democracy under a capitalist system. This is why the ANC accepted all the policies proposed by the corporate sector and other international financial bodies. By making this choice, the ANC played into the strategy of the imperialist government through authoritarian regimes to exert

growing domination through financial mechanism imposed by bodies like the IMF, the World Bank and GATT (Cronin 1993:5).

Also, the sudden passing of the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, was not accidental. The passing of this act, which eventually established the Truth and Reconciliation Commission in South Africa, was aimed at sealing the elite compromise reached at the informal and formal negotiations. The TRC was tasked with the promotion of national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture of the causes, nature and extent of the gross violations of human rights which were committed during the period 1 March 1960 to 10 May 1994.

The idea of “gross violation of human rights” was left vague, that is, it was stated that the commission should facilitate inquiries into (i) gross violations of human rights, including violations which were part of a systematic pattern of abuse and (ii) the identity of all persons, authorities, institutions and organizations involved in such violations. The mandate given to the TRC was vague, but the TRC decided to interpret its mandate narrowly because it was a result of a political compromise reached at the negotiations.

The TRC did an excellent job of discrediting the apartheid regime and the atrocities committed under its aegis, but it failed to hold institutions such as the corporate sector in South Africa responsible. I argued that the TRC was established to seal the elite compromise reach at the negotiations. The TRC did indeed identify many of the individual perpetrators of gross human-

rights violations and also many of the individual victims of these violations. However, the TRC focused on individual perpetrators and victims and ignored institutions. Because of this choice, it ignored the gross human-rights violations perpetrated collectively and systematically against millions of Black people under White political domination and racial capitalism. This inability and/or unwillingness of the TRC to systematically analyze South Africa's history of unequal power structures are puzzling. By trying to uncover the truth about only one form of victimization under apartheid and ignoring another form of victimization, the TRC failed dismally in its quest for truth and reconciliation.

In the following chapter, I shall look at how the formation of the TRC in South Africa became a political project with a political solution. This argument is based on how the proceedings of the TRC ratified the elite compromise reached at the informal and formal negotiations. The claim that the TRC ratified the elite compromise reached at the informal and formal negotiations is based on how the TRC deliberately narrowed down a vague mandate given to it. The mandate of the TRC mandated the TRC to investigate, amongst others, gross human-rights violations perpetrated by institutions which benefitted from these violations. Surprisingly, the TRC opted to interpret its mandate narrowly as a mandate of investigating individuals. Therefore, the inquiry into gross human-rights violations focused on individuals, and the institutions which backed up the apartheid system got away scot-free.

# CHAPTER 4

## THE TRC AND THE RATIFICATION OF THE ELITE COMPROMISE REACHED AT THE INFORMAL AND FORMAL NEGOTIATIONS

The TRC ratified this agreement [*that the benefits that had been accumulated mostly undeservedly in the hands of the corporate sector and other White people through systematic exploitation would be either forgotten or condoned*], although it was not in the interests of truth-seeking and reconciliation to do so. (Terreblanche 2002:125)

### 4.1 Introduction

The South African Truth (and Reconciliation) Commission, which was initially called the Truth Commission, was formed against the background of the pronouncement of the international human rights community that apartheid was judged “a crime against humanity” and against the background of the negotiated settlement (Terreblanche 2002:124–132). The TRC was thus established, on the one hand, to please the international human rights community and, on the other hand, to ratify the elite compromise reached at the informal and formal negotiations. This claim is based on how the TRC accidentally and/or intentionally narrowed down the wide mandate given to it. I contend that it did so in order to please both the international human-rights community and the corporate sector in South Africa through obscuring the systemic character of apartheid and thus offering the corporate sector in South Africa an underserved opportunity to

clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid (Terreblanche 2002:124–132)

As noted previously, the sudden interest of the NP and the corporate sector in South Africa in a negotiated settlement and the sudden passing of the Promotion of National Unity and Reconciliation Act, No 34 of 1995, were not accidental. This act, which gave birth to the TRC, was passed as a ratification of the elite compromise reached in the informal and formal negotiations. Furthermore, notion of democracy was promoted for the benefit of the imperial forces through the authoritarian regimes, in order for the imperial forces to maintain their grip on the economy of the Third-World countries.

The previous chapter pointed out how the promotion of the notion of democratisation caught the ANC off-guard and resulted in the ANC accepting pacts that would result in the authoritarian regime and its constituency becoming economic victors whilst the ANC and its constituency became political victors.

It is important to note that these events occurred without the participation of the church though some theologians were indeed involved. Although the church was not involved in either the informal or formal negotiations, its theological concept(s) like “reconciliation” was used in the formation of the TRC (Boesak & DeYoung 2012:9). It is the contention of this chapter that the church and its theological concept, reconciliation, was used to ratify the elite compromise reached at both the informal and formal negotiations. I base this claim on the argument that the

church as the most influential organ of society was the only organ of society left to ratify the elite compromise.

This seal was important as the church as an influential organ of society in South Africa was known, amongst other things, to have helped in the fight against the apartheid system despite the fact that the very church also gave theological justification for the system of apartheid (Smith 1979:1 & De Gruchy 2005:182). This very influential position<sup>37</sup> of the church could not be ignored in the process of the TRC. Thus, the church was also used to ratify the elite compromise. During the informal and formal negotiations, the NP and the corporate sector in South Africa managed to obtain approval for their plans from the ANC, which assumed the position as the political voice of the Black majority. Now, the only influential organ of society outstanding was the church.

The notion of “reconciliation”, which is a theological concept, is based on the idea of “restoring” things or relationships to their original status (Boesak & DeYoung 2012:11-12). I argue, once again, that the use of this notion in the formation of the TRC was not accidental. There is a long history of the taming of the biblical message in South Africa. This is why I argue that the use of this theological concept was calculated. The inclusion of this tamed concept in the TRC led to it be given the meaning of “forgiveness”, which resulted in blanket “amnesty” to all perpetrators (Boesak & DeYoung 2012:9-10; Mamdani 2002:33-34). The inclusion of this concept in the TRC and the inclusion of theologians in the TRC became a powerful symbolical ratification of

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<sup>37</sup>It is vital at this stage to mention, that the history of the church in South Africa puts it an oxymoronus situation. On the one hand, the church is known to have played a crucial role in providing theological justification for apartheid, and on the other side, the church is also known to have played a role in fighting the apartheid system. As such, the church finds itself in this influential position which, this chapter contends, forces the role players in the negotiations to notice the church in their task to move South Africa and South Africans forward.

the elite compromise reached at the negotiations. This was seen in how the TRC conducted its proceedings especially under the chairmanship of a theologian, Archbishop Desmond Tutu.

This chapter will make its argument, that the TRC was established to ratify the elite compromise reached at the informal and formal negotiations, by looking at the following sub-sections: (1) Historical and ideological influences on the TRC, (2) TRC: The biblical concept of “reconciliation” within the TRC, (3) TRC: Individualistic and legalistic approach to human-rights violations, (4) TRC: A political project with a political solution? And (4) Conclusion.

## **4.2 Historical and ideological influences on the TRC**

I start off the argument by noting the historical and ideological influences on the TRC. This is because an impression has been created that the concept of truth commissions emerged with the South African TRC. As such, the South African TRC is looked at with awe for its success. This perception might be as a result of its symbolic position in bringing about a successful and so-called peaceful transition from apartheid to democracy. This perception has led South Africa to be regarded as the miracle child of Africa in particular and the world in general. Thus Stevens, Franchi and Swart (2006) rightly notes the following:

... although a great deal of international attention has tended to focus on the South African TRC with its successes and failures. But the actual concept of truth commissions emerged in the 1970s in Uganda and later gained prominence in Latin America in the 1980s. (p. 296)

It is for this reason that attention will be given to the historical and ideological influences of the Ugandan Truth Commission (1974), the National Commission on the Disappeared in Argentina

(1983), the National Commission for Truth and Reconciliation in Chile (1991) and the Commission of Inquiry in Chad (1992) (*ibid*; Mamdani in Amadiume and Abdullahi 2000:179; Terreblanche 2002:128–129). This is because the South Africa TRC drew largely on the Latin-American examples to help shape its truth commission. However, it must pointed out that, as a result of the historical and ideological influence of the Latin American truth commissions, the TRC obscured what was distinctive about apartheid (Mamdani in Amadiume & Abdullahi 2000:179). As a result of this obscuring, the TRC made the following three mistakes which resulted in “... amnesty without reparations for a crime against humanity”: (1) Firstly, the TRC individualised the victims of apartheid. Though the TRC acknowledged apartheid as a crime against humanity which targeted entire communities for ethnic and racial cleansing, it was reluctant to go beyond this formal acknowledgement. (2) Secondly, when the TRC focused on individuals, thus obscuring the victimisation of communities, it was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. (3) Thirdly, the TRC extended mostly to perpetrators of apartheid. In the absence of a full acknowledgment of victims of apartheid, there could not be a complete identification of perpetrators (Mamdani 2002:33–34; Terreblanche 2002:124–132).

Stevens *et al.* 2006:296 (see also Terreblanche 2002:124-132 ) points to this background in the following words:

... while a great deal of international attention has focussed on the South Africa TRC and its successes and failures, the actual concept of truth commission emerged in the 1970s Uganda, and gained prominence in Latin America in the 1980s.

The TRC drew from these truth commissions, and Stevens *et al.* (2006) rightly point out the following:

... generally, truth commissions are official agencies that are sponsored by governments and/or international organizations to formally investigate and report on human rights violations that occur in specific countries or regions that have endured a period of social conflict. (p. 196)

Truth commissions are a forum for victims, relatives and even perpetrators to give testimony and evidence of human-rights abuses. These commissions are intended to provide closure in these tragedies, to account for past abuses, to provide recommendations to prevent similar acts from recurring in the future and to stimulate national reconciliation (Terreblanche 2002:124–132; see also Stevens *et al.* 2006:296). The inability and/or unwillingness of the TRC to uncover the truth about the systemic exploitation must be understood against this background of the truth commission being a “... forum for victims, relatives and even perpetrators” (Terreblanche 2002:124–132; Stevens *et al.* 2006:296). Terreblanche (2002) rightly points to this when he notes the following:

... the TRC has done an excellent job in discrediting the apartheid regime, and the atrocities committed under its aegis. In doing so it identified many of the individual perpetrators of gross human rights violations, and also many of the individual victims of these violations. (p. 124)

The individualisation of the victims and the perpetrators of human-rights violations by the TRC in South Africa came as a result of, amongst other things, the influence of the truth commissions in Uganda in the 1970s and in Latin America in the 1980s (Stevens *et al.* 2006:296; Terreblanche 2002:124–132). Stevens *et al.* (2006) refers to the following history of truth commissions:

... after the first truth commission in 1974 in Uganda, several other countries employed this process, namely, the National Commission on the Disappeared in Argentina in 1983, the National Commission for

Truth and Reconciliation in Chile in 1991, the Commission of Inquiry in Chad in 1992, and the South African Truth and Reconciliation Commission in 1995. (p. 196–197)

In this section, I am looking at some of historical background which led to the establishment of the truth commissions of Uganda (1974), Argentina (1983), Chile (1991) and Chad (1992). The focus will specifically be on these countries because Uganda was the first country to have a truth commission whilst the other countries mentioned (Argentina, Chile and Chad) followed Uganda. In most of the mentioned countries, the human-rights violation came as a result of dictatorships and the disappearance of citizens (Stevens *et al.* 2006:296; Terreblanche 2002:124–132). Amadiume and Abdullahi (2000:179) rightly points out that, because the truth commissions in these countries (Uganda, Argentina, Chile and Chad) dealt with the human-rights violations which were caused by dictatorships and the disappearance of citizens, the influence of these commissions on the TRC obscured what was distinctive about apartheid in South Africa.

Firstly, I deal with the historical background behind the establishment of the truth commission in Uganda in 1974. This truth commission in Uganda was established by Idi Amin Dada. This came about when Idi Amin Dada, who was then a junior soldier in the army removed the authoritarian president Milton Obote from power, a move welcomed by the people of Uganda. However, it was not long until he disbanded the parliament and changed the composition of the country, granting himself absolute power. This move resulted in resistance from the people of Uganda. In response, Idi Amin Dada enforced his power through running an organised campaign of repression that included killings and disappearances. This was the background to the people of Uganda demanding the establishment of an inquiry into the disappearances that occurred during

Idi Amin's early years in power The truth commission of Uganda was established in 1974 (United States Institute of Peace 1971–1974).

The United States Institute of Peace (1971–1974) reports as follows on the Ugandan truth commission:

In 1971, a junior army Idi Amin Dada ousted the authoritarian president Milton Obote from power. It must, also, be noted, that though Amin was initially welcomed enthusiastically, he quickly dissolved parliament and altered the constitution granting himself absolute power. Consequently, the Ugandan state forces carried out an organized campaign of repression that included killings and disappearances. As a result, strong public pressure mounted for an inquiry to be conducted into disappearances occurring during the early years of the Amin government. As a result, President Amin established the Commission of inquiry into the Disappearances of People in Uganda. (n.p.)

Following the truth commission in Uganda in 1974, several other countries employed this process. I now look at the National Commission on the Disappeared in Argentina in 1983. The 1983 Argentinian National Commission on the Disappeared was established as a consequence of the systematic disappearance, torture and death of thousands of people suspected by the regime of supporting groups which were fighting the regime (Sugiyama 2008:31–39). This came after the military coup in March 1976 where President Isabel Peron was overthrown. Following this, a military dictatorship was installed under the leadership of General Jorge Rafael Videla, Admiral Emilio Eduardo Massera and Brigadier-General Orlando Ramon Agosti. This military dictatorship, which was known as the “National Reorganization Process”, remained in power until 1983. However, during the seven years between the ousting of the dictator, President Isabel Peron (1976), and the running of the country by the National Reorganized Process (1983), there was an armed struggle between the military dictatorship of the National Reorganized Process and

opposition which resulted in the systematic yet secret disappearance, torture and death of thousands of individuals suspected by the government of supporting the left-wing agenda (Sugiyama 2008:31–39). As a result of the growing internal and international pressure, the National Reorganized Process was forced to hold general elections. These elections resulted in Raul Alfonsin being elected as president. Shortly after his inauguration, he established the National Commission on the Disappearance of Persons (CONADEP) of 1983. This commission was established to investigate the fate of the victims of disappearance and other human-rights violations during the military dictatorship (Sugiyama 2008:31–39).

Regarding this process, the United States Institute of Peace (1983–1984) reports as follows:

... following a military coup in March 1976, a series of military juntas exercised power in Argentina, while an opposing leftist guerrilla movement grew. A seven-year armed struggle between the military dictatorship and opposition “subversives” resulted in the systematic yet secret, disappearance, torture, and death of thousands of individuals suspected by the government of supporting the left-wing agenda. The regime of Reynaldo Benito Bignone was forced to allow general elections in 1983 because of the combined effect of increasing domestic and international pressure to clarify the fate of the disappeared, an economic crisis, and the military defeat in the war against Great Britain over the Malvinas/Falklands Islands. Raul Alfonsin was elected as president. During his first week in office, he created the CONADEP on December 16, 1983 and repealed the military amnesty that had protected its members from investigation. (n.p.)

Following the National Commission on the Disappeared in Argentina in 1983, the National Commission for Truth and Reconciliation was established in Chile in 1991. This commission was established following a numerous acts of repression against opposition groups by General Augusto Pinochet’s government. This came after the 1973 Chilean coup where President Salvador Allende was overthrown by the armed forces and national police. As a result, a military

dictatorship was established under General Augusto Pinochet (Ensalaco 1994:656–675). After the coup, General Augusto Pinochet rose to supreme power within a year with the help of the United-States government, which had worked hard to create the conditions of the coup which resulted in the ousting of President Salvador Allende. Under President Salvador Allende, Chile was hailed as a beacon of democracy and political stability in South America. However, under the leadership of General Augusto Pinochet, Chile turned into a military dictatorship and *caudillo* (that is, a state under a political-military leader). It is also under Pinochet’s government that the Chilean civilian government was abolished, and all left-wing political activities were repressed. As a result of growing internal and international pressure, Pinochet allowed elections lost to Patricio Aylwin (Ensalaco 1994:656–675). Shortly after his inauguration, President Patricio Aylwin established Chile’s National Commission for Truth and Reconciliation known as “The Rettig Commission” to investigate human-rights abuses that occurred during the Pinochet regime. This commission was mandated to document human-rights abuses resulting in death or disappearance during the years of military rule, from 11 September 1973 to 11 March 1990. It is also important to mention for the purpose of this chapter that torture and other abuses that did not result in death fell outside of the scope of this commission’s mandate (Ensalaco 1994:656–675).

The following is the historical background which led to the establishment of the TRC in Chile in 1991 (United States Institute of Peace 1990–1991):

In 1973, President Salvador Allende was removed from power and General Augusto Pinochet took over the Chilean government. Pinochet was accused of numerous acts of repression against opposition groups. The Pinochet dictatorship ended in 1989 when he conceded to holding elections and then lost to Patricio Aylwin by a narrow margin. Shortly thereafter, President Aylwin established Chile’s National Commission for

Truth and Reconciliation known as “the Rettig Commission” to investigate human rights abuses that occurred during the Pinochet regime. (n.p.)

Lastly, I note the establishment of the Commission of Inquiry in Chad in 1992. This commission was established following widespread human-rights abuses and atrocities which were instituted by Hissene Habre’s government (Human Rights Watch 2005:1–41). This came after Hissene Habre, who was given the post of prime minister of Chad in 1978, deposed Goukouni Oueddei as president through a coup in 1982. As a result of the coup, Hissene Habre seized power in Chad and ruled from 1982 until he was deposed in 1990. Habre’s one-party regime was characterised by human-rights abuses and atrocities. After Habre seized power, he created a secret police known as the Documentation and Security Directorate (DDS) which tortured and executed the government’s opponents (Human Rights Watch 2005:1–41). Some of the methods which this secret police used included burning with incandescent objects; spraying of gas into the eyes, ears and nose; forcing victims to swallow water and forcing the mouths of detainees around the exhaust pipe of a running car (Human Rights Watch 2005:1–41). Habre’s government also became engaged in an ethnic-cleansing campaign against groups such as the Sars, Hadjerai and Zaghawa. Under these conditions, Libya (under Muammar al-Gaddafi) invaded Chad in 1980 in an attempt to drive Habre out, with little success (Human Rights Watch 2005:1–41). Later, a rebel offensive group led by Idriss Deby defeated Habre’s forces. Then Idriss Deby became the president of Chad. It was under his rule that the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habre, his accomplices and/or accessories was established to investigate illegal detentions, assassinations, disappearances, torture, mistreatment, other attacks on the physical and mental integrity of persons and all violations of human rights,

illicit narcotics trafficking and embezzlement of the state fund between 1982–1990 (Human Rights Watch 2005:1–41).

In this regard, the United States Institute of Peace (1991–1992) notes the following:

... a civil war in Chad ended in August 1979 with the signing of the Lagos Accord, and a national unity government was established. In 1981, fighting out between President Oueddei's and Defence Minister Hissene Habre's forces. Once Habre gained power control, he began a campaign of widespread repression including torture and killings. Intervention by French, Zairian (Congolese), and Libyan forces failed to oust Habre from power until Idriss Deby, one of Habre's former generals, fled to Sudan and gained the Libyan backing to launch a successful attack against Harbre in December 1990. Deby became president in February 1991 and established the commission to investigate crimes committed during Habre's eight-year rule. (n.p.)

Reflecting on these processes, I now observe some of the similarities in the historical backgrounds which led to the establishment of truth commissions in Uganda (1974), Argentina (1983), Chile (1991) and Chad (1992). This is for the purpose of showing some similarities between all of these countries whilst pointing their differences from the South-African situation. In Uganda, the truth commission was established after Idi Amin Dada ousted the authoritarian President Milton Obote from power (United States Institute of Peace 1971–1974:n.p.). In Argentina, however, the National Commission on the Disappeared was established after a military coup in March 1976 (United States Institute of Peace 1983–1984:n.p.). In the case of Chile, the National Commission for Truth and Reconciliation was established after General Pinochet took over the Chilean government. It must be noted that General Pinochet was a dictator until 1989 when he conceded to holding elections, which he lost to Patricio Aylwin (United States Institute of Peace 1990–1991:n.p.). President Aylwin then established Chile's

National Commission for Truth and Reconciliation. The situation in Chad entailed that the Commission of Inquiry into the crimes and Misappropriations Committed by Ex-President Habre was established after Hissene Habre had ousted President Ouddei (United States Institute of Peace 1991–1992:n.p.).

Before looking into the similarities and differences between the acts of gross human-rights violations in these countries (Uganda, Argentina, Chile and Chad) and in South Africa, I am looking into how, theoretically, these commissions (the Truth commission in Uganda, the National Commission on the Disappeared in Argentina, the National Commission for Truth and Reconciliation in Chile and the Commission of Inquiry in Chad) came into being. Stevens *et al.* (2006:297) observes that “... the truth commissions tend to be employed as a strategy in contexts of social evolution in which a stable transition is being pursued”. In all of these countries, the political transition was not stable because the transitions in these countries were based either on a military coup or a total take over by dictators such as Idi Amin Dada in Uganda, Reynaldo Benito Bignone in Argentina, General Augusto Pinochet in Chile and Hissene Habre in Chad (United States Institute of Peace 1971–1974:n.p.; United States Institute of Peace 1983–1984:n.p.; United States Institute of Peace 1990–1991:n.p.; United States Institute of Peace 1991–1992:n.p.). Stevens *et al.* (2006:297) further notes that the Truth Commissions were “... therefore fundamentally associated with the politics of transformation and are consequently an invariable tool of political reformism”.

Political reformism, especially in Third-World countries such as Uganda, Argentina, Chile, Chad and South Africa, refer to the notion of democratisation or transition from authoritarian regimes

to democratic regimes (Cronin 1994). It is for this reason that Stevens *et al.* (2006:297) rightly notes: “This is in contrast to a situation in which outright political purges occur, where these purges are often associated with socio-political ruptures rather stable transitions.” The truth commissions in countries like Uganda, Argentina, Chile and Chad, on which the South Africa TRC drew, were constituted in situations where the transitions were not stable whilst the idea was that “... truth commissions tend to be employed as a strategy in contexts of social evolution in which a stable transition is being pursued” (*ibid*:297). Thus Stevens *et al.* (2006) rightly points out the following:

... the very choice of such commissions as a strategy denotes potential characteristics of the social formations in which they are embedded - namely that these contexts are highly likely to be pervaded by conditions of socio-political compromise. (p. 297)

When one looks at the historical background which led to the establishment of the TRC, the notion that the “...truth commissions tend to be employed as a strategy in contexts of social evolution in which a stable transition is being pursued” (Stevens *et al.* 2006:297) needs to be considered. The notion of a “stable transition” in the South-African situation is a misnomer. I make this claim because the transition in South Africa came as a result of the *cul-de-sac* in which the NP, the Corporate Sector in South Africa and the ANC found themselves during the 1980s and early 1990s (Cronin 1994; Mkhondo 1993; Terreblanche 2002). During this period, the 1980s to early 1990s, the notion of democratisation was promoted in Third-World countries at the same time when capitalism was becoming global in character (Cronin 1994; Terreblanche 2002). Thus, the notion of democratisation, which advanced the notion of transition to democracy, was promoted for the sole purpose of guaranteeing that the authoritarian regime maintain its grip on the economy of South Africa (*ibid*).

The liberation movements in Third-World countries, namely the ANC in South Africa, resorted to the notion of a transition to democracy as a result of the collapse of the Soviet Union (1989–1990) which left them in a *cul-de-sac*. As noted earlier, the ANC, NP and the corporate sector in South Africa opted for the transition to democracy as a result of circumstances. In the words of Stevens *et al.* (2006:297), “... the backdrop of sanctions and a flailing political economy rendered it impossible for the apartheid state to sustain its escalated oppression”, which is why the notion of a “stable transition” is a misnomer in South Africa. They (*ibid*) rightly point out the following:

... the socio-political condition predating the TRC in South Africa was one which the NP, on the one hand, was unable to effect a victory over an increasingly militant resistance to the apartheid system from the liberation movement.

... the resistance movements, on the other hand, were unable to initiate a comprehensive revolution against the apartheid state because of a variety of objective and subjective political reasons. (p. 297)

After looking at how these commissions came into being, I now proceed to noting the similarities between acts of human-rights violation in these countries, Uganda, Argentina, Chile and Chad, which led to the establishment of their truth commissions. In Uganda, the truth commission was established after the Ugandan state forces had carried out an organised campaign of repression that included killings and disappearances. In Argentina, the National Commission on the Disappeared was established after a seven-year armed struggle between the military dictatorship and opposition “subversives” resulted in the systematic, yet secret, disappearance, torture and death of thousands of individuals suspected by the government of supporting the left-wing agenda. In Chile, the National Commission for Truth and Reconciliation was established after

General Pinochet was accused of numerous acts of repression against opposition groups. Lastly, in Chad, the Commission of Inquiry into the Crimes and Misappropriations Committed by Ex-President Habre was established after Habre carried out a campaign of widespread repression, including torture and killings.

In spite of the differences between the historical backgrounds, namely gross violations which were committed under dictators, which led to the establishment of the truth commissions in these countries, the South African TRC drew largely on the Latin-American examples to help shape its form and processes. The influence of these commissions led to the inability and unwillingness of the TRC to uncover the truth about systemic exploitation as Terreblanche (2002:128) points out. In their task of uncovering the truth with the aim of promoting national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights (TRC 1998:56), the TRC decided to narrow down their investigations to individual perpetrators and victims (Amadiume & Abdullahi 2000:179).

Mamdani rightly pointed out that "... the TRC passionately embraced [*the analogy*] of dictatorship in Latin America, when they decided to narrow their investigation to perpetrators and victims (legally defined) gross human rights violations" (in Amadiume & Abdullahi 2000:179). When the TRC agreed to construct itself on the analogy of the previous commissions (the Truth Commission in Uganda, the National Commission on the Disappeared in Argentina, the National Commission for Truth and Reconciliation in Chile and the Commission of Inquiry in Chad; Stevens *et al.* 2006:296) in Latin America, it ignored what was distinctive about

apartheid in South Africa (Amadiume & Abdullahi 2000:179). Thus Terreblanche (2002:128) argues that, “[i]n the process, the TRC agreed that apartheid was no more than a harsh and cruel dictatorship, a gross denial of human rights”. Thus, the analogy with Latin America obscured what was distinctive about the gross human-rights violations in South Africa. The difference was that the gross violations of human-rights in South Africa were perpetrated collectively and systemically against millions of Black people under the White political domination and racial capitalism (*ibid*:124).

Thus, the influence of the Latin-American analogy on the TRC led to its inability and/or unwillingness to uncover the truth about the systemic exploitation of the apartheid system (Terreblanche 2002:124). Due to this influence, the TRC did not only obscure what was distinctive about apartheid in South Africa, but it failed to honour its mandate, namely to facilitate “... inquiries into (i) gross violations of human rights, including violations which were part of a systematic pattern of abuse ... (ii) the identity of all persons, authorities, institutions and organisations involved in such violations [*of human rights*]” (TRC 1998:56). Mamdani (in Amadiume & Abdullahi 2000:179) puts it succinctly: “The Latin American analogy obscured what was distinctive about apartheid. For the violence of apartheid was aimed less at individuals than at entire communities and entire population groups.”

Looking at other distinctive factors between the Latin-American and South-African situations, I note that the violence which led to the establishment of the TRC was not just political (Amadiume & Abdullahi 2000:179). In other words, the violence that was perpetuated against the millions of Black people in South Africa (Terreblanche 2002:124) was not just about

defending power by denying people their rights (Amadiume & Abdullahi 2000:179). In the case of South Africa, "... the point of torture, terror, death, was more far-reaching: its aim was to dispossess people of means of livelihood" (*ibid*). This is why I agree with the conclusion that "... the Latin American analogy obscured the colonial nature of the South Africa context: the link between conquest and dispossession, between racialized power and racialized privileges" (*ibid*). As a result of the historical and ideological influence of the Latin-American truth commissions – particularly the National Commission for Truth and Reconciliation in Chile – the TRC accidentally or intentionally embarked on a journey that led to its inability and/or unwillingness to uncover the truth about the systemic exploitation caused by apartheid. Thus, the TRC failed in its mandate to establish as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the given period (Terreblanche 2002:124–132).

### **4.3 TRC: The biblical concept of ‘reconciliation’ within the TRC**

Following the historical and ideological influence of the Latin-American truth commissions in Argentina and Chile on the South African truth commission, I now turn to the addition of the biblical concept of “reconciliation” on the South-African truth commission. As argued often above, I contend that the biblical concept of “reconciliation” was added, like Boesak and DeYoung (2012:1) points out, to “... reach some political accommodation that did not address the critical questions of justice, equality, and dignity that are so prominent in the biblical understanding of reconciliation”. Boesak and DeYoung (2012:10) point out that, in South African and especially under the political accommodation and arrangement of the elite compromise, the biblical concept of “reconciliation” has come to mean assimilation,

appeasement, a passive peace, a unity without cost and maintaining power with cosmetic changes.

As alluded to before, “reconciliation” is a biblical concept which denotes “restoring” things to their original state. However, under the political accommodation and arrangement of the elite compromise, this concept underwent a change in meaning. Boesak and DeYoung explain change in meaning by employing two notions namely political pietism and Christian quietism. They point out that, in the context of the South-African political accommodation and arrangement, “reconciliation” was presented as if it does not need genuine reconciliation, and it employs a language that sounds like the truth but is in fact deceitful. This is what Boesak and DeYoung (2012:1) call political pietism. They further note that, at some point, people discovered that what was happening at the TRC was in fact not reconciliation, and yet for reasons of self-protection, fear or a desire for acceptance or to accommodate this situation, they justified it. In this process of refusing to run the risk of challenging and prophetically telling the truth, people became complicit in deceitful reconciliation. Boesak and DeYoung (2012:1) thus come to the following conclusion: “We deny the demands of the gospel and refuse solidarity with the powerless and oppressed. This we call Christian quietism.”

Following Boesak and DeYoung’s notions of political pietism and Christian quietism, Stevens *et al.* (2006:296; see also Terreblanche 2002:124–132) put forward their view concerning the addition of the biblical concept of reconciliation. According to them, it should be understood against the backdrop of a series of events, namely (i) the historical and ideological influence of

the Latin American truth commissions, particularly the National Commission for Truth and Reconciliation in Chile and (2) the informal and formal negotiations.

In particular, the South-African TRC drew its use of the notion of “reconciliation” from the truth commission of Chile (Stevens *et al.* 2006:296). This historical link is important because it shows how the addition of the biblical notion of “reconciliation” in both the Chilean and South-African truth commissions led to the same outcomes despite different mandates (United States Institute of Peace 1990; 1995).

For instance, the National Commission for Truth and Reconciliation in Chile was mandated to document human rights abuses resulting in the death or disappearance of people during the years of military rule from 11 September 1973 to 11 March 1990. The Chilean truth commission made the following recommendations (United States Institute of Peace 1990–1991):

- (1) the commission recommended the establishment of a National Corporation for Reparations and Reconciliation to provide continuing assistance to victims that testified. It suggested that reparations should include symbolic measures as well as significant legal, financial, medical and administrative assistance.
  - (2) The commission recommended the adoption of human rights legislation, the creation of an ombudsman office and the strengthening of civilian authority in Chile society and judicial system. It is, however, interesting to note that after all these recommendations the Chilean government passed the amnesty law.
- (n.p.)

On its part, the Truth and Reconciliation Commission in South Africa was mandated to investigate gross human-rights violations that were perpetrated during the period of the apartheid regime between 1960 and 1994, including abductions, killings and torture. Its mandate covered violations by both the state and the liberation movements and allowed the commission to hold

special hearings focussed on specific sectors, institutions and individuals. It is interesting to note that, controversially, the TRC was empowered to grant amnesty to perpetrators who confessed their crimes truthfully and completely to the commission (United States Institute of Peace 1995). The South African TRC made the following recommendations (United States Institute of Peace 1995):

- (1) The TRC made detailed recommendations for a reparations program including financial, symbolic and community reparations.
- (2) The commission further recommended that South Africa's society and political system should be reformed to include faith communities, businesses, the judiciary, prisons, the armed forces, health sector, media and educational institutions in a reconciliation process.
- (3) The prosecution should be considered in cases where amnesty was not sought or was denied. (n.p.)

The addition of the biblical concept of reconciliation should, however, also be understood against the backdrop of the informal and formal negotiations in the South-African peace process. This is because the establishment of the TRC came about as a result of the elite compromise reached at the informal and formal negotiations. In the formal negotiations, the balance of forces favoured the ANC whilst those in the informal negotiations favoured the NP and the corporate sector in South Africa (Terreblanche 2002:125). The political establishment of the apartheid regime was dramatically defeated during the formal negotiations whilst, on behalf of White South Africans, the corporate sector, which formed an essential part of the system of racial capitalism, came out unscathed from the informal negotiations (*ibid*).

In the process of balancing forces and/or powers, a political arrangement had to be made, namely that a truth commission would be established to de-legitimize the apartheid regime whilst its security forces and individuals would be identified as both victims and perpetrators (*ibid*; see also Boesak

& DeYoung 2012; Mamdani 2002; Stevens *et al.* 2006:296). The addition of the biblical concept of “reconciliation” thus served to ratify the elite compromise. This addition, namely the biblical concept of reconciliation, was for the sake of reaching some political accommodation. Boesak and DeYoung (2012:1) further points out that “[s]uch political arrangements invariably favour the rich and powerful but deprive the powerless of justice and dignity”. In line with Boesak and DeYoung’s notions of political pietism and Christian quietism, I contend that the presentation of this tamed biblical concept of reconciliation as if it responds to the need of genuine reconciliation and the employment of a language that sounds like the truth but is deceitful constitutes political pietism. Similarly, knowing that this tamed biblical concept of reconciliation is known by Christians to be deceitful, and yet ignoring this knowledge, constitutes Christian quietism (*ibid*).

Following Boesak and DeYoung’s notions of political pietism and Christian quietism, I concur with them when point out the following (Boesak & DeYoung 2012):

... the issue was not reconciliation; it was, rather, our understanding of it ... From experience in the church as politics, we knew how the Bible was used in Afrikaner politics, and how the radical message of the Bible was made servant to ideology. (p. 9)

Historically, the biblical message in South Africa had been subjected to ideology to the point where it was domesticated for purposes of subjection and control. In this argument, one should just recall that the biblical message was used to give theological justification to apartheid. Thus Smith (1979) notes that, without theological justification, apartheid would not have been successful. It is for this reason that Jennings (2010:9–10) rightly points out that he “... has purposefully stayed away from the theological language of reconciliation because of its terrible

misuse in Western Christianity and its tormented deployment in so many theological systems and projects”.

In line with Jennings’ point, that the theological language of reconciliation was terribly misused in Western Christianity, one should notice how truth commissions come into being especially after a stable transition. Stevens mentions that truth commissions come into for the purpose of political reformism and are pervaded by socio-political compromises (see Stevens *et al.* 2006:296). This is mentioned here to point out that these commissions are a product of a political process, which in the case of South Africa was the informal and formal negotiations. I here recall the argument that the informal and formal negotiations came into being as a result of the weakness in the ANC’s bargaining position in the 1980s given the fall of the Soviet Union (1989–1990). The fall of the Soviet Union (1989–1990) left the ANC in an ideologically confused state, and the NP and the corporate sector in South Africa took advantage of this and suggested the transition to democracy. The ANC then accepted everything proposed by the NP and the corporate sector in South Africa. Thus, the NP and the corporate sector in South Africa got their first prize in the informal negotiations, namely economic power, and the ANC got its first prize in the formal negotiations, namely political power. The TRC must be understood against this background.

The addition of the biblical of concept of reconciliation to the South-African truth commission was thus not accidental. The South African truth commission, like similar commissions in Uganda, Argentina, Chile and Chad, was initially named the truth commission before FW de Klerk requested that the biblical concept of reconciliation be added to the name of the truth

commission (Boesak & DeYoung 2012:9). As such, Boesak and DeYoung (2012) rightly argue the following:

Mr De Klerk and his party did not intend to allow reconciliation to confront the country with the demands of the gospel, but to blunt the progress of radical change and transformation. (p. 9)

Following Boesak and DeYoung's argument that the addition of the biblical concept of reconciliation was not intended to confront the country with the demands of the gospel but to blunt the progress of radical change and transformation, I argue that the addition of this biblical concept was to tame the processes of the TRC and to lead to the inability of the TRC to uncover the truth about the systemic exploitation of apartheid (Terreblanche 2002:124). This is because Mr De Klerk and his party knew that the biblical message could be subjected to a process where the scripture will be ideologised, manipulated or managed to suit their political endeavours, processes or desires (Boesak & DeYoung 2012:10). Furthermore, the biblical concept of reconciliation was not only added to tame the processes of the TRC, but its addition also entailed a process of changing the meaning of the word from the idea of restoring things to their original state to one of assimilation, appeasement, a passive peace, a unity without cost, and maintaining of power with only cosmetic changes (*ibid*).

The notions of assimilation, appeasement, a passive peace, a unity without cost and maintaining power then became the basis on which only cosmetic changes had to be made on the basis of this tamed biblical message concerning reconciliation. These notions prove not only Boesak and DeYoung's argument that the addition of the biblical concept of reconciliation was to blunt the progress of radical change and transformation. They also prove the contention of this chapter that the establishment of the TRC was to ratify the elite compromise reached at the informal and

formal negotiations. I claim this because the TRC failed in its mandate of "... establishing a complete picture as possible of the causes, nature and extent of the gross human rights violations ..." (Terreblanche 2002). This claim is based on how the truth that the TRC was uncovering became a manufactured truth. Terreblanche rightly points out that the TRC intentionally ignored the gross human-rights violations perpetrated collectively and systematically against millions of Black people under White political domination and racial capitalism (*ibid*). As result of this failure, reconciliation came to be understood as assimilation, appeasement, a passive peace, a unity without cost, and maintaining of power with only cosmetic changes.

Following the taming of the biblical message, particularly the biblical concept of reconciliation, the question is whether there remains the possibility of liberating this concept from being domesticated for purposes of subjection and control. In this regard, Lisher (2005) notes the following:

After Auschwitz, Hiroshima, Vietnam, Cambodia, Rwanda, all words seem hallow. Lister further asks, what does one say after a televised beheading? The proclamation of God's justice or God's loves meets a wall of resistance first in the throat of the proclaimer, then in the ears of the hearer ... when the message of Jesus Christ can be Nazified or made a tool of racism, anti-Semitism, apartheid, or capitalism, it is time for preachers to shut up and take stock of themselves. (p. 5)

Following Lisher's notion, Boesak and DeYoung (2012:10) point out the following about the possibility of liberating the biblical concept of reconciliation from being domesticated for purposes of subjection and control: "The demands of the Scriptures will always lay a greater claim than these processes are willing to concede."

The question, then, is: What did this biblical concept of reconciliation mean in its origin and in context. The motivation behind this search is that, if this concept was allowed to confront the country with the demands of the gospel, it would have pushed the TRC to demand justice, and it would have also pushed the TRC into the terrains that it wanted or had planned or could be allowed to go (Boesak & DeYoung 2012:10). As Boesak and DeYoung rightly point out, one should start with Paul's emphasis on reconciliation. The Pauline emphasis on reconciliation emerged from his understanding of the life, message, death on a cross and resurrection of a Roman colonial subject named Jesus from the town of Nazareth in the occupied territory of Galilee (*ibid*:11). Boesak and DeYoung further note that Paul's interpretation of the life, message, death on a cross and resurrection of a Roman colonial subject was also influenced by his own status as a colonised and oppressed member of an ethnic and religious minority (*ibid*:10). Thus, the Pauline account of reconciliation must be understood against this background and against the background of two familiar and traditional biblical texts in reconciliation discourse, namely 2 Corinthians 5:16–26 and Ephesians 2:14–16 (*ibid*).

Boesak and DeYoung point out that the word reconciliation appears occasionally in the New Testament and, with few exceptions, always in the Pauline literature. One thus has to understand this biblical concept against the background of the Roman Empire and Paul. Boesak and DeYoung further point out that the word reconciliation is a translation of several Greek words, namely the verbs *katallasso* and *apokatallasso* and the noun *katallage* (Boesak & DeYoung 2012:11–12). These words were utilised by Greek writers to discuss interpersonal relationships, but they were also used in peace treaties between nations and groups. Thus Boesak and DeYoung

(*ibid*:12) note that, in the common Greek use, there were clearly political dimensions to the meaning of reconciliation.

When Jewish scholars translated the Hebrew scripture into Greek, they used these words (*katallasso, apokallasso and katallage*) to translate the Hebrew words related to atonement, that is, to God being reconciled with humanity (Boesak & DeYoung 2012:12). This is mentioned here to point out that the translation of the Hebrew notion of atonement to these Greek words (*katallasso, apokallasso and katallage*) did not retain the political dimension found in the Greek understanding of reconciliation. When Greek writers used these words, they never implied a spiritual connotation to reconciliation. It is for this reason that Boesak and DeYoung (*ibid*) point out the following:

... in Paul's usage of these words, we find both the spiritual and political meanings. His readership, both Greeks and Jews, would have understood reconciliation in this way as they discussed his letters in gatherings. (p. 12)

To understand the context of Paul in an attempt to comprehend his usage of reconciliation, Boesak and DeYoung note that the life of Paul was shaped by the daily reality of the military presence and political domination of the Roman Empire. Thus, Paul's (as an ethnic Jew) sense of history was defined by his people's experience of subjugation to a series of empires: Egypt, Assyria, Babylon, Persia, Greece and Rome. As a student of Judaism, Paul's religious instincts were influenced by the very origins of the people of Israel as a reaction against imperial regimes. The core understanding of faith for Jews was the often-recounted and recited liberation from the Egyptian empire in Deuteronomy 6:21: "We were Pharaoh's slaves in Egypt, but the LORD brought us out of Egypt with a mighty hand." (Boesak & DeYoung 2012:13)

Paul's account of reconciliation should be understood against the background of his and his people's experience of subjugation to a series of empires but particularly the Roman Empire. This is because, as Boesak and DeYoung rightly note, the Roman Empire enforced and maintained domination over subject peoples through military might, economic oppression and ideological belief systems. Boesak and DeYoung (2012:13) further note that the influence of an empire is pervasive as it "... inextricably interweaves religion (what binds people together) with politics (what people do together) and economics (how people produce and exchange goods and services together)". This is evidence of the extent to which the Roman Empire enforced and maintained domination over Paul and his people. Furthermore, Paul's letters were sent to people living under the brutal repression of Rome. Thus Boesak and DeYoung (*ibid*:15) point out that "Paul's social location as a colonised person shaped his perspective on life and on what he meant when he used the word reconciliation".

Paul's account of reconciliation in 2 Corinthians 5:16–20, 6:2 and Ephesians 2:14, 15b–16 also needs to be seen against his colonial context. Hence Boesak and DeYoung (2012:16–23) argue that, in re-reading these texts, the following is seen of reconciliation: reconciliation is real; reconciliation is experiential; reconciliation is radical, that is, focussed on social justice; reconciliation is revolutionary, that is, oriented to structural change. They note that, in 2 Corinthians 5, Paul alludes to a life-changing encounter with a resurrected Jesus that occurred on the road to Damascus (Ac 9:3–16). Paul encountered the crucified Jesus who became alive. The experience on the Damascus road introduced a radically new element into Paul's symbolic universe – that of the crucified Jesus whose had appeared alive. This point to the power of God

who reversed the Roman state-sponsored terrorism. Jesus' death was execution by Rome and therefore resurrection against Rome. Thus Boesak and DeYoung (2012) notes the following:

... reconciliation produces a decolonized humanity. A damaged, enslaved, and colonized identity is restored to its original design as human identity created in the image of God. As a result, reconciliation is real and available to restore the battered and bruised identities of people who experience oppression. (pp. 17–18)

Boesak and DeYoung note that reconciliation is also radical. In the reading of 2 Corinthians 5, one can observe that reconciliation is real, life changing and healing. Thus Boesak and DeYoung note that Paul's manifesto on reconciliation does not end with 2 Corinthians 5. Paul continued in 2 Corinthians 6:2: "For God says, at an acceptable time I have listened to you and on a day of salvation I have helped you. See now, is the acceptable time; see, now is the day of salvation." Boesak and DeYoung further argue that, in order to claim that reconciliation is the work of social justice, Paul quoted Isaiah 49:8, a reference to Israel's liberation from Egypt. This liberation lies at the core of Judaism. This quote by Paul is probably an intentional echo of Jesus' quote from Isaiah to launch his ministry in Nazareth:

The Spirit of the Lord is upon me, because He Has anointed me to bring good news to the poor. He has sent me to proclaim freedom to the captives and recovery of sight to the blind, to let the oppressed go free, to proclaim the year of the Lord's favour. (Lk 4:18–19).

Thus, reconciliation is radical because it reaches to the roots of injustice (Boesak & DeYoung 2012:18).

Boesak and DeYoung further note that reconciliation is also revolutionary. This is because reconciliation is a real experience that is radical, going to the roots of injustice. Boesak and DeYoung (2012:19) note that, in Ephesians 2, Paul says that Jesus created "... in himself one

new humanity in place of the two, thus making peace, and might reconcile both groups to God in one body through the Cross” (Ef 2:15b–16). The passage seems to be saying that a qualitatively different understanding of humanity was implemented in place of the two categories of humanity of Paul’s day, namely powerful Romans and oppressed Jews (along with other colonised people). Boesak and DeYoung argues that Ephesians 2 calls for a revolution of human identity. It signals to us that apartheid and other systemic forms of classifying humanity for domination are being replaced by a new structure of ‘one new humanity’ through Jesus’ death on a cross and resurrection (*ibid*).

Following a detailed attempt to liberate the biblical concept of reconciliation from being domesticated for purposes of subjection and control to mention that, in spite of a long attempt to ideologies(d) and manipulate the Bible, the demands of the scriptures will always lay a greater claim. Thus, the biblical concept of reconciliation has nothing to do with assimilation, appeasement, a passive peace, a unity without cost and maintaining of power with only cosmetic changes.

#### **4.4 TRC: Individualistic and legalistic approach to human-rights violations**

In spite of acknowledging that apartheid was a crime against humanity, the TRC employed an individualistic and legal approach in its understanding of the notion of gross human-rights violations (Terreblanche 2002:129). This point to the inability and/or unwillingness of the TRC to uncover the truth about the systemic exploitation during apartheid. This inability and/or unwillingness was, on the one hand, the result of the historical and ideological influence of the

Latin-American truth commissions, particularly the National Commission for Truth and Reconciliation in Chile, and on the other hand, it came about as a result of the TRC's thoughtful individualistic and legalistic approach to the understanding of human-rights violations. I thus contend as follows, with Terreblanche (2002:131), that it is as a result of this approach (i.e. individualistic and legalistic approach) that institutions like the corporate sector in South Africa could clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid.

I now turn to the notion of the individualistic and legalistic approach towards gross human-rights violations. This notion refers to an approach which argues that gross human-rights violations would require the active and deliberate participation of individuals and that illegal acts are committed by these individuals in the process (Terreblanche 2002:124–132). It argues that a collective like the corporate sector in South Africa cannot be regarded in any way as participants in the gross human-rights violations (*ibid*:131). This approach individualises victims and perpetrators. This approach would, for instance, regard apartheid as a crime against humanity which targeted entire communities for ethnic and racial policing and cleansing, but the TRC remained reluctant to go beyond this formal acknowledgement (Mamdani 2002:33-34).

I now point to some of the contradictions which are seen in the formation and working of the TRC. For now, I focus on the contradictions regarding the TRC's understanding of gross human-rights violations. To start off with, the TRC affirmed the declaration of the international human-rights community that "apartheid was a crime against humanity" (Terreblanche 2002:124–134). However, the TRC contradicted this affirmation when it narrowly defined the gross violation of

human rights to include only victims of killing, torture, abduction and severe ill-treatment (Terreblanche 2002:127). This, in my view deliberate, contradiction, resulted in the inability and/or unwillingness of the TRC to uncover the truth about systemic exploitation by the apartheid system (*ibid*).

On the one hand, the TRC acknowledged that apartheid was a crime against humanity, meaning that it acknowledged that apartheid was a system of systemic exploitation which was perpetrated collectively and systematically against millions of Black people under White political domination and racial capitalism. By acknowledging apartheid as a crime against humanity, the TRC acknowledged that apartheid was a system which targeted the entire communities for racial, political and ethnic cleansing and policing (Mamdani 2002:33-34). By implication, the TRC acknowledged the link between conquest and dispossession and between racialized power and racialized privileges (Amadiume & Abdullahi 2000:179). However, contrary to their acknowledgement that apartheid was a crime against humanity, the TRC individualised victims and perpetrators of gross human-rights violations (Mamdani 2002:33-34).

The question then remains: What were the consequences of these contradictions? These consequences came because the TRC was bound to please two masters at the same time. This claim is based on the idea that the TRC, on the one hand, wanted to please the international human-rights community by affirming its judgment that apartheid was a crime against humanity (Terreblanche 2002:130). On the other hand, the TRC was bound by the elite compromise of the negotiated settlement (*ibid*:124–132).

Stevens *et al.* (2006) points to the following as a result of these contradictions:

The first is that the consequences of apartheid as a system form of oppression and human rights violations were not addressed overtly, but rather, the focus was on violations that would have been consider illegal, even under official apartheid law. (p. 302)

As a result of these contradictions, socio-economic disparities, socio-political marginalisation and the effects of legalised racism were ignored (Stevens *et al.* 2006:302; Terreblanche 2002:124–132).

Because the TRC found itself in the dilemma of pleasing two masters, namely the international human-rights community and the corporate sector in South Africa, in its job of discrediting the apartheid regime, the TRC had to identify many individuals who would either take the blame for the entire system of apartheid or who would be identified as victims of the apartheid system (Mamdani 2002:33-34; Stevens *et al.* 2006:302; Terreblanche 2002:124–132). In balancing the interests of their two masters, the TRC had to locate the blame for apartheid atrocities solely in the illegal activities of a minority of individuals (*ibid*). As a result, Stevens *et al.* (2006) argues, the following came about:

This process resulted in many foot soldiers of apartheid being identified and questioned, rather than interrogating the system of apartheid itself, and the TRC only attempted to highlight those activities those activities that were considered illegal under official apartheid law. (p. 302)

As a result of the individualistic and legalistic approach to gross human-rights violations, the TRC managed to please both the international human-rights community and the corporate sector in South Africa. In its acknowledgement that apartheid was a crime against humanity and in its job of discrediting the apartheid regime, the TRC pleased the international human-rights

community (Mamdani 2002:54; Stevens *et al.* 2006:302; Terreblanche 2002:124–132). In its utilisation of the individualistic and legalistic approach towards gross human-rights violation, the TRC managed to please the corporate sector in South Africa. As a result of this individualistic and legalistic approach towards gross human-rights violations, the corporate sector in South Africa was offered an undeserved opportunity to clear itself of any guilt or responsibility for the legacy of apartheid (*ibid*).

Thus, as a result of this individualist and legalistic approach towards gross human-rights violation, the TRC wrote the victims of systemic exploitation out of its version of history (Amadiume & Abdullahi 2000:183). My point is that the TRC, in its attempt to please the corporate sector by individualising the victims and perpetrators of the apartheid system, continued to undermine Black people in South Africa in all spheres of life. Thus Stevens *et al.* (2006) point to this when they make the following argument:

Such a limited understanding of history further negates the persistent and comprehensive manner in which apartheid undermined and continues to undermine black South Africa at the social, political, economic and personal levels. (p. 302)

As a result, the TRC failed in its quest for truth and reconciliation. Therefore, Mamdani (in Amadiume & Abdullahi 2000) is in the right in his conclusion:

To reflect on the experience of the TRC is to ponder a harsh truth that it may be easier to live with yesterday's perpetrators who have lost power than to live with beneficiaries whose gains remain intact. (p. 183)

As a result of this individualistic and legalistic approach towards gross human-rights violations and because of its allegiance to the elite compromise, the TRC lost an opportunity to educate the beneficiaries of apartheid about their direct responsibility for the disrupted social structures and abject poverty of the majority of Black people in South Africa (Stevens *et al.* 2006:302; Terreblanche 2002:124–132). Thus Terreblanche (2002:131) rightly argues that “[i]f the beneficiaries had been educated about their participation in racial capitalism, they would certainly have been less arrogant, and possibly more compassionate and generous”. I agree with Mamdani (in Amadiume & Abdullahi 2000:183), who argues that “[t]he unintended outcome has been to drive a wedge between the beneficiaries and victims of apartheid”. Terreblanche (2002) puts this consequence in no uncertain terms, arguing as follows:

... if the TRC would have explicitly applied the notion that apartheid was a crime against humanity to the corporate sector, business people could not have washed their hands about their participation in gross human rights violation. (p. 128)

In my view, the use of the individualistic and legalistic approach towards gross human-rights violations was a direct contravention of the affirmation of the judgement of the international human rights community that apartheid was a crime against humanity. This use of the individualistic and legalistic approach towards gross human-rights violation can be explained in no other way as a deliberate move by the TRC to please and ratify the elite compromise of the negotiated settlement (Mamdani 2002; Stevens *et al.* 2006:302; Terreblanche 2002:124–132).

In my view, if the TRC affirmed that apartheid was a crime against humanity, it should have followed logically that it acknowledged that apartheid was more than just the denial of few human rights but a systemic endeavour that were put in place for the purpose of dispossessing

people of their livelihood (Terreblanche 2002:128). In this regard, Mamdani (2002:33–34) argues that apartheid “... involved a targeting of entire communities for racial and ethnic cleansing and policing ...” The fact that apartheid was classified as a crime against humanity should have meant that the TRC was also mandated to look at the systemic exploitation of Black people under White political domination and racial capitalism (Terreblanche 2002:124–132). Thus, the narrow interpretation of the mandate of the TRC was a clear sign that it employed an individualistic and legalistic approach to human-rights violations, which means that it was never able to uncover the truth about the systemic exploitation (Mamdani 2002; Stevens *et al.* 2006:302; Terreblanche 2002:124–132).

When Terreblanche (2002:130) engages the commission’s affirmation of the judgement of the international human-rights community that apartheid was a crime against humanity, he notes that the TRC does not explain why it shares the international community’s basic moral and legal position on apartheid but does not spell out what aspect of apartheid was a crime against humanity. He further asks whether it was racial capitalism and White supremacy that enriched White people and impoverished Black people during three quarters of the 20th century or whether it was the security institutionalised and applied from the 1960s onwards to counteract Black insurrection with deeds of atrocity. He left a third option, namely that the commission regarded both parts of the apartheid system as a crime against humanity? Whatever the answer, individualising the victims and perpetrators of the gross human-rights violations goes against the affirmation of apartheid as a crime against humanity (Mamdani 2002).

The inability and/or unwillingness of the TRC to uncover the truth about the systemic exploitation under apartheid can partly be blamed on its individualistic and legalistic approach to human-rights violations. In this regard, Terreblanche (2002) makes the following argument:

By concentrating on the legalistic gross human rights violations by individual perpetrators, one gains the impression that the commission believed it was mainly the security system, and the atrocities committed by its agents, that was the really criminal part of apartheid. (p. 131)

Due to the individualistic and legalistic approach of the TRC to human-rights violations, the corporate sector in South Africa was given space to clear itself of any guilt of or responsibility for the legacy of apartheid. Terreblanche (2002) points out the following when he discusses the business hearing of the TRC:

... during the Business hearing in the TRC, most business representatives argued – in submission and during evidence – that gross human rights violations would require active and deliberate participation by individual business persons, and illegal acts committed by them. (p. 131)

During these hearings, two dominant positions emerged: a “pro-business” or “business-as-victim” position and a “systemic-exploitation” or “business-as-beneficiaries-and-Black-people-as-victims” position. The first dominant position, pro-business or business as victim, is a position which argues that the business sector was the victim of the system. The logic behind this position claims that the business sector did business as usual and was never involved in politics. The latter, dominant, position argues that business was part and parcel of the systemic exploitation of Black people in South Africa. The submissions by the business sector during the hearings operated from the incorrect position which claims that the business sector in South Africa was neutral (Terreblanche 2002:131).

Given the individualistic and legalistic approach which the TRC took towards the human-rights violations, the business sector in South Africa could claim that they could not be regarded as active participants in gross human-rights violations despite that fact that they, and their predecessors, were involved in designing and utilising an immoral and exploitative system. Terreblanche (2002:131) argues that "... the commission's individualistic and legalistic approach to human rights violations provided business people with a convenient means of distancing themselves from apartheid". It is for this reason that this chapter contends, concurring with Terreblanche, that if the commission had explicitly applied to the business sector the notion that apartheid was a crime against humanity, business could not have been able to wash their hands in this matter (*ibid*).

I now turn to the notion of the individualistic and legalistic approach to human-rights violations. As noted before, the TRC was established by the Promotion of National Unity and Reconciliation Act, No 34 of 1995. Under this act, the TRC was mandated, to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete as possible of the (i) causes, (ii) nature and (iii) extent of the gross violations of human rights which were committed during the period 1 March 1960 to 10 May 1994 (TRC 1998:48). One has to note that the definition of "gross human-rights violations" was stated in terms of the function of the TRC. The definition stated that the TRC should facilitate the following (TRC 1998):

... inquiries into (i) gross violations of human rights, including violations which were part of a systematic pattern of abuse ... (iii) ... identify of all persons, authorities, institutions and organizations involved in such violations." (p. 56)

The deliberate narrowing of the mandate of the TRC is puzzling because the TRC was given a wide mandate which included, amongst other things, to facilitate investigations into the identity of all (i) persons, (ii) authorities, (iii) institutions and (iv) organisations involved in human-rights violations, but it nonetheless decided to use an individualistic and legalistic approach. The only conclusion is that the TRC was either incapable or unwilling to uncover the truth about the systemic exploitation. Terreblanche (2002:127) draws the right conclusion when he argues that, “[b]y concentrating on individual perpetrators and victims, it also chose not to identify all...authorities, institutions, and organisations involved in violations [*of human rights*]”.

In their approach, the TRC chose to interpret “human rights” as mainly “first generation” or legal “human rights” whilst they deliberately ignored the “second generation” or social “rights”. In my view, this testifies to the fact that the TRC was unwilling to uncover the truth about systemic exploitation. As a result of this choice, the TRC concentrated on “perpetrators and victims” whilst neglecting the causal relationship between the beneficiaries and victims of racial capitalism and effects of White political domination. It seems then that the TRC deliberately put in place conditions for institutions like the corporate sector in South Africa to clear themselves from responsibility for the legacy of apartheid. In Terreblanche’s (2002:128) view, “[n]ot surprisingly, the hearings, were, conducted in a way that obscured the systematic character of apartheid ...” This was done by discrediting apartheid as a system and by identifying individual victims and perpetrators (Mamdani 1996 & Terreblanche 2002:124). This individualisation of victims and perpetrators gave an opportunity for institutions like the corporate sector in South Africa to clear themselves. Terreblanche (2002:128) further argues that “... [*the hearings*]

offered business people an undeserved opportunity to clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid”.

Mamdani (in Amadiume & Abdullahi 2000:179) observes that, in the process of individualising the victims and perpetrators of the apartheid system, “... the TRC enthusiastically embraced the analogy of dictatorships in Latin America, when the TRC decided to narrow its investigation to perpetrators and victims of (legally defined) gross human rights violation”. Mamdani base his argument on the fact that, in the process of individualising victims and perpetrators, the TRC agreed that apartheid was no more than a harsh and cruel dictatorship, a gross denial of human rights (see Amadiume & Abdullahi 2000:177–178). In the end, the TRC then was incapable and unwilling to uncover the truth about systemic exploitation. Clearly, apartheid was more than a harsh and cruel dictatorship, a gross denial of human rights. Rather, Terreblanche (2002:128) argues, “... apartheid was also about racial capitalism and the systematic exploitation of blacks”. Mamdani (2002:33) argues that “... this commission (i.e. TRC) claimed to be different from its predecessors, whether in Latin America or Eastern Europe”. However, in its claim to be different from its predecessors, the TRC had actually embraced the ideology of its predecessors, specifically Latin America (Terreblanche 2002:128). Therefore, as a result of the influence of Latin America, the TRC obscured what was distinctive about apartheid in South Africa, which is why Mamdani (in Amadiume & Abdullahi 2000:183) argues as follows: “For the violence of apartheid was aimed less at individuals than at entire communities and entire population groups. And this violence was not just political.” Mamdani (*ibid*) points out how the Latin American analogy, as embraced by the TRC, obscured the colonial nature of the South-African context, in

particular the link between conquest and dispossession and between racialized power and racialized privileges.

The Latin-American analogy thus obscured the aim of the TRC to the point that it resulted in the inability and unwillingness of the TRC to uncover the truth about systemic exploitation. This happened despite the fact that the gross human-rights violations in Latin America were not the same as in South Africa. In Latin America, the gross human-rights violations were based on a harsh and cruel dictatorship and a denial of human rights whilst in South Africa it was about conquest, dispossession, defending power and maintaining privileges. As such, the gross human-rights violations in South Africa were perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism. Together with Terreblanche (2002:128), I find this conduct of the TRC unacceptable: “... *[the] decision [to concentrate on perpetrators and victims while neglecting the causal relationship between the beneficiaries and victims of racial capitalism and White political domination]* was not ... in accordance with its mandate, and should be deplored”.

Terreblanche says that the decision by the TRC to go against its own mandate to investigate institutions could only have resulted from pressure exerted on it by the corporate sector. In my view, the individualistic and legalistic approach to human-rights violations was employed deliberately to provide institutions like the corporate sector with an opportunity to clear itself of any guilt or responsibility for the legacy of apartheid. Terreblanche (2002), once again, phrases it eloquently:

When the recommendations are closely read, it becomes clear that the TRC went out of its way to ensure that it did not present business (or whites) as beneficiaries of the economic system of apartheid, and blacks

as victims of the same system. The TRC in its recommendations, appeals to the corporate sector in South Africa to voluntarily compensate black people for being disadvantaged under apartheid, stating that business could and should play an enormously creative role in the development of new reconstruction and development programmes. As such, it must be stated, that this recommendation is problematic, because the exploitation of black people in South Africa did not happen voluntarily; it was based on economic and political systems embedded in a network of compulsory legislation, and justified by racist ideologies propagated as self-evident truths. (p. 130)

In conclusion, the TRC intentionally employed an individualistic and legalistic approach to gross violations of human rights as to spare the corporate sector in South Africa the embarrassment of its involvement in the shaping of or benefitting from the apartheid system. The pressure on the TRC to narrow its investigations to individuals could only have been exerted by the business sector and perhaps also by the new government, who realised that a broader investigation would include a systemic analysis of racial capitalism. Such an investigation would have embarrassed and even angered the business sector (Terreblanche 2002:128).

#### **4.5 TRC: A political project with a political solution**

As indicated earlier, the Truth and Reconciliation Commission of South Africa was formed as a product of the Convention of the Democratic South Africa (CODESA). To this, I need to add that the TRC was the product of a political project with a political solution. Furthermore, I argued above that the passing of the Promotion of the National Unity and Reconciliation Act, No 34 of 1995, which gave birth to the TRC, was not accidental. Though the TRC presented itself as a sincere effort at national unity and reconciliation, the end product proves the point that the TRC was established to ratify the elite compromise.

As noted, the TRC has done an excellent job in discrediting apartheid and the atrocities committed under its tutelage (Terreblanche 2002:124). However, the TRC deliberately ignored the gross human-rights violations perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism. To my mind, it is the ignorance of the TRC of the collective and systemic gross human-rights violations perpetrated against millions of Black people in apartheid South Africa that led to its failure and as such resulted in its ratifying of the elite compromise.

In this regard, I point out Mamdani's (1996) avowal that, "[i]n the South African context, perpetrators are a small group, as are those victimised by perpetrators". Mamdani's (2002:33-34; also see Terreblanche 2002:124) assertion points to how the TRC individualised the exploitation and gross human-rights violations that were perpetrated against millions of Black people under White political domination and racial capitalism. Mamdani (1996) further notes that, "[i]n contrast, beneficiaries [*of the system of apartheid*] are a large group, and victims defined in relation to beneficiaries are the vast majority in society". It is for this reason that I argue in this chapter that the failure of the TRC to uncover the truth about the systemic exploitation resulted in the TRC ratifying the elite compromise. I fully agree with Terreblanche (2002:124) when he draws the following conclusion: "Its [*TRC*] inability and/or unwillingness to systematically analyse South Africa's history of unequal power structures are puzzling."

In my view, the informal and formal negotiations that lead to the TRC are the factor that can explain the puzzle concerning its (TRC) failure. In this regard, it is necessary to distinguish

between the informal negotiations on economic issues and formal negotiations on political issues. In my view, the NP and the corporate sector in South Africa preyed on the state of disarray in which the ANC found itself after the fall of the Soviet Union (1989–1990) (Cronin 1994:1-8; Terreblanche 2002:95-124). This claim is based on the sudden, coincidental interest of the NP and the corporate sector in South Africa in a negotiated transition. As pointed out above, all the policies and the liberation strategy of the ANC were influenced by the socialism of the Soviet Union. The fall of the Soviet Union left the ANC with no economic policy and thus vulnerable to the NP and the corporate sector in South Africa.

Because of the vulnerable position in which the ANC was left after the fall of the Soviet Union, the NP and the corporate sector managed to convince them of democratisation. Because democratisation was promoted at the same time when capitalism was becoming global in character, the ANC was put in a position where it had no choice but to opt for democratic capitalism and a constitutional democracy. Apart from the fact that the ANC entered the negotiations ideologically and strategically wounded and vulnerable (Cronin 1994; Terreblanche 2002), it was also stretched to participate in both the informal negotiations on economic issues and the formal negotiations on political issues (Terreblanche 2002:125).

Terreblanche (2002:125) notes that the balance of forces in the formal negotiations favoured the democratic movement, that is, the ANC, which had assumed the position of being the mouthpiece of the Black masses in South Africa, whilst the balance of forces in the informal negotiations favoured the NP and the corporate sector in South Africa. Thus, the NP and the corporate sector had the economy of South Africa as their first price whilst the ANC had political

power as their first prize. I do need to point out, however, that both these first prizes had conditions attached to them: The NP and the corporate sector would receive the economy of South Africa with “no state intervention” and the ANC would receive their political power under a constitutional democracy (Rosenfeld 2001:1). The point is that the conditions attached to these prizes, namely the economy for the NP and the corporate sector and the political power for the ANC, limit and/or advance the powers of those involved, namely the NP, the ANC and the corporate sector in South Africa (Terreblanche 2002:125).

Terreblanche notes that the political establishment of the apartheid regime was spectacularly defeated during the formal negotiations, and that prepared the way for the election of 1994 and the political transition from apartheid to representative democracy. However, this was not a total defeat because it was just a political defeat. The NP and the corporate sector managed to secure their first prize, namely the economy of South Africa. In the words of Terreblanche (2002), the conclusion seems clear:

In sharp contrast, the white corporate – which formed an integral part of the system of racial capitalism for more than a century – was not remotely defeated [*in*] the informal negotiations. (p. 125)

Given their wealth, their enormous power and their capacity for propaganda and myth making, the NP and the corporate sector managed to convince the leaders of the ANC that they were innocent of the apartheid misdeeds (*ibid*). Terreblanche (*ibid*) points out that the “... benefits that had [*been*] accumulated (most undeservedly) in the hands of the corporate sector and other whites through systematic exploitation would be either be forgotten or condoned”. Due to the deliberate commitment of the TRC to conceal the truth about systemic exploitation, the TRC ratified the elite compromise reached at the informal and formal negotiations (*ibid*).

I now have to take the power play during the informal and formal negotiations a step further. In my view, it was in this power play during the two sets of negotiations and the agreements reached there that the TRC was conceived. In this way, the NP and the corporate sector managed to ensure their innocence. This was done in a dramatic manner. The NP and the corporate sector in South Africa, through the TRC, managed to shift the attention from the beneficiaries of the apartheid system to the apartheid system (as a system) and individuals (Mamdani 2002:33-34). Some individuals took the fall for the whole system and its beneficiaries. Through this strategy, the corporate sector ensured that it got away with murder. Terreblanche (2002) makes this claim in the following way:

... because of the new symbolic relationship between ANC leaders and the corporate sector, it was expedient for the new government not to pressurize the TRC into uncovering the truth about *[the]* systematic exploitation *[and the role of the corporate sector]*. (p. 125)

The TRC's inability and unwillingness to uncover the truth about the systemic exploitation of millions of Black people under White political domination and racial domination need to be judged against the background of the compromise reached at the formal and informal negotiations (ibid). Thus Moosa (2000:116) notes, that "... the truth of the TRC was what the parties said it was. The truth was not measured, but manufactured. To be charitable, we can say the truth was negotiated". The TRC thus deliberately failed to uncover the truth about systemic exploitation by the apartheid system. As argued above, the TRC deliberately tried to uncover the truth about one form of victimisation under apartheid and deliberately ignored another form of victimisation.

The truth, as constructed by the TRC was often manufactured by the elite in power. Thus, Mamdani (in Amadiume & Abdullahi 2000) observes the following:

... the truth of the TRC makes most sense when understood as institutionally produced truth, as the outcome of a process of truth-seeking ...

By compromising a political compromise with a compromised truth ... the TRC has turned a political compromise into a moral one, and obscured the larger truth. While the political compromise is justifiable, the moral and intellectual compromise is not. (pp. 177–178)

It is puzzling that, given the broad mandate of the TRC, it decided to interpret its mandate narrowly with the purpose of sparing the corporate sector in South Africa. In spite of a broad mandate, the TRC waived in its commitment, showing its inability and unwillingness to uncover the truth about the systemic exploitation which was levelled against millions of Black people in South Africa (Terreblanche 2002:124–127). Its inability and unwillingness to uncover the whole truth is the reason why it failed to uncover the truth about the systemic exploitation by institutions like the corporate sector in South Africa.

In its report, the TRC (1998) argued as follows:

...its governing act limited its investigation to gross violations of human rights defined as the killing, abduction, torture or severe ill-treatment and the attempt conspiracy, incitement, instigation, command or procurement to commit such acts. (p. 29)

I must, however, observe at this point that the TRC deliberately “individualised” victims and perpetrators of the apartheid system and as such committed itself to ignoring the violations of human rights which were part of a systemic pattern of abuse. As a result, it failed in its mandate to “... identify ... all ... authorities, institutions and organisations involved in such violations”

(TRC 1998:56). It is for this reason that I maintain that there was a commitment in the TRC to conceal the role of authorities, institutions and organisations. Mamdani (2002:33–34) rightly argues that “[t]he Commission’s analysis reduced apartheid from a relationship between the state and the entire communities to one between the state and individuals”.

Given the acknowledgment by the TRC that apartheid was a crime against humanity, Mamdani (2002:34) is correct in pointing out that “... if the crime against humanity involved a targeting of entire communities for racial and ethnic cleansing and policing, individualising the victim obliterated this particular ... characteristic of apartheid”. It is for this reason that this chapter argues that the TRC was established to ratify the elite compromise as Mamdani (*ibid*) points out: “The consequence was to narrow the TRC perspective to a political reconciliation between state agents and political activists, individual members of a fractured political elite ...”

In its task of not angering and embarrassing the corporate sector in South Africa, the TRC had to find individuals who would take the responsibility for the apartheid system. This was done to please both the corporate sector in South Africa who had made a deal with the ANC and the international human-rights community who had declared apartheid a crime against humanity. It is against this background that this sub-section contends that the TRC was a political project with a political solution.

## **4.6 Conclusion**

In this chapter, it was argued and demonstrated that the TRC accidentally and/or intentionally ratified the elite compromise reached at the informal and formal negotiations. I arrived at this

conclusion by presenting arguments in the following sub-sections: (1) Historical and ideological influences on the TRC, (2) TRC: The biblical concept of “reconciliation” within the TRC, (3) TRC: Individualistic and legalistic approach to human-rights violations and (4) TRC: a political project with a political solution.

I now recap the arguments of each sub-section to conclude the argument of this chapter, namely that the TRC accidentally and/or intentionally ratified the elite compromise reached at the informal and formal negotiations. Although a great deal of international attention was focused on the South-African TRC and its successes and/or failures, the actual concept of truth commissions did not emerge in South Africa. It is for this reason that the first sub-section of this chapter dealt with the (1) historical and ideological influences on the TRC. Under this sub-section, I demonstrated that the actual concept of truth commissions emerged in the 1970s in Uganda and gained prominence in Latin America in the 1980s. The focus of this sub-section was largely on the historical and ideological influence of the Latin-American truth commissions, namely the National Commission on the Disappeared in Argentina in 1983, the National Commission for Truth and Reconciliation in Chile in 1991 and the Commission of Inquiry in Chad in 1992). I concluded that the TRC drew on the Latin-American examples to help shape its form and processes.

I further argued, however, that the Latin-American influence on the TRC obscured what was distinctive about apartheid in South Africa. The Latin-American situation which gave birth to their truth commissions was based on dictatorships and a gross denial of human rights. When the TRC enthusiastically embraced the analogy of dictatorships in Latin America, it decided to

narrow its investigation to perpetrators and victims (legally defined) of gross human-rights violation. As a result of this, the TRC obscured the systemic character of apartheid, and offered business people an undeserved opportunity to clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid.

As a result of the historical and ideological influences of the Latin-American truth commissions, particularly the National Commission for Truth and Reconciliation in Chile, the TRC surprisingly accepted the proposed inclusion of the biblical concept of “reconciliation” in its name. The second sub-section of this chapter demonstrated how the addition of the biblical concept of reconciliation had the purpose of not allowing this concept to confront the country with the demands of the gospel and to blunt the progress of radical change and transformation. This claim is based on the argument that, for a long time in the history of South Africa, the Bible was used particularly in the Afrikaner politics to provide theological justification for apartheid, and it was also subjected to a process where it became a servant to ideology and was domesticated for the purpose of subjection and control.

Thus, the proposed addition of this biblical concept of reconciliation was not unanticipated because it was added for the purposes of manipulating the process of uncovering the truth about the human-rights violations by the apartheid system. In my view, the biblical perspective on the South African truth commission was added so that the religious twist would help tame it, would domesticate it and would make it more pliable and appetising for the broader public. As a result of this domestication of the Bible, reconciliation came to be closely associated with the following: (1) assimilation, (2) appeasement, (3) a passive peace, (4) a unity without cost, and

(5) maintaining power with only cosmetic changes. In spite of this efforts at domestication, this sub-section has demonstrated that reconciliation needs to be real, that is, experiential. Furthermore, reconciliation has to be radical, that is, focused on social justice, and reconciliation needs to be revolutionary, that is, oriented towards structural change.

Following the historical and ideological influence of the Latin-American truth commissions, particularly the National Commission for Truth and Reconciliation in Chile, and the addition of the biblical concept of reconciliation under conditions where the Bible had been domesticated and tamed, the TRC further employed an approach which prepared it to fail in its mandate. This mandate required the facilitating of inquiries into gross violations of rights, including violations which were part of a systemic pattern of abuse and inquiries into the identity of all persons, authorities, institutions and organisations involved in such violations. The approach that the TRC employed, and which led to its failure, was an individualistic and legalistic approach to human-rights violations.

The TRC affirmed the judgement of the international human-rights community that apartheid was a crime against humanity, but in its dealing with this gross violation of human rights, it individualised victims of apartheid. The TRC thus found itself in a position that was logically contradictory. On the one hand, it acknowledged that apartheid targeted entire communities for ethnic and racial policing, but on the other hand, it identified individual victims and perpetrators in its dealings. By doing this, the TRC accidentally or intentionally ignored the gross human-rights violations perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism. As a result of this, the TRC for all practical

purposes chose to ignore the violation of human rights which were part of a systemic pattern of abuse. The TRC further chose not to identify all authorities, institutions, and organisations involved in the violation of human rights. The TRC also chose to interpret human rights as mainly first-generation or legal human rights whilst the violation of second-generation human rights or social rights were practically ignored. As a result, the TRC did not only offer the corporate sector in South Africa an undeserved opportunity to clear themselves of any guilt in respect of or responsibility for the legacy of apartheid, but it also ratified the elite compromise reached at the informal and formal negotiations.

Following the individualistic and legalistic approach which the TRC employed as a result of the historical and ideological influence of the Latin-American truth commissions, it is befitting to contend that the TRC was a political project with a political solution. The TRC must thus be understood against the background of the elite compromise reached at the informal and formal negotiations.

The claim that the TRC was established, on the one hand, to ratify the elite compromise reached at the informal and formal negotiations and, on the other hand, to please the international human-rights community is based on how the TRC dramatically narrowed down its mandate, which consisted of establishing as complete a picture as possible of the causes, nature and extent of the gross human-rights violations. Whilst the TRC was tasked with inquiring into the gross violations of human rights, including violations which were part of a systemic pattern, it intentionally decided to interpret its mandate far more narrowly. In trying to please the NP and the corporate sector in South Africa, that is, not going against the elite compromise, and in also trying to please the international human-rights community, which had affirmed that apartheid

was a crime against humanity, the TRC decided to identify individual victims and perpetrators. As a result of this, the TRC manufactured the truth, which led to its inability and/or unwillingness to uncover the truth about the systemic exploitation by the apartheid system.

In conclusion, this chapter argued and demonstrated that the TRC accidentally and/or intentionally ratified the elite compromise reached at the informal and formal negotiations. Consequently, the unwillingness and/or inability of the TRC to analyse the history of gross violations of human rights correctly has manufactured a skewed history that says that the systems of White political domination and racial capitalism did not undeservedly enrich White people and impoverish Black people. It further says that the rich are therefore released from any moral, political, and/or systemic obligation to restore social justice towards Black people (Terreblanche 2002:124–132).

## CHAPTER 5

# THE CONSEQUENCES OF DE-HISTORICISING THE STORY OF APARTHEID THROUGH THE INABILITY OR UNWILLINGNESS OF THE TRC TO UNCOVER THE TRUTH ABOUT SYSTEMIC EXPLOITATION

*“... The TRC lost a golden opportunity to educate the individual[s] and corporate beneficiaries of apartheid about their direct responsibilities for the disrupted social structures and abject poverty of the majority of blacks. If the beneficiaries had been educated about their participation in racial capitalism, they would certainly have been less arrogant, and possibly more compassionate and generous.”*

(Terreblanche2002:131)

### 5.1 Introduction

I have shown in the previous chapter that, as a result of the historical and ideological influence of the Latin-American truth commissions, particularly the National Commission for Truth and Reconciliation in Chile, (Stevens *et al.* 2006:296), the adoption of the tamed biblical concept of reconciliation (Boesak & DeYoung 2012), the employment of the individualistic and legalistic approach to human-rights violations and how the TRC was used to ratify the elite compromise

reached at the informal and formal negotiations (Terreblanche2002:124–132), this commission found itself at a cul-de-sac. This resulted in de-historicising and de-contextualising the story of apartheid through the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation of the apartheid system (which formed an integral part of the mandate given to the TRC) (Mamdani 2002; Terreblanche 2002:124–132; TRC 1998).As a result of this de-historicising and de-contextualising, the TRC, according to Terreblanche (2002), not only failed in its mandate, which was the following (TRC 1998:271, vol.5, chp7):

... promoting national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period 1 March 1960 to 10 May 1994.

It also lost a golden opportunity to educate beneficiaries of apartheid about their direct responsibility for the disrupted social structures and abject poverty of the majority, that is, Black people in South Africa (Terreblanche 2002:124–132).

One of the foremost consequences of the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation or the nature of the apartheid system was to de-historicise, that is, to separate or remove from history or to deprive of historical context, and de-contextualise, that is, to remove a linguistic element, an action, et cetera from a context, the story of apartheid. This resulted not only in the TRC's failure to fulfil its mandate (TRC 1998; Terreblanche 2002:124–132), but it also led to its failure to establish as complete a picture as possible of the nature, causes and extent of the gross violations of human rights as mandated by legislature which set it up.

The de-historicisation and de-contextualisation of the story of apartheid was the result of a number of factors. Firstly, it was the product of an elite compromise reached at the informal and formal negotiations. This compromise led to the passing of a compromised act with a compromised mandate, the boundaries of which were defined by power (Terreblanche 2002:124–132; Amadiume & Abdullahi 2000:183). Secondly, there was the historical and ideological influence of the Latin-American truth commissions, particularly the National Truth and Reconciliation Commission of Chile, which obscured the distinctive nature of the story of apartheid in South Africa. This is because the influence of the Latin-American truth commissions, which came into being as a result of the denial of human rights which were perpetrated by dictators, obviously led to the de-historicisation and de-contextualisation of the story of apartheid because apartheid was more than the denial of human rights as perpetrated by dictators (Amadiume & Abdullahi 2000:179; Stevens *et al.* 2006:296; Terreblanche 2002:124–132). Thirdly, the de-historicisation and de-contextualisation was the result of the understanding of the notion of gross violation of human rights, which was defined as the killing, abduction, torture or severe ill-treatment and the attempt, conspiracy, incitement, instigation, command or procurement to commit such acts (Mamdani 2002:36–37; Terreblanche 2002:124–132). As a result of this de-historicisation and de-contextualisation, the TRC tended to individualise the wrongs done by the apartheid system (Mamdani 2002:33–34).

The consequences of de-historicising and de-contextualising the story of apartheid need to be understood against the background of three key limitations of the TRC (Mamdani 2002), which, in turn, need to be understood against the affirmation by the international human-rights

community that apartheid was a crime against humanity. Firstly, the TRC individualised the victims of apartheid. Secondly, by focussing on individuals and obscuring the victimisation of communities, the TRC was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. Finally, the TRC extended impunity to most perpetrators of apartheid (Mamdani 2002:34). It is thus with these three key limitations of the TRC in mind that Terreblanche's (2002:124–132) idea must be understood, namely that the commission lost a golden opportunity to educate the individuals and corporate beneficiaries of apartheid. If the beneficiaries had been educated about their participation in racial capitalism, for instance, they would certainly have been less arrogant and possibly more compassionate and generous (Terreblanche 2002:124–132).

Although the TRC had affirmed the judgement of the international human-rights community that apartheid was a crime against humanity, it individualised the victims of apartheid. Thus, whilst it acknowledged that apartheid was a crime against humanity that targeted entire communities for ethnic and racial policing and cleansing, the TRC was reluctant to go beyond this formal acknowledgment. The TRC's affirmation of the judgement of the international human-rights community was taken from the 1996 Draft Code of Crimes against the Peace and Security of Mankind as proposed by the International Law Commission. This code states that a crime against humanity consists of, amongst other things, "institutionalized discrimination on racial, ethnic or religious grounds involving the violation of fundamental human rights and freedoms and resulting in seriously disadvantaging a part of the population" when committed in a systemic manner or on a large scale and instigated or directed by a government or by any organization or group (Mamdani 2002:42; TRC 1998:96).

Thus, the TRC's analysis of the story of apartheid reduced apartheid from a relationship between the state and entire communities to one between the state and individuals. Where entire communities were victims of gross violations of human rights, the TRC acknowledged only individual victims. This can be as a result of both the historical and ideological influence of the Latin-American truth commissions and the boundaries of investigations which were narrowly defined by the corporate sector in South Africa (Amadiume & Abdullahi 2000:179; Terreblanche 2002:124–132). According to Mamdani(2002:33–34), if apartheid was a crime against humanity that involved the targeting of entire communities for racial and ethnic policing and cleansing, then individualising the victims obliterated the central characteristic of apartheid. In addition, limiting the definition of harm and remedy to individuals caused political activists as victims of apartheid to take center stage, as seen in the TRC. The TRC's perspective was then narrowed to a political reconciliation between state agents and political activists, individual members of a fractured political elite, rather than the national unity and reconciliation as mandated by the legislation that set it up (Mamdani 2002:33–34).

By focussing on individuals and obscuring the victimisation of communities, the TRC was also unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. This refers to the second limitation of the TRC as seen in the report of this commission. Whilst the apartheid state spoke the language of rights to the White population, it segregated the native population into tribal groups, each to be administered under a separate set of laws in the name of enforcing custom. Thus, rights and customs were two different and contradictory languages: The former claimed to circumscribe power, the latter to

enable it. Rights claimed to be a rule of law whilst customs claimed the legitimacy of custom and tradition. Consequently, the TRC's failure lay in focussing exclusively on the "civil" regime and in totally ignoring the customary regime. It is therefore no wonder that the TRC failed even to recommend reforms that would put in place a single unitary regime, a rule of law understood as formally equal before the law, for all South Africans in a post-apartheid South Africa (Mamdani 2002:1).

Finally, the TRC extended impunity to most perpetrators of apartheid. This is because, in the absence of full acknowledgement of the victims of apartheid, the identification of its perpetrators was incomplete to the extent that the TRC did not acknowledge the full truth. The amnesty intended for individuals turned into group amnesty for any perpetrator who was not identified as such was a perpetrator who enjoyed impunity. Whilst the TRC recognised the system of enforced racial discrimination and separation as a crime against humanity, it did not acknowledge any victims of this crime. As a consequence, it also recognised no perpetrators. We thus have a crime against humanity without victims or perpetrators (Mamdani 2002:54). As a result, this chapter contends, in the words of Terreblanche (2002), the following:

... the TRC lost a golden opportunity to educate the individual and corporate beneficiaries of apartheid about their direct responsibilities for the disrupted social structures and abject poverty of the majority of blacks. If the beneficiaries has been educated about their participation in racial capitalism, they would certainly have been less arrogant, and possibly more compassionate and generous. (p. 131)

This chapter will arrive at the above conclusion by looking at the following sub-sections:

(1) *Obscuring the truth: The obscured and manufactured the truth.* This sub-section will look into the notion of truth, which was central to the success or failure of this commission,

especially working with the assumption or understanding of reconciliation through the truth (Asmal, Asmal & Roberts 1997). This is because, on the one hand, the TRC operated with the assumption that the truth is one, and if we know it, it will set us free. On the other hand, it operated with the understanding that the truth is central for reconciliation (i.e. thorough change) (Asmal *et al.* 1997; Ignatieff 1996:111). The TRC was also formed against the mandate of national unity and reconciliation, which, amongst other things, required the commission to establish as complete a picture as possible of the nature, causes and extent of gross violations of human rights which were committed during the period 1 March 1960 to 10 May 1994 (TRC 1998:60). In order to do this, the TRC depended on the testimonies of both victims and perpetrators as well as those of the beneficiaries of apartheid that were supposed to be included during the proceedings of this commission but were not. It is thus against this background that this sub-section contends that the truth of this commission was a negotiated truth and as such an obscured and manufactured truth. An example of this is the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation of the apartheid system (Terreblanche 2002:124–132). This is because, as will be shown in this sub-section, the truth process and boundaries of investigation of the TRC were narrowly defined by power, namely the corporate Sector in South Africa (Mamdani in Amadiume & Abdullahi 2002:1770178; Terreblanche 2002:126). Therefore, it is the contention of this sub-section that, as a result of the negotiated truth of the TRC which led to the obscuring of the truth of the story of apartheid in South Africa, the TRC blunted the process of true reconciliation, justice and transformation (Boesak 2008:636–654; Boesak & DeYoung 2012:9; Terreblanche 2002:124–132).

(2) *Obscuring reconciliation: The TRC obscured and manufactured reconciliation.* This sub-section will look into the biblical notion of reconciliation, which in its original application meant

a thorough change and which, if applied in its original meaning, goes to the roots of injustice and demands justice. This sub-section contends that, as much as the truth of the TRC was negotiated – leading to the obscuring of the story of apartheid – the biblical notion of reconciliation was not spared in the process of domestication which was used for subjection and control (Boesak & DeYoung 2012:9). This is because, as will be shown in this sub-section, when this commission was established, it was supposed to be a truth commission, but FW de Klerk, on behalf of the NP and corporate sector in South Africa, proposed that the word reconciliation be added to truth commission. It is surprising that this word (reconciliation) was not added for the purpose of allowing this biblical notion to confront the country with the demands of the scripture. Rather, it was added to blunt the process of transformation and change which is required by this notion. This is because, in South Africa, the Bible was subjected to a process which led to it becoming the servant of an ideology. For instance, the Bible was used to give a theological justification of apartheid. As a result, the addition of this biblical notion of reconciliation distorted the task of the TRC, that of establishing as complete a picture as possible of the gross violations of human rights which occurred during the period 1 March 1960 to 10 May 1994. As a result of this and other processes such as a negotiated truth, which is central to reconciliation, this biblical notion was stripped of its ability to demand justice. It is against this background that this sub-section contends that the TRC failed to link reconciliation with justice in spite of the fact that reconciliation in its original meaning presupposes justice (Boesak 2008:636–654; Boesak & DeYoung 2012:23; Terreblanche 2002:124–132). If this biblical notion of reconciliation was allowed to confront the country with the demands of scripture, it would have addressed the critical questions of justice, equality, restoration and dignity that are prominent in the biblical understanding of reconciliation. Thus, this sub-section agrees with Boesak and DeYoung

(2012:1) when they point out that they believe that unless we remove injustice at the roots, the weeds of alienation and fragmentation will return and choke the hope for (true) reconciliation.

(3) *Obscuring Justice: The TRC obscured reconciliation that presupposes justice.* This sub-section will look into the notion of justice, which is understood by Plato to include both the attainment of that which is just and the philosophical discussion of that which is just (Negri & Pine 2000). This sub-section contends that, as a result of the obscured truth and reconciliation, the TRC failed to link reconciliation with justice in spite of the original meaning of reconciliation presupposing justice. This is because reconciliation addresses the critical questions of justice, equality, restoration and dignity (Boesak & DeYoung 2012:1). It is, however, imperative that justice here should not be understood within the strict legal terms (particularly of criminal justice) that some have applied to the work of the TRC. Rather, it should be understood from within the expectations created by the TRC itself through its own insistence that its work should be seen as a Christian endeavour (Boesak 2008:636–654; Boesak & DeYoung 2012; Terreblanche 2002:124–132). However, this should not create the impression as seen with the TRC that justice means impunity or blanket amnesty because reconciliation involves people being accountable for their actions, showing commitment and doing something to right their wrongs. This sub-section will make a distinction between criminal justice, which was applied to the Nuremberg trials and the International Criminal Tribunal for Rwanda, political justice, which was applied in the Convention of Democratic South Africa or CODESA and social or socio-economic justice, which the TRC was supposed to achieve (Mamdani 2002:1–10). Criminal justice targets individuals, and its objective is punishment. Political justice affects groups, and its objective is political reform, and social or socio-economic justice acknowledges the inequalities in a society and pushes for the distribution or redistribution of wealth, opportunities and

privileges et cetera (Mamdani 2002:1–10). However, as a result of an obscured truth and obscured reconciliation, the victims of apartheid were denied of both criminal and social justice and managed to obtain political justice.

(4) *Obscuring history: The TRC obscured the history of gross human-rights violations in South Africa.* This sub-section looks into how the TRC wrote the vast majority of apartheid's victims, particularly the victims of systemic exploitation, out of its version of history. The irony is that, whilst the TRC affirmed the judgement of the international human-rights community that apartheid as a “system of enforced racial discrimination and separation” was a crime against humanity,<sup>38</sup> it did not acknowledge any victims of this crime. As a consequence, it also recognised no perpetrators. Regarding apartheid, South Africa thus have a crime against humanity with neither victims nor perpetrators (Mamdani 2002:54). Thus, the core victims of the crimes against humanity, of this “system of enforced racial discrimination and separation”, could not have been individuals. They had to be entire communities marked out on the grounds of race and ethnicity. Their injuries included forced removals, forced disruption of community and family life, coerced labour through administrative and statutory regulation of movement and location, et cetera (Mamdani 2002).

## **5.2 Obscuring the truth: The TRC as obscured and manufactured truth**

It is necessary to clarify the heading of this sub-section so as to dispel the confusion that might be caused by the sequence of its wording (i.e. the adjective, manufactured, the noun, truth and

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<sup>38</sup>The TRC made this affirmation based on the 1996 Draft of Code of Crimes against the Peace and Security of Mankind, a code that lists a set of acts, any of which specifically constitute a crime against humanity. An example is Article 18(f), which states that crimes against humanity include institutionalised discrimination on racial, ethnic, or religious grounds involving the violation of fundamental human rights and freedoms and resulting in seriously disadvantaging a part of the population.

the concept or process, TRC), given that the process of the TRC has been acknowledged for its peace-making and peace-building in South Africa. This is according to Stevens *et al.* (2006:294) who point out that, as one of the outcomes of the negotiated settlement between political powers that had reached a stalemate by 1990, the South-African TRC emerged as a peace-making and peace-building strategy. The adjective “manufactured” refers to an act of inventing something that never existed or to develop anything. The noun “truth” refers to saying or telling what is, or saying or telling what corresponds to reality. Thus, it is the contention of this sub-section that the truth of the TRC, which was tasked to establish as complete a picture of the gross violations of human rights in South Africa from 1960–1994 (TRC 1998), was an invented truth. This is because, as will be shown in this sub-section, the TRC intentionally uncovered the truth of one form of victimisation while ignoring another. As a result of this, then, the truth uncovered by this commission cannot be regarded as corresponding to reality or to what happened (Amadiume & Abdullahi 2000:177–178; Terreblanche 2002:124).

It should, however, be noted that the notion of “truth” in the TRC, as in other truth commissions, particularly in Latin America, was understood to be one truth. “One” in this regard means dispelling the idea that there are different versions of the truth. This understanding was employed for a particular political purpose, namely political accommodation as agreed to in the informal and formal negotiations (Boesak & DeYoung 2012; Terreblanche 2002:124–132). Nevertheless, the idea of truth is important only if it corresponds to what is real or with what happened. I hope to demonstrate how one version of the truth was employed in the South African TRC. Ignatieff (1996:111) points to the words of the chair of the TRC who said that the aim of this commission was “... the promotion of national unity and reconciliation, the healing of a traumatized, divided,

wounded, polarized people”. Against this background, Ignatieff notes that the aims are laudable, but he asks the question: “But are they coherent?” Then Ignatieff (1996:111) points to the following problematic assumptions: that a nation has one psyche, not many; that the truth is one, not many; that the truth is certain, not contestable; and that when it is known by all, it has the capacity to heal and reconcile.

Ignatieff (1996:111) notes, regarding Tutu’s words, that these are not so much assumptions of epistemology as articles of faith about human nature: “The truth is one, and if we know it, it will make us free.” It is because of this postulation that truth commissions like the TRC thought that “... if the truth was known, a people made sick by terror and lies would be made well again” (*ibid*). Ignatieff thus states that one should distinguish between (some) factual truth and moral truth – narratives that tell what happened and narratives that attempt to explain why things happened and who is responsible. Ignatieff further notes that truth commissions like the TRC were successful in establishing (some) factual truth but failed to establish the moral truth. As a result of this, Ignatieff (1996:111) argues that “[t]he truth commissions closed many individual dossiers in the painful history of their nation’s past”.

The notion of a manufactured truth in the TRC arises as a result of a critical question which Stevens poses when he asks: “Whose truth [*is it in the TRC*]?” In this question, there is an interrogative pronoun that asks “Who?”, (i.e. persons or institutions): Whose version of the truth becomes *the* truth (which corresponds to what is). This question (whose truth is it in the TRC?) suggests that the truth of one party, the elite in power, became *the* truth. In this regard, it is the corporate sector in South Africa and the ANC who are referred to as the elite in power. Thus, in

demonstrating how the truth is often manufactured to suit the elite in power, Fernandez-Armesto (1997:2) notes: “We need to test the claim that truth is just a name for opinions – produced and reproduced – that suit the demands of society or the convenience of elites.”

As a result of the truth being narrowed down to a name for opinions which are produced and reproduced to suit the demands of society or for the convenience of the elites, people do not only lose faith in the reality of the truth or lose interest in the search for the truth, but they start believing in anything that comes forth, especially that which is presented by the elite to be the truth (Fernandez-Armesto 1997:3). The opinions of those in power shape and influence what comes to be regarded as the truth. Therefore, the manufactured truth of the TRC for the purpose of peace-making and/or peace-building is problematic. This is because the opinion of the elites dictates and rewrites reality. This is seen in how the TRC intentionally uncovered one form of truth about the gross violations of human rights and thus intentionally ignored another form. This act not only presented itself as a picture that is as complete as possible of the causes, nature and extent of the gross violations of human rights that were committed during the period 1 March 1960 to 10 May 1994, but it rewrote the history of what happened in South Africa during this period (Terreblanche 2002:124–132).

Furthermore, obscuring the truth in line with the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation of the apartheid system resulted in the obliteration in South Africa of the social order, that is, the stable arrangements of institutions whereby human beings in a society interact and live together. This is because the truth is not only

fundamental to every society, but it is also closely linked to the idea of being good. Thus, Fernandez-Armesto observes (1997) the following:

... everyone's attempt to be good – every attempt to construct happy relationships and thriving societies – starts with two questions: How do I tell right from wrong? And how do I tell truth from falsehood? The first question has more practical applications, but it depends on its apparently more theoretical twin. There is no social order without trust and no trust without truth. (p. 3)

Thus, following Fernandez-Armesto's demonstration about the truth, the result of the TRC manufacturing the truth was the exclusion of the victims of the apartheid system from its history. This is because the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation not only twisted the gross human-rights violations which were perpetrated collectively and systemically against the millions of Black people under White political domination and racial capitalism, but it also wrote the victims of the systemic exploitation of apartheid out of its version of history. Thus, Mamdani (2000:183) states, in line with Fernandez-Armesto's observation that obscuring the truth obliterates social order, that "[t]he unintended outcome [*of the TRC*] has been to drive a wedge between the beneficiaries and the victims of apartheid".

Following Fernandez-Armesto's observation that obscuring the truth obliterates social order, and following Mamdani's observation that the unintended outcome of the TRC, after obscuring the truth, has been to drive a wedge between the beneficiaries and the victims of apartheid, I want to contend that the wedge between the victims and beneficiaries came as a result of the power of memory (i.e. remembering). This claim is based on the notion that memory has the following stages: encoding, storage and retrieval.

Thus, every act involves encoding (the process whereby information is registered or a process whereby the experience of an act is registered), storage (the maintenance of information over time or a process whereby the experience of an act is stored) and retrieval (a process which refers to accessing the information by recognition, recall or implicitly by demonstrating that a relevant task is performed more efficiently as a result of prior experience) (Baddeley *et al.* 2004:7). Memory or the art of remembering is powerful, especially if it entailed a life-changing experience for those involved. Thus, the manufacturing of truths or the act of replacing the truth will lies would, in Mamdani's (2002:183) opinion, drive a wedge between victims and beneficiaries of the apartheid system.

Following the question, "Whose truth [*is it in the TRC*]?" Stevens *et al.* (2006:294) observe that one of the outcomes of the negotiated settlement between political powers (and economic powers) that had reached a stalemate by 1990 was that the South African TRC emerged as a peace-making and peace-building strategy. It is interesting to note that Stevens *et al.* comment that the notions of a truth commission, peace-making and peace-building arise as an outcome of a negotiated settlement. The legislation, mandate and eventually the outcome, that is, the establishment of a complete picture of the causes, nature and extent of the gross violations of human rights that were committed during the period 1 March 1960 to 10 May 1994, of truth the commission were institutionally produced. The question, "Whose truth [*is it in the TRC*]?" must be understood against this background.

This question must also be understood against the backdrop of the elite compromise reached at the informal and formal negotiations. This is because the question has to do with the victims and beneficiaries of the apartheid system. The history of the gross violations of human rights that gave rise to the TRC involved victims of the system. The idea of victim, in this regard, relates to the affirmation that apartheid was a crime against humanity that targeted entire communities. This history also involved beneficiaries of the system. The idea of beneficiaries, in this regard, refers to the fact that, as a result of the apartheid system, some people in institutions and organisations benefited. As a result, the question arises, given the distinction between the victims, the beneficiaries and the negotiated settlement, of whose truth was involved in the TRC. Thus, Terreblanche (2002:124–132) points out that “... the truth is often manufactured by the elite in power”. Therefore, the answer to the question, “Whose truth [*is it in the TRC*]?” is: It is the truth of the elite in power.

The truth in this case is understood as that which is factual and accurate or that which corresponds with the accuracy of what is. Thus according to Aristotle (see Ross 1924), the truth is seen as follows:

To say what is that is not, or of what is not that it is, is false, while to say of what is that it is, and of what that it is not, is true. (p. 57)

Therefore, the truth or falsity of a statement is determined by how it relates to the world and whether it accurately describes or corresponds with that world. Consequently, any statement will remain a claim until it is proven to correspond with reality or what is. Therefore, the notion of “truth” in the TRC needs to be subjected to a process of checking whether the truth of the TRC corresponds with reality, that is, the reality of the conditions that led to the establishment of the

TRC. As a result, the truth of the TRC will be checked against the backdrop of the gross violations of human rights.

As a result of the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation of the apartheid system, which must be understood against the backdrop of the elite compromise reached at the informal and formal negotiations, this commission had to manufacture the truth, that is, what is factual, real, accurate and legitimate. As a result of the elite compromise reached at the informal and formal negotiations (Terreblanche 2002:125), the ANC and the corporate sector in South Africa had come to an agreement "... that the benefits that had been accumulated (mostly undeservedly) in the hands of the corporate sector and other whites through systemic exploitation would either be forgotten or condoned" (Terreblanche 2002:125). Because of this, the TRC could not include in its investigation a systemic analysis of racial capitalism. This is because such an investigation would have embarrassed and even angered the corporate sector in South Africa. As a result, this commission had to manufacture the truth (Terreblanche 2002:124–132).

It is thus in this context that Moosa states that the TRC must be not only be judged against the background of the compromises reached at the informal and formal negotiations, but its truth must also be seen against the background of the power of the corporate sector in South Africa. Moosa's (2000:116) observation is based on the idea that the truth of this commission was not measured but manufactured. This is because, as much as the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation of the apartheid system was negotiated, the truth of this commission was also negotiated in the informal and formal negotiations. This

claim is based on how the TRC deliberately uncovered the “truth” about one form of victimisation or exploitation under apartheid but ignored another form of victimisation which was even more important (Terreblanche 2002:124–132). Thus, Terreblanche (2002:124) notes that the inability and/or unwillingness of the TRC to analyse South Africa’s history of unequal power structures are puzzling. This is because the TRC deliberately ignored the gross human-rights violations perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism (Terreblanche 2002:124).

For Mamdani (2000:177–178), the truth of the TRC makes sense when understood as institutionally produced truth. It must be recalled that this commission was ordered to inquire into (i) gross violations of human rights, including violations which were part of a systemic pattern of abuse (ii) and into the identity of all persons, authorities, institutions and organisations involved in such violations (TRC 1998:65). Its attempt to uncover the truth was supposed to be in line with this mandate. Thus, the logic of individualising the perpetrators and victims of the gross human-rights violations would not only be going against the mandate of the TRC, but it would also be inaccurate and thus untruthful. This is because the TRC was mandated to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights that were committed during the period 1 March 1960 to 10 May 1994 (TRC 1998:60). As such, the idea of individualizing the perpetrators and victims would result in a skewed truth.

It is for this reason that, following his observation that the truth of the TRC makes most sense when understood as institutionally produced truth, Mamdani (2000:177–178) notes that the truth of the TRC, which came about as a result of a process of truth-seeking, was one whose boundaries were narrowly defined by power and whose search was so committed to reinforce the new power that it turned the political boundaries of a compromise into analytical boundaries of truth seeking. Mamdani's observation about the truth of the TRC needs to be understood against the backdrop of the power play during and after the two sets of negotiations. This is because the informal negotiations on economic issues favoured the corporate sector in South Africa, and the formal negotiations on political issues favoured the ANC. On the one hand, the corporate sector, given its wealth, power, capacity for propaganda and myth making, succeeded in convincing the ANC that it depended on the corporate sector for the growth of the economy of South Africa. On the other hand, the ANC, given its political power without economic power, depended on the corporate sector in South Africa. Thus, any attempt at a broader investigation would include a systemic analysis of racial capitalism, and this would have embarrassed and angered the corporate sector in South Africa. As such, this would have ruined the symbiotic relationship between the ANC and the corporate sector (Terreblanche 2002:125). It is for this reason that Terreblanche (*ibid*) points out that, after a political transition had been negotiated, the ANC deemed it necessary to consolidate its precarious political power by using the TRC to delegitimise the apartheid regime and its security forces.

### **5.3 Obscuring reconciliation: The TRC obscured and manufactured reconciliation**

The previous section on obscuring and manufacturing the truth in the South African TRC has pointed to a number of assumptions with which the TRC worked, namely that a nation has one psyche, not many; that the truth is one, not many; that the truth is not contestable; and that when it is known by all, it has the capacity to heal and reconcile (Ignatieff 1999:111). These assumptions are presumptuous but inaccurate because a nation with different people with different psyches, in this case, including victims and beneficiaries of the apartheid system of White political domination and racial capitalism, cannot have one psyche, and the truth of different people with different psyches, including victims and beneficiaries of the apartheid system, cannot be one. But although the TRC worked with inaccurate assumptions, one of their assumptions of the truth, namely that it has the capacity to heal and reconcile, was accurate (Ignatieff 1999:111; Terreblanche 2002:124–132).

It is thus against this background of the assumptions of the TRC that the truth of the TRC are considered dogmatic. The rationale behind it was to domesticate the truth for the purpose of subjection and control. When the truth of the gross of violations of human rights in South Africa can be domesticated for subjection and control, there is a possibility that all the unfolding processes of the TRC were domesticated. When the truth, which is critical for the start of the process of reconciliation in the original sense of a thorough change, is compromised, it means that reconciliation, which addresses the critical questions of justice, equality and dignity, is compromised (Boesak 2012:1). Thus, Mamdani (2000:177–178) points out the following: “By compromising a political with a compromised truth ... the TRC has turned a political compromise into a moral compromise, and obscured the larger truth.”

In dealing with the biblical notion of reconciliation, the question about the truth of the TRC should be addressed. Thus, Stevens et al. (2006:294) is correct in asking, “Whose truth [*is it in the TRC*]?” (Amadiume & Abdullahi 2000:183; Fernandez-Armesto 1997; Moosa 2000:116; Terreblanche 2002:124–132). As a result, it is important to recall that this question probes *who*, that is, the identity of the victims who were represented by the ANC and the beneficiaries who were represented by both the NP and the corporate sector. The corporate sector, the victor during the informal negotiations on economic issues, represented the beneficiaries of the apartheid system (mostly White people). In the same way, the ANC, the victor during the formal negotiations on political issues, represented the victims of the apartheid system (mostly Black people). Consequently, this question pushes one to acknowledge that the truth of the TRC was not only the truth of the elites but a negotiated truth. This is because the truth of the TRC needs to be understood as institutionally produced truth (Mamdani 2000:177–178). This is because the outcome and the boundaries of the process of truth seeking were narrowly defined by power, namely the corporate sector in South Africa (*ibid*).

The inability and/or unwillingness of the TRC to uncover another form of victimisation under apartheid benefitted the corporate sector. This is because, in the informal negotiations, the corporate sector managed to convince the ANC not only of its innocence but also of its commitment to the inclusive economy of South Africa. Thus, any broader investigation by the TRC in its search for the truth in order to establish as complete a picture as possible of what happened in South Africa would have embarrassed and angered the corporate sector in South Africa (TRC 1998). Thus, the decision by the TRC to uncover one form of victimisation under

apartheid and to deliberately ignore systemic victimisation leads to the question, “Whose truth?” Thus, the truth of the TRC was a negotiated truth (Moosa 2000:116).

As much as the truth of the TRC can be negotiated or obscured, the notion of reconciliation can also be negotiated or obscured merely to reach some political accommodation. The notion of reconciliation is a biblical notion which only appears occasionally in the New Testament and, with a few exceptions, always in the Pauline literature (Boesak & DeYoung 2012:11–12). This biblical notion translates several Greek words: the verbs *katallasso* and *apokatallasso* and the noun *katallage* (Boesak & DeYoung 2012:11–12). The noun *katallage* is derived from the Greek verb *katallasso* and means “a thorough change”. The Greek preposition *kata* means “down”, and the noun *allage* means “change”. Regarding the idea of “to change, or exchange; to effect change”, De Gruchy (2005:51) notes that, when we are reconciled, we exchange places with the other and are in solidarity with rather than against the other. De Gruchy further points out that reconciliation is a process that causes us to overcome alienation through identification and solidarity with the other, thus making peace and restoring relationships (De Gruchy 2002:51).

De Gruchy’s assertion is thus that reconciliation in its original Greek use invokes the idea of thorough change(s). As a result, the problem is not the biblical notion of reconciliation but the interpretation thereof (Boesak & DeYoung 2012:11–12). This is because the Scripture is often domesticated for purposes of subjection and control. Hence, Boesak and DeYoung (2012:11–12) point out that, when Jewish scholars translated the Hebrew scriptures into Greek, they used these words (i.e. the verbs *katallasso* and *apokatallasso* and the noun *katallage*) to translate the Hebrew words related to atonement, that is, to God being reconciled with humanity. As a result,

in this usage of *katallasso*, they did not retain the political dimension found in the Greek understanding of reconciliation.

In an attempt to point out how scripture is often used to merely reach some political accommodation, it is necessary to probe why the Jewish scholars who translated the Hebrew scriptures into Greek translated the Hebrew word of atonement to the Greek word of reconciliation. This is important because the Greek usage of these words (i.e. the verbs *katallasso* and *apokatallasso* and the noun *katallage*) did not have a spiritual connotation, but the Hebrew words for atonement implied both the spiritual and the political. These Greek words were used in peace treaties between nations and groups. Thus, the idea of change or effecting change would have been understood against the background of peace treaties between nations and groups. Hence, it is the contention of this sub-section that the interpretation of these Greek words in the New Testament obscures the political dimension of their usage in the Greek context. In an attempt not to allow reconciliation (as *katallasso* which means “a thorough change”) to confront the country with the demands of the gospel, translators, often people in power, often intentionally confuse the verb *katallasso* with another Greek verb, *hilaskomai*, meaning, “to be propitious” or “to be merciful”. This is done in an attempt to promote the spiritual connotation of reconciliation over the political dimension, which emphasises the idea of “to change or exchange; to effect a change”. The Greek verb *hilaskomai* is often translated with reconciliation in the King James Version. At the time of the King James Version, the English verb “to reconcile” was understood to mean “to appease, to be propitious”, and the theology of the translators of the King James Version with regard to the death of Christ was the penal substitutory theory of the atonement. These translators believed that the death of Christ

reconciled God or satisfied the justice of God. It is thus against this background that the following assertion by Boesak and DeYoung (2012:11–12) makes sense: “In our work and engagement with reconciliation, we have discovered how often reconciliation is used merely to reach some political accommodation.”

It is, however, vital to dispel the confusion that might arise with the notion of re-invoking the idea of a manufactured or obscured truth in the TRC, given that this is what this sub-section deals with. Thus, as much as the truth of the TRC was a negotiated truth, it is the contention of this sub-section that the notion of reconciliation was also negotiated. As a result of the negotiated truth, specifically the idea that the TRC did not broaden its investigation that would have resulted in the analysis of the systemic exploitation of the apartheid system as a result of racial capitalism under White political domination, the notion of reconciliation, which, if correctly applied, does not only restore but goes to the roots of a problem, was subjected to a process which twisted the interpretation thereof. The problem is not reconciliation but the interpretation thereof. Thus, Boesak and DeYoung (2012:12) state: “We believe that unless we remove injustice at the roots, the weeds of alienation and fragmentation will return and choke the hope for reconciliation.”

The idea of manufacturing, which entails a creative action of developing, making and building up, is invoked in light of the creative twisting of the interpretation of the notion of reconciliation. This act is referred to as a creative act (i.e. an artistic and inventive act). This is not because the act of twisting the interpretation of the notion of reconciliation is positive but because the reconciliation of the TRC was taken through an artistic and inventive process that made it a servant of ideology, domesticating it for the purposes of subjection and control. Throughout the

artistic and inventive process, the notion of reconciliation was tamed to blunt the process of radical change and transformation (Boesak & DeYoung 2012:9).

Furthermore, the process of twisting the interpretation of the notion of reconciliation was artistic and inventive because, although the truth can be manufactured (especially by telling one version thereof, the version of the elite in this case) (Fernandez-Armesto 1997), the scriptures (specifically, the notion of reconciliation) cannot be controlled. Only the interpretation thereof can be controlled. Thus, Boesak and DeYoung (2012:10) note that “[t]he Scriptures will not be ideologised, manipulated or managed to suit our political endeavours, processes or desires”. Boesak bases this on the idea that the demands of the scriptures will always lay a greater claim (*ibid.*). But Boesak and DeYoung (*ibid*:9) are also quick to point out the history of how the Bible was used in Afrikaner politics. They do this in an attempt to show how the Bible tends to be domesticated for purposes of subjection and control. Here they remind us of how the Bible was used not only to give theological justification to apartheid, but it was also used to shape and maintain a system whose aim it was to dispossess people of their means of livelihood (*ibid*:1; Terreblanche 2002:124–132). The point that Boesak and DeYoung (*ibid*) try to make is that reconciliation is often used merely to reach some political accommodation that do not address the critical questions of justice, equality and dignity that are so prominent in the biblical understanding of reconciliation.

For the purpose of this sub-section, it is necessary to further investigate the idea of the domestication of the interpretation of reconciliation against the background of the processes leading to the establishment of the TRC. The purpose of this is to demonstrate how the notion of

reconciliation was obscured and manufactured for political reasons. It is important to understand the domestication of reconciliation against the following series of events and/or processes: firstly, the elite compromise reached at the informal and formal negotiations; secondly, the historical and ideological influence of the Latin-American truth commissions, particularly the National Commission for Truth and Reconciliation in Chile; thirdly, the individualistic and legalistic approach to human-rights violations. It is through these events and processes that the notion of reconciliation has come to be understood today as assimilation, appeasement, a passive peace, a unity without cost, and maintaining power with only cosmetic changes (Boesak & DeYoung 2012:10; Mamdani 2002; Terreblanche 2002:124–132).

During the informal negotiations on economic issues, the corporate sector in South Africa emerged as victors, and during the formal negotiations on political issues, the ANC emerged as victors. As a result of the economic power of the corporate sector and the political power of the ANC, these two stakeholders had to forge a working relationship under the elite compromise (Terreblanche 2002:107). Thus, these two parties agreed that the benefits that had accumulated in the hands of the corporate sector in South Africa and other White people through systemic exploitation would either be forgotten or condoned. If the notion of reconciliation was allowed to confront the country with the demands of the gospel, it would have meant that, in the TRC's attempt to go to the roots of injustice as is demanded by the notion of reconciliation, the notion of reconciliation would have pushed the commission to broaden its investigation in order to arrive at the root of the problem concerning apartheid (Boesak & DeYoung 2012:1; Mamdani 2002; Terreblanche 2002:124–132).

If this notion of reconciliation was allowed to go to the archetype, it would have shown the systemic exploitation position of the corporate sector in South Africa (Terreblanche 2002:124–132). It would have shown with no doubt that the apartheid system or the system of racial capitalism was deliberately constructed and maintained on behalf of White business. This was achieved through close and continuous collaboration between almost all White corporations and business organisations, on the one hand, and White political and bureaucratic establishments, on the other hand (Terreblanche 2002:124–132). The notion of reconciliation would also have shown that, for 150 years, racial capitalism was built and maintained on successive phases of Black labour repression. Thus Boesak and DeYoung (2012:1) rightly point out that reconciliation is used to reach political accommodation, and such political arrangements favour the rich and powerful but deprive the powerless of justice and dignity.

It was against this background, especially that of preventing the notion of reconciliation of going to the roots of injustice, that the TRC decided to draw on Latin-American examples to help shape its form and processes, specifically the emphasis on the individualistic and legalistic approach it placed on gross human-rights violation (Stevens *et al.* 2006:296; Terreblanche 2002:124–132). This was done intentionally to obscure what was distinctive about apartheid in South Africa. One cannot uncover the truth about the gross human-rights violations under the auspices of the apartheid system without looking into the gross human-rights violations perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism (Terreblanche 2002:124–132). Apartheid was constructed and maintained in South Africa on behalf of almost all White business. Thus, in order to avoid the notion of reconciliation uprooting this history, the TRC decided to embrace the Latin-American analogy of dictatorship.

This was done by narrowing its investigation to perpetrators and victims of (legally defined) gross human-rights violations. In doing this, the TRC agreed that apartheid was no more than a harsh and cruel dictatorship, a gross denial of human rights. The purpose of this was to blunt the notion of reconciliation in order to point out the colonial nature of the South African context: the link between conquest and dispossession, between racialized power and racialized privileges (Mamdani 2000:179; Boesak & DeYoung 2012; Mamdani 2002; Terreblanche 2002:124–132).

#### **5.4 Obscuring justice: The TRC obscured reconciliation that presupposes justice**

It is necessary to start this sub-section on reconciliation and justice with the idea that biblical reconciliation presupposes justice. The deeper and more critical meaning of the word reconciliation goes beyond its simplistic understanding (Mamdani 1996). This is because reconciliation involves people being accountable for their actions and showing commitment to right their wrongs (*ibid*). This is mentioned to dispel the idea that it is because of this biblical notion of reconciliation that justice was not achieved for victims. The biblical notion of reconciliation always presupposes (social) justice. However, as Boesak and DeYoung (2012:1) note, reconciliation is often used merely to reach some political accommodation that do not address the critical questions of justice, equality and dignity that are so prominent in the biblical understanding of reconciliation. Hence, the following, which has come to be closely associated with reconciliation, came about as a result of the domestication of the Bible for purposes of subjection and control: assimilation, appeasement, a passive peace, a unity without cost and maintaining power with only cosmetic changes (Boesak & DeYoung 2012:10).

It is also vital to deal with the question of (criminal) justice within the TRC. This question surfaces because one of the expectations of genuine reconciliation, seeing that apartheid was declared a crime against humanity, was transformation, restoration and justice (Boesak 2008:636–654). However, this justice is a criminal justice as opposed to the social justice of reconciliation. Thus, the idea of this justice needs to be mentioned with regard of some transitional justices, namely the type of justice at the Nuremberg trial (criminal justice), the type of justice at CODESA (political justice) (Mamdani 2010:1–10) and the type of Nuremberg justice in Rwanda (criminal justice without reconciliation). This is important because, given different contexts, circumstances and desired outcomes, different justices are manifested – criminal justice in the German context, political justice in negotiations in South Africa and criminal justice without reconciliation in Rwanda. In Rwanda, both victims and perpetrators were expected to live together, unlike in Germany, and that is why this justice is referred to as criminal justice without reconciliation (Mamdani 2010; 1996).

Nuremberg was one of two trials at the conclusion of the Second World War. The second was the Tokyo trial. Nuremberg was an innovation for two reasons: Firstly, the judges at the Nuremberg trial rejected the claim that state orders absolved an official of individual responsibility (contrary to the TRC in South Africa). Secondly, besides establishing individual responsibility for the violation of human rights, Nuremberg also defined that responsibility as criminal (Mamdani 2010:1–10; Tutu 1999:10–36). One has to note that the trials at Nuremberg could not have been held except as an aftermath of military victory (contrary to South Africa with a negotiated transition). As a result, the victorious power established a rule of law under which they tried alleged perpetrators. This trial targeted only the defeated, the perpetrators of the

Holocaust. It targeted neither the perpetrators of the atom bomb nor the perpetrators of indiscriminate violence against civilians on both sides (*ibid*). Thus, Tutu notes that, following this victor's justice of Nuremberg, those accused had no say whatsoever in the matter because some of those who sat in judgement of the accused were themselves guilty of gross violations of human rights (Tutu 1999:24). According to Mamdani (2010:1–10; Tutu 1999:10–36), after the Nuremberg trial, there would be no need for winners and losers to live together after victory – yesterday's perpetrators and yesterday's victims will not have to live together, for there will be a separate state, Israel, for survivors.

The next type of justice is the political justice of the Convention for a Democratic South Africa (CODESA), which is linked to the work of the TRC. To understand the specific role played by the TRC, one needs to come to terms with its key features, namely that the TRC held individual state officials criminally responsible but only for actions that would have been defined as crimes under the apartheid law, contrary to Nuremberg. The TRC did not hold them accountable for political violence, meaning the violence they perpetrated outside of the law. The point is that they were not held responsible for acting as institutional implements but only for acting as the individual authors of violence (Mamdani 2010:6). Mamdani (*ibid*) also notes that, by setting out to identify only criminal violence, violence that exceeded political order, the TRC ended up excusing political violence, the violence authorised by apartheid law. Rather than questioning the rule of law identified with apartheid, the TRC upheld it. The most interesting thing about the TRC was that it functioned within the paradigm associated with Nuremberg. Even though the TRC called for forgiveness, this was within a broader focus defined by the notion of crime and punishment (*ibid*:7).

CODESA came as a response to a different context which was marked by different conditions than those obtained at Nuremberg although Mamdani (2010:7) notes that CODESA also needs to be understood as a statement of the limitations of Nuremberg. Furthermore, CODESA was born of the realisation that, contrary to Nuremberg, there was no victor in the struggle against apartheid. As such, the following questions need to be asked: How does one stop an ongoing conflict in which there was neither a winner nor a loser? How does one convince the adversaries that it is in their interest to stop the conflict? As a result of this, Mamdani (*ibid*) states that it was obvious that this could not be done by prioritising criminal justice and threatening to take the political leadership, of either the apartheid state or the anti-apartheid movement, to court, because the people one would take to court are the very people who would need to stop the conflict. In addition, perpetrators and victims of the past conflict would have to live together after apartheid. There was no Israel for victims of apartheid. Victims and perpetrators, Black people and White people, would have to live in the same country after apartheid (*ibid*; Tutu 1999:10–36). However, CODESA did not come into being as a result of the personal convictions of the NP, the corporate sector and the ANC. As noted in previous chapters, the idea of a negotiated transition came into being as a result of circumstances, which included the idea that there was a growing resistance in Third-World countries against authoritarian regimes. As a result, the only way in which an authoritarian regime like the NP in South Africa could continue to hold on to the country's economy was through a transition to democracy. The idea of a transition to democracy was promoted at the same time as capitalism was becoming global in character. Democracy under capitalism would result in authoritarian regimes like the NP to be economic victors thanks to the corporate sector in South Africa, while the liberation movements

like the ANC would be political victors (Cronin 1994; Fiss 1992:908; Mkhondo 1993; Rosenfeld 2001; Terreblanche 2002).

However, CODESA did not ignore justice. Instead, it provided a radically new way of thinking about justice. This thinking of CODESA represents a double breakthrough. Firstly, it distinguished between criminal, political and social justice so as to prioritise political justice, the reform of the political system, over the other two (Mamdani 2010:7). It is thus necessary to distinguish between criminal and political justice. This is because criminal justice targets individuals and its objective is punishment whilst political justice affects groups and its objective is political reform. Secondly, CODESA decriminalised the opposition so as to treat it as a political adversary. The result was the unbanning of the ANC, the PAC and the Communist Party, on one side, and the dismantling of the apartheid regime and the highly secretive Broederbond, on the other. Thus, according to Mamdani (2010:8), the goal was not to punish individual criminals but to change the rules of political life so as to reform the political community. Finally, unlike criminal justice, political justice prioritised the claims of the living over those of the dead.

There is also the justice without reconciliation of Rwanda, which exemplifies an alternative trajectory to the process of CODESA and the TRC (of social justice with reconciliation). This is because Rwanda illuminates the dilemmas involved in the pursuit of reconciliation. In this regard, Mamdani (1996) frames the major turning points in the Rwandan tragedy, the 1959 Revolution and the 1994 Genocide, within a broader dialectic, one between reconciliation and justice rather than between reconciliation and truth. This is because, as he (*ibid*) notes that, if

South Africa exemplifies the dilemma involved in the pursuit of reconciliation without justice, then Rwanda exemplifies the opposite – that is the pursuit of justice without reconciliation.

Following the 1959 Rwandan Revolution<sup>39</sup> and the Rwandan Genocide of 1994,<sup>40</sup> the International Criminal Tribunal for Rwanda (ICTR) was established in order to judge the people responsible for the Rwandan Genocide and other serious violations of international law in Rwanda or by Rwandan citizens in nearby states, between 1 January and 31 December 1994. The notion of competition is important in this regard because, according to Mamdani (1996), it points to the fact that those in power (Tutsi) tried those who are not in power (Hutu). This leads to the idea that those who are not in power must also do the same when they obtain the power some times in future. Mamdani calls this the cycle of revenge. Thus, Mamdani (*ibid*) argues that Nuremberg-style tribunals cannot lead to a process of reconciliation between former perpetrators and victims, especially if the political prerequisite for triggering a process of reconciliation is power-sharing between the two parties involved. Mamdani (*ibid*) further asks if there is a reason to have done away with Nuremberg-type tribunals in the case of a crime against humanity (apartheid) and to persist with such a tribunal in the case of another crime against humanity.

In relation to the criminal, political and social justice(s) of the Nuremberg trial, CODESA and the Rwandan ICTR trial, which employed the Nuremberg trial style, Mamdani (2010:8) states

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<sup>39</sup>This was also known as the Social Revolution or Wind of Destruction. This period of revolution was a period of ethnic violence which occurred in Rwanda from 1959 to 1961, preceding Rwanda's independence from Belgian control on 1 July 1962. It was the culmination of years of tension between the Hutu and Tutsi groups. The violence began in November 1959, following the beating up of a Hutu politician by Tutsi forces. The Hutu believed he had been killed, and they began systemic assaults on the Tutsi.

<sup>40</sup>The Rwandan Genocide was a mass slaughter of Tutsi and moderate Hutu in Rwanda by members of the Hutu majority. The genocide took place in the context of the Rwandan civil war, an ongoing conflict beginning in 1990, between the Hutu-led government and the Rwandan Patriotic Front (RPF), which was largely composed of Tutsi refugees whose families had fled to Uganda following the earlier waves of Hutu violence against the Tutsi.

that, whereas Nuremberg was looking at the past and was preoccupied with justice as punishment, CODESA sought a balance between the past and the future, between redress for the past and reform for the future. Thus, Mamdani (*ibid*) notes that CODESA offers us a paradigm shift where the meaning of survivors changes to include all those who survived yesterday's catastrophe, apartheid: yesterday's victims, yesterday's perpetrators and yesterday's beneficiaries, those described as bystanders by human rights. The paradigm shift is from victims' justice to survivors' justice.

It is the contention of this sub-section that the TRC failed to link reconciliation with justice (Boesak 2008:636–654). This is because the TRC, in an attempt to come to terms with the legacy of apartheid, has described its concerns as truth and reconciliation and not justice and reconciliation. This biblical notion, reconciliation, translates several Greek words: the verbs *katallasso* and *apokatallasso* and the noun *katallage* (Boesak & DeYoung 2012:11–12). The noun *katallage* is derived from the verb *katallasso*, which means “a thorough change”. Through the process of truth seeking, which is imperative for the implementation of reconciliation, this notion would not only have pushed the TRC to remove injustices perpetrated by the apartheid system at the roots, but it would also have pushed this commission to address the critical questions of justice, equality and dignity. The idea here is that justice, that is, social justice, is embedded in the biblical concept of reconciliation. Yet, justice in this context must not be understood within the strict legal terms that some have applied to the work of the TRC but rather from within the expectations created by the TRC itself through its own insistence that its work should be seen as a Christian endeavour (Boesak 2008:636–654).

Thus, the failure of the TRC to link reconciliation with justice has a direct bearing on the situation in which South Africa finds itself today, and therefore, the return to an understanding of reconciliation that presupposes justice will help address one of the most critical issues in our social, political and theological discourse today (Boesak 2008:636–654). This is because the South-African TRC was initially supposed to be called the truth commission until a complaint was received from then President FW de Klerk that the NP and the corporate sector were not happy with the term “truth commission”. The NP and the corporate sector strongly felt that South Africa would be better served if the commission was the “truth and reconciliation commission”. The biblical notion of reconciliation, which presupposes justice, was added to this commission in order not to allow it to confront the country with the demands of the gospel but to blunt the progress of radical change and transformation (Boesak & DeYoung 2012:9). Thus, the failure of the TRC to link reconciliation with justice must be understood against the background of the elite compromise reached at the informal and formal negotiations. This is because of a number of compromises, namely the compromised legislation which led to the establishment of the TRC; drawing from the Latin-American examples, particularly the National Truth and Reconciliation Commission of Chile; and the obscured understanding of gross violations of human rights (Stevens *et al.* 2006:296; Terreblanche 2002:124–132). Thus, according to Boesak and DeYoung (2012:9), “... the issue was not reconciliation, it was, rather, the understanding and interpretation of it”.

The TRC, in its attempt to promote national unity and reconciliation, drew largely from the sacramental process of penance and reconciliation. Penance or the Sacrament of Penance is regarded as the New Law instituted by Christ in which forgiveness of sins committed after

baptism is granted through a priest's absolution to those who confess with true sorrow their sins and promise to satisfy for the same (Catholic Encyclopaedia n.d.). This sacramental process of penance and reconciliation has four elements that are similar to the process of the TRC. Three of the four elements are expected of the penitent (confession, admission of guilt and satisfaction) and one of the minister of the sacrament (absolution or forgiveness). Thus, according to Mamdani (1996), ideally, South Africa needs voluntary disclosure. He uses the notion of voluntary disclosure instead of confession. Mamdani (*ibid*) further notes that, from the religious point of view, the recognition of truth is akin to confession, which must lead to repentance and then to conversion. Only such a trajectory merits forgiveness.

This sub-section contends that the failure of the TRC to link reconciliation with justice, which resulted in reconciliation without justice, came not as a result of this biblical notion but because of the understanding and interpretation thereof. Thus, the notion of truth seeking was applied alongside reconciliation with the understanding that the process will involve the following phases: confessing, converting, justice and forgiveness (Mamdani 1996). There was an understanding that the process of reconciliation, which presupposes justice, starts with confessing, which involves the process of admitting guilt or that one has committed a crime. This process also involves the idea of full disclosure. In this regard, Gonzalez and Verney (2013:3) note that victims of gross violations of human rights and serious violations of international law and their families have the right to an effective remedy. This includes the right to know the truth about the abuses they have suffered, including the identity of perpetrators, the causes that gave rise to the violations and, if appropriate, the ultimate fate or whereabouts of the forcibly disappeared. Furthermore, the process of reconciliation entails going through the process of

conversion (which involves a Damascus kind of conversion), justice (which involves the act of restoring or thorough change after admitting to guilt or acknowledging that one has committed a crime and after converting) and then forgiveness (which comes from the victim). However, the truth-seeking process of the TRC was obscured. This is because, on the one hand, it operated under the assumption that a nation has one psyche, not many, that the truth is one, not many, that the truth is certain, not contestable and when the truth is known by all, it has the capacity to heal and reconcile. On the other hand, the boundaries of the process of truth seeking of the TRC were narrowly defined by power, namely the corporate sector in South Africa (Ignatieff 1996:111; Terreblanche2002:124–132). Thus, Boesak (2008:636–654) asks: “Just how wise was the link between the legal and political process of truth seeking and the demand for reconciliation?”

The TRC’s process of truth seeking must be understood in terms of the link between the legal and political processes of truth seeking. This is because the legal process of truth seeking deals with facts, that which can be proven. Yet this process has limits for a process like the truth commission which serves transitional purposes: The judiciary may be temporarily unable to hold effective trials if a state is failing or enduring civil unrest. Trials may be limited to notorious cases or to the most easily identifiable perpetrators, thus neglecting many victims and trials, and the facts are established using judicial techniques that may be inadequate for acknowledging the personal, cultural, or psychological experiences of victims. Contrary to this, the political truth-seeking process involves an informal process of seeking the truth and involves the following: the identity of perpetrators, the causes that led to abuses, the circumstances and facts of violations and the ultimate fate and whereabouts of victims in the event of enforced disappearances (Gonzalez & Verney 2013:3–4).

As a result, truth commissions like the TRC tried to balance the legal and political processes of truth seeking. In the process of balancing these processes, however, truth seeking was subjected to political scrutiny until it became a negotiated truth (Mamdani 2000:177–178; Moosa 2000:116). It became a truth which must be understood as institutionally produced, the boundaries of which were narrowly defined by power, that of the corporate sector, and the search for which was so committed to reinforcing the new power, that of the ANC government), that it turned the political boundaries of a compromise into analytical boundaries of truth-seeking (Amadiume & Abdullahi 2000; Moosa 2000:116).

As a result of compromising the truth, the TRC not only turned a political compromise into a moral compromise that obscured the larger truth, but it also obscured the history of which it was supposed to establish as complete a picture as possible of the causes, nature and extent of the gross violations of human rights (TRC 1998). Obscuring the truth had an effect on justice for victims. This is because the TRC, in an attempt to uncover the truth about the apartheid system, wrote off some victims. For instance, by trying not to expose the corporate sector in South Africa, the TRC decided not to broaden its investigation to include the systemic analysis of racial capitalism, and as a result, it ignored the gross human-rights violations perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism (Terreblanche 2002:124–132). Because of this, the definition of injustice, of which reconciliation goes to the roots, was affected. Thus Mamdani (1996) states the following:

... that 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 abuse within the legal framework of apartheid: detention, torture, murder. (n.p.)

The process of truth seeking is necessary for the process of reconciliation, which presupposes justice. This is because reconciliation is radical in that it goes to the roots of injustice and removes it along with the weeds of alienation and fragmentation. However, reconciliation does not end there. It also calls for structural changes and restoration. Thus reconciliation becomes real (experiential), radical (focused on social justice) and revolutionary (oriented toward structural changes). It becomes real because it demands the restoration of the battered and bruised identity of people who experienced oppression. It becomes radical when it demands structural changes and fights for social justice. It becomes revolutionary when it goes to the roots of injustice and abolishes the status quo and attempts to replace it with a qualitatively different one (Boesak & DeYoung 2012:12–23).

According to Mamdani (1996), Chikane is of the opinion that the concept of reconciliation was equated with negotiations, political settlements and so on. This, Chikane believes, robbed the word reconciliation of its deeper meaning, one which includes the concept of healing. For Chikane, negotiations can result from political pressures or from a mutual decision by parties to avoid a war because the costs are too great (*ibid*). Chikane (*ibid*) is of the opinion that this does not necessarily mean that the parties have had a change of heart; they are simply relocating the battleground to the negotiation table or to parliament. Following this, Mamdani (*ibid*) notes that the deeper and more critical meaning of the word reconciliation goes beyond its simplistic understanding. It involves people being accountable for their actions and showing a commitment to right their wrongs.

## **5.5 Obscuring history: The TRC obscured a history of gross human rights violations in SA**

The claim that the TRC obscured and thus wrote the vast majority of apartheid's victims, particularly the victims of systemic exploitation, out of its version of history as Mamdani (2000:183) points out will be investigated against the TRC's acknowledgement that apartheid was a crime against humanity and the definition of gross violations of human rights. This needs to be understood against the background that the legislation that set up the TRC did not define who the victims and the perpetrators were. Consequently, the task of defining victim and perpetrator was left to the TRC, and this task was the single most important decision that determined the scope and depth of the commission's work (*ibid*:33). Hence, without a comprehensive acknowledgement of the victims of apartheid, there would be only a limited identification of perpetrators and only a partial understanding of the legal regime that made possible the "crime against humanity" (Mamdani 2002; Terreblanche 2002:124–132).

The abovementioned claim that the TRC obscured history needs to be understood according to Mamdani (2002:33–34; see also Terreblanche 2002:124–132) against the background of three key limitations in the report of the TRC. Firstly, the TRC individualised the victims of apartheid. Secondly, by focussing on individuals and obscuring the victimisation of communities, the TRC was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. Finally, the TRC extended impunity to most perpetrators of apartheid. With regard to the first point, that the TRC individualised the victims of apartheid (Terreblanche 2002:124–132), the TRC affirmed the judgement of the international human-rights community that apartheid was a crime against humanity. However, it did not explain why it

shared the international community's basic moral and legal position on apartheid, and it did not spell out what aspect(s) of apartheid was a crime against humanity, which targeted entire communities for ethnic and racial policing. The TRC was reluctant to go beyond this formal acknowledgement.

As a result, in spite of the TRC acknowledging that apartheid was a crime against humanity, its final analysis reduced apartheid from a relationship between the state and entire communities to one between the state and individuals (Mamdani 2002:33–34). The final analysis of this commission not only obscured the mandate given to it, that it should promote national unity and reconciliation in a spirit of understanding that transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights (TRC 1998), but it also went against its acknowledgment that apartheid was a crime against humanity (Terreblanche2002:124–132). Thus, Mamdani (2002:33–34) states that, whereas entire communities were victims of gross violations of human rights, the TRC acknowledged only individual victims. Hence, the individualisation of the victims of apartheid not only obliterated the central characteristic of apartheid as a crime against humanity, which involved targeting entire communities for racial and ethnic cleansing and policing, but it also led to political activists being defined as victims (Mamdani 2002:33–34; Terreblanche2002:124–132). The consequence was that the TRC's perspective was narrowed to political reconciliation between state agents and political activists, that is, between individual members of a fractured political elite, rather than the “national unity and reconciliation” mandated by the legislation that set it up (Mamdani 2002:33–34).

The second key limitation in the TRC's report is that, by focusing on individuals and obscuring the victimisation of communities, the TRC was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. At this point, Mamdani (2002:34) points out that, whilst the apartheid state spoke the language of rights to the White population, it disaggregated the native population into tribal groups, each to be administered under a separate set of laws in the name of enforcing custom. Rights and customs were two different and contradictory languages: The former claimed to circumscribe power, the latter to enable it. Whereas the former claimed to be a rule of law, the latter claimed the legitimacy of custom and tradition.<sup>41</sup> Apartheid produced dual identities, that is, racial solidarity amongst its beneficiaries and an ethnic particularism amongst its victims, and each of these identities was reproduced by a set of institutions (Mamdani 1996). Thus, whilst racial identity was anchored in a racial electorate, racially exclusive civil laws and a race-bound civil society and privileges defined as so many rights protected by a racialized power, ethnic identity was anchored in an ethnically defined customary law, enforced by an ethnically defined native authority (*ibid*). Thus, the TRC's failure lay in focussing exclusively on the civil regime and totally ignoring the customary regime (Mamdani 2002:34). He (*ibid*) further argues that it is no wonder that the TRC failed even to recommend reforms that would put in place a single unitary regime, a rule of law understood as formal equality before the law, for all South Africans in a post-apartheid South Africa.

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<sup>41</sup>Mamdani (1996:34) also notes that coming to grips with the legacy of apartheid requires that we first underline the identities institutionalised and thereby reproduced under apartheid. Apartheid was much more an attempt to fragment and contain the colonised majority by detribalising it (through forced removals if necessary) than it was an attempt to erase and annihilate a ghettoised minority. He (*ibid*) further notes that apartheid followed in the wake of a trail blazed by British indirect rule, French association and Belgian customary rule. They all confronted the dilemma that the institutions of racial supremacy inevitably generated a racial identity not only amongst its beneficiaries but also among its victims. Their solution was to link racial exclusion to ethnic inclusion: The majority that has been excluded on racial grounds would now appear as a series of ethnic minorities, each included in an ethnically defined political process. The point was to render racial supremacy secure by eroding the racial identity of the oppressed, by fracturing it into so many ethnic identities.

The third and final key limitation in the TRC's report is that the TRC extended impunity to most perpetrators of apartheid. In the absence of the full acknowledgment of victims of apartheid, there could not be a complete identification of its perpetrators to the extent that the TRC did not acknowledge the full truth, and the amnesty that was intended to be individual turned into group amnesty (Mamdani 2002:34). Any perpetrator who was not identified as such was a perpetrator who enjoyed impunity (*ibid*). In Terreblanche's (2002:124–132) opinion, the TRC has done an excellent job of discrediting the apartheid regime and the atrocities committed under its aegis. In doing so, it has identified many of the individual perpetrators of gross human-rights violations and also many of the individual victims of these violations. However, Mamdani (1996) points out that, in the South African context, the perpetrators are a small group as are those victimised by perpetrators. In contrast, the beneficiaries of the system of apartheid are a large group, and victims defined in relationship to beneficiaries are the vast majority. By individualising the victims and perpetrators of the apartheid system, the TRC ignored the gross human-rights violations perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism.

The next important point is the affirmation by the TRC of the judgement of the international human-rights community that apartheid was a crime against humanity. Although the TRC acknowledged that apartheid was a crime against humanity, its reluctance to go beyond this acknowledgement led to the fact that the TRC wrote the vast majority of apartheid's victims, that is, the victims of systemic exploitation, out of its version of history (Mamdani 2000:183; Terreblanche 2002:124–132). Mamdani (2002; see also Terreblanche 2002:124–132) states that

the TRC acknowledged the judgement of the international human-rights community that apartheid was a crime against humanity, and to explain why apartheid was a crime against humanity, the TRC (1998) cited the 1996 Draft Code of Crimes Against the Peace and Security of Mankind proposed by the International Law Commission. This codes says the following:

A crime against humanity means any of the following acts, when committed in a systemic manner or a large scale and instigated or directed by a government or by any organization or group: ... (f) institutionalized discrimination on racial, ethnic or religious grounds involving the violation of fundamental human rights and freedoms and resulting in seriously disadvantaging a part of a population. (p.6 )

From this, it is possible to deduce that the grounds of declaring apartheid a crime against humanity were not the individual violations such as killings and arson (Mamdani 2002:33–34). Apartheid, as a crime against humanity that was built on racial and ethnic policing, cleansing and institutionalised discrimination, constituted a crime against humanity in terms of the 1996 Draft Codes of Crimes Against the Peace and Security of Mankind. Thus, the human-rights violations that had been caused by the denial of freedom of movement through pass laws, by forced removal of people from their land, by disenfranchising citizens, by the ill treatment of farm workers and other labour disputes and by discrimination in such areas as education and work opportunities were not only in accordance with its mandate (TRC 1998:65–66; Terreblanche 2002:124–132) but were also not in accordance with the understanding of apartheid as a crime against humanity (Mamdani 2002:42).

The second key limitation in the TRC's report, namely that it was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives, is also of importance in this regard. Apartheid was declared a crime against humanity

that included, amongst other things, racial and ethnic policing and cleansing which were enforced through a number of laws (e.g. the Group Areas Act, the Pass Laws Act and the Coerced Labour Law Act) and racialized and ethnicised legal structures (Mamdani 2002:42–53; Terreblanche 2002:124–132; TRC 1998:11). The legal basis of apartheid was a system of law that distinguished between natives, that is, those who are indigenous to the land, and non-natives or immigrants, including those alleged to be non-natives (Coloured people were defined as non-natives) (Mamdani 2002:42–53). The law ethnicised natives and racialized non-natives. Mamdani (*ibid*) also mentions that, with non-natives, a distinction was further drawn between the master race (White people) and subject races (Indian people, Coloured people), all governed through civil law, whilst the natives were divided into so many tribes, each to be governed by its own customary law.<sup>42</sup> Mamdani points to the 1927 Native Administration Act, which gave the Minister of Bantu Administration and Development power to forcibly remove natives from one location to another, as an example that the TRC acknowledged but only when it came to the banishment of individual natives. The TRC notes that up to 97 persons, mostly chiefs and headmen who had opposed government policy, had been banished up to 1960, and that over 40 remained banished in 1986 (*ibid*).

The 1927 Native Administration Act, which Mamdani points out as an example of how laws were put in place to racially and ethnically police and cleanse communities of Black people in South Africa, is acknowledged in the report of the TRC, but what this report does not do is to link the provisions of the Native Administration Act to the forced removals of entire

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<sup>42</sup>Mamdani notes that the earliest tribe to be subjected to colonial customary law was the Zulu in colonial Natal. (Mamdani does this to show how the individualisation of victims of apartheid obscured the real basis of the apartheid system.) He also states that the 1891 Natal Native Code conferred on the British governor the title of Supreme Chief of the Zulus. His powers included the power to move natives from one location to another. The 1927 Native Administration Act transferred that power to the Minister of Bantu Administration and Development, who was then in charge of all natives in South Africa (Mamdani 2002).

communities, defined ethnically and removed on those grounds, a practice that reached truly inhuman proportions in the period specified in the TRC's mandate, 1960 to 1994. Thus, Terreblanche states that another reason why the TRC failed to do justice to systemic exploitation under the apartheid system may have been that the period of history it was instructed to investigate was too short to allow it to deal with South Africa's past in a credible manner. By focusing on only 34 years of South Africa's modern history of 350 years, the commission not only interpreted this history in a one-sided way but also distorted and compromised the truth (Terreblanche 2002:124–132). In 1959, the apartheid government passed the Promotion of Bantu Self-Government Act. This Act was to provide the legal umbrella for a far-reaching ethnic and racial cleansing of 87% of the country that was defined as "White" South Africa. The racial cleansing of areas declared White was followed by the re-organisation of the Black (majority) population into fragmented ethnic homelands, the result of subsidiary ethnic cleansing (Mamdani 2002:42–53). These acts (the 1927 Native Administration Act and the Promotion of Bantu Self-Government Act of 1959) were at the heart of apartheid and as such were a crime against humanity as declared by the 1996 Draft Code of Crimes against the Peace and Security of Mankind as proposed by the International Law Commission (United Nations 2005).

It is also necessary to note a number of forced evictions as examples of the racial and ethnic cleansing of the apartheid system, namely the Transkei and Pondoland revolt, Ciskei and Opposition to Home Rule, Bophuthatswana and Opposition to Home Rule, Western Cape and Transvaal. Transkei was the homeland to be granted independence in 1963. This declaration was preceded by the Pondoland revolt, a peasant revolt against homeland authorities, a development that took place in the Pondoland region of the Transkei in 1960–1961 (a date which falls under

the mandate of the TRC). The revolt was followed by the first phase of forced removals, involving hundreds and thousands of people being removed from their homes, which were acknowledged by the TRC. These removals generated a climate of fear that resulted in a period of relative acquiescence in political resistance until the 1970s (Mamdani 2002:43–53; TRC 1998:55). In this regard, the TRC (1998) stated the following in its report:

The commission finds that the state used several chiefs in the Transkei region to silence political opposition to the policy of apartheid, using methods including banishment, forced removal of political opponents and destruction of their property. (p. 55)

It is interesting to note that, in spite of these acts of forced removal which were part of the ethnic cleansing of hundreds and thousands of people, the TRC acknowledged only a paltry 324 cases of severe ill-treatment (Mamdani 2002:44; TRC 1998:332–333).

Ciskei became self-governing in 1972, but the TRC recorded in its report several occasions during the 1980s when the government of Ciskei targeted entire communities opposed to homeland rule. The punishment was forced removals or incorporation into the homeland. For example, in the mid-1980s, the Kuni community was evicted from Ciskei *en masse* and dumped at the roadside in South Africa where they later found a home at Needs Camp outside East London. Another example is that of a community that received even harsher treatment when it was tossed back and forth throughout the 1980s. At first forcibly removed across the border into Ciskei in the early 1980s, this large group of residents fled twice from Potsdam outside Mdantsne following assaults by police and vigilantes. It is surprising that the TRC's report provides neither figures of how large or small this community was, nor of gross violations of

human rights for that period. The TRC only acknowledged this community as a victim of “severe ill-treatment” by the apartheid state (Mamdani 2002:33; TRC 1998:332–333).

A number of people, when they refused to accept the citizenship of the newly created Bophuthatswana homeland, were forcibly removed. An example is the non-Tswana people who were staying in the Kromdraai squatter area. The children of these people were barred from attending schools in Bophuthatswana. The TRC acknowledges an estimated fifteen to twenty thousand non-Tswanas who were resettled. The commission reports that comparatively few statements were received from the Orange Free State (where some of these non-Tswanas were staying), and thus it acknowledges less than 20 cases of severe ill-treatment for 1979 to 1980 for the whole of the Orange Free State (Mamdani 2002:44; TRC 1998:333).

The region known as the Western Cape initially comprised the provinces of the Western Cape and the Northern Cape. This region was marked by the physical elimination or genocide of the indigenous Khoisan population, the large-scale kidnapping of Khoisan children and using them for forced labour and the importation of thousands of Indonesian, Indian and East-African slaves. The peculiar pre-apartheid history of this region was exaggerated by declaring it a preferred area for Coloured people, and it gradually turned into a region with a majority of inhabitants branded as Coloured. In its report, the TRC acknowledges that the Northern Cape has a long history of land dispossession and forced removals. But it is surprising that the report does not specify the number of people who were forcibly removed from communities. When it comes to identifying victims of gross human-rights violations in this region, the TRC records that 52% were victims of severe ill-treatment and that “... the most common form of severe ill-treatment was beating,

followed closely by incarceration and shooting injuries” (TRC 1998:391). The commission makes no mention of forced removals (Mamdani 2002:45).

Finally, the Transvaal was the industrial hub of South Africa, but at the heart of the Transvaal is Soweto. During the 1960s, the apartheid government worked systematically to reverse the flow of Africans to the urban areas and to restructure the industrial workforce into one composed primarily of migrant labour. The TRC noted that over a million labour tenants and farm squatters and 400 000 city dwellers were resettled in the homelands, the population of which increased by 70% in the 1960s. However, there is a single resettlement which sums up a series of actions that occurred when people were resettled. This includes the bulldozing of homes, the destruction of fixed properties as well as the relocation of movable property and persons, and all these involved the direct use of force and brutality. It is surprising that the TRC’s report recorded the lowest number of gross violations of human rights, ascribing these low figures to factors such as the events having been overshadowed by more recent political conflict, the death of potential deponents and the fading memory of deponents (Mamdani 2002:45; TRC 1998:531–532). Thus Mamdani (2002) notes that the one thing the TRC did not consider was its own responsibility: Could it be that the knowledge that the commission did not consider forced removals as gross violations of human rights kept deponents from filing grievances with the TRC – rather than the fading memory of deponents? Could it be that the TRC’s decision to interpret its own terms narrowly blotted from the official record the most repressive practices affecting large numbers of ordinary people in South Africa?

It is surprising that, in its report, the TRC also noted that many organisations lobbied the commission to insist that it should investigate many of the human-rights violations that had been caused by (1) the denial of freedom through the pass laws, (2) forced removals of the people from their land, (3) the disfranchisement of citizens, (4) the ill treatment of farm workers and other labour disputes and (5) discrimination in such areas as education and work opportunities. Commission members felt that these issues were important areas that could not be ignored. Nevertheless, the TRC decided that these issues could not be interpreted as falling directly within its mandate (TRC 1998:11–12). According to Terreblanche (2002:128), this decision not to investigate these issues within the parameters of gross violations of human rights was not in accordance with the mandate given to the TRC, and the decision not to include these issues in the TRC's investigation should be deplored.

Against this background, Mamdani notes that not only were Black homeland residents who resisted independence (e.g. by refusing homeland citizenship) forcibly removed, but Black residents in White South Africa, who were defined as Black spots, were also targeted for forced removals. A widely distributed and cited investigation by the Surplus People Project estimated that 3.5 million people were forcibly moved by the South African state between 1960 and 1982 in support of the program of developing ethnic homelands (Mamdani 2002:45; Terreblanche 2002:128).

In its report, the TRC acknowledges the above-mentioned Surplus People Project estimation, and it also acknowledges that the process of forcibly moving people involved collective expulsions, forced migration, bulldozing, gutting or seizure of homes, the mandatory carrying of passes,

forced removals into rural ghettos and increased poverty and depression (Mamdani 2002:45). However, according to Mamdani, both the surviving victims and their advocates amongst community organisers and activists had assumed that forced removals would be the core focus of a Truth and Reconciliation Commission. Yet the commission was not obliging: After noting that forced removals were an assault on the rights and dignity of millions of South Africans, the TRC claimed that it could not acknowledge them as gross violations of human rights as defined by the Act (*ibid*). The phenomenon of forced removals illustrates all three binaries around which the TRC had constructed its extremely narrow interpretation of what constituted a gross violation of human rights: the distinction between bodily integrity rights and subsistence rights, between individual and group rights and between political and non-political motives. Forced removals violated both the person and the property of those targeted. They violated the rights of both groups and individuals, in that order, because those targeted were first and foremost defined as groups (racialized in White South Africa as “Black spots” and ethnicized in demarcated homelands as ethnic strangers) and only then as individual members of these groups. Finally, though some were removed from homelands for direct opposition to the project of apartheid, all forced removals were a direct result of state implementation of the political project that was grand apartheid, a project whose sum and substance was to racialize spaces and communities in White South Africa and to ethnicise space and communities in Black South Africa (*ibid*:46).

It is also necessary to look into the pass laws and forced labour, which formed an integral part of the apartheid system. The pass laws involved the racial and ethnic monitoring of the Black population and the racial targeting of suspected political opponents. This illustrates how apartheid as a crime against humanity targeted entire communities for ethnic and racial policing

and cleansing. Thus, the year in which the mandate of the TRC began, 1960, was the year in which the National-Party government extended pass laws to native women. The Sharpeville demonstrations of 21 March 1960 were the culmination of mass protests against this development. After 1960, every native adult in South Africa, male or female, was required to carry a passbook. Consequently, the movement of every native in South Africa was monitored through administrative regulations enforced by the police (Mamdani 2002:46; Pheko 1984; Terreblanche 2002; TRC 1998:528). Not only did the pass laws monitor the native population, but they also served as primary instruments for the state to arrest and charge its political opponents. Thus, Mamdani mentions that the pass-law offenders formed a large proportion of the prison population for as long as pass laws were enforced, which they were for most of the period specified in the TRC's mandate. In its report, the TRC finds that the proportion of pass-law offenders was as high as one in every four inmates during the 1960s and 1970s. In addition, pass-law offenders were sent to prison for only one reason: They did not meet the administrative requirement that the racialized and ethnicised Black majority of the population carry a passbook and conform to administrative restrictions on their day-to-day movement (Mamdani 2002:46; TRC 1998:200).

Although the TRC accepted that the treatment of pass-law offenders could well be interpreted as a human-rights violation, it still refused to include the category of pass-law prisoners in the institutional hearings on prisons (Mamdani 2002:46; TRC 1998:200). Although a strong argument was made for the inclusion of this category of common-law prisoners in the hearings, the commission refused on the grounds that these were common-law prisoners and not political prisoners. Thus, Mamdani (*ibid*) notes that, although the only common law that these prisoners

had violated was the pass law, this law criminalised the exercise of a basic human right: the right of free movement. He (*ibid*) further states that, to consider those imprisoned for the transgression of only the pass law as common-law prisoners (and explicitly to deny them the status of political prisoners), was to uphold the legal framework of apartheid. Thus, it is surprising that the TRC (1998:200; Mamdani 2002:46), in its report, states that "... it was decided that the pass laws and their effects fell outside the Commission's mandate, especially given the requirement that every violation had to originate within a political context". Hence, Mamdani (2002) correctly poses the question: When a state brands its entire population racially, then tags every member of the racialized majority with documents that allow administrative officials to monitor their every movement (and utilises the plethora of racially focused administrative regulations at its command to target suspected political opponents), from which point of view can it be said that the motive behind this set of practices was not political?

It is thus also important to look into forced labour, which formed an integral part of the apartheid system and which is closely linked to the pass laws. Besides a category of pass-law offenders or prisoners, there was also another category, namely that of farm prisoners. The system of farm prisoners was directly connected to the pass law system. This is because failure by a Black person to produce a pass resulted in an arrest and as the number of arrests grew, so did the financial burden on the state. Thus, the Department of Native Affairs proposed a solution to this problem in a General Circular 23 of 1954<sup>43</sup> (TRC 1998:202), which stated that, due to the financial burden of a number of pass-law offenders, this department, along with others, had taken

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<sup>43</sup>This document stated: 'It is common knowledge that large numbers of natives are daily being arrested for contraventions of a purely technical nature. These arrests cost the state large sums of money and serve no useful purpose. The Department of Justice, the South African Police and the Department of Native Affairs have therefore held consultations on the problem and have evolved a scheme, the object of which is to induce unemployed natives roaming about the streets in the various urban areas to accept employment outside urban areas.'

a resolution that would also have helped the natives, that is, offering them employment. When natives failed to produce a pass, they were not taken to court but to labour bureaux where they were induced or forced to volunteer as farm prisoners. The TRC took note of this, but the category of farm prisoners did not feature in the prison hearings. The TRC gave the reason that nobody came forward to give evidence (*ibid*). According to Mamdani (2002:47), “nobody” in this instance presumably refers to the victims of the farm-labour system. It could not possibly refer to its institutional managers since the commission had the legal right to subpoena reluctant or even unwilling witnesses and had done so in other instances but obviously not in this.

Another category of prisoners who were excluded from prison hearings was that of prisoners detained without trial. The number detained in this way between 1960 and 1990 was estimated by the Human Rights Committee, whose reports were made available to the TRC, at some 80 000 South Africans. The TRC pointed out that detention was frequently accompanied by torture and, at times, by death. In addition, some were often detained so that they could be interrogated and intimidated with impunity (Mamdani 2002:48). The most notorious instance of a prisoner detained without trial and who died in detention is the death in detention of Steve Biko. In its report, the TRC cited without comment the estimates of the Human Rights Committee that some 80 000 had been detained between 1960 and 1990 and that up to 80% of them were eventually released without charge whilst barely 4% were even convicted of any crime (TRC 1998:201). Although the TRC cited the estimate of the Human Rights Committee without comment, it (TRC 1998:201) provided an estimate (without citing a source) of those tortured: “As many as 20 000 detainees are thought to have been tortured in detention.” With regard to death in detention, the

TRC noted 73 deaths of detainees held under security legislation but could not give estimates of how many held under common law may have died in detention(*ibid*:201–202).

Thus, according to Mamdani (2002:48), the TRC gave no legal reasons for excluding a category of detainees from prison hearings. It said that its reasons were practical rather than legal. It simply did not have time (TRC 1998):

There were practical rather than legal reasons for excluding detention from the prison hearings. The working group had to take into account the fact that only two days could be allocated to the hearing, putting immense strain on an already overloaded program. (p. 201)

Mamdani (2002:48) is of the opinion that, to consider the consequence for a commission charged with “establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights” from 1960 to 1994, one should simply keep in mind the numbers involved: an estimated 80 000 detained, of whom 20 000 were said to have been tortured in detention against some 20 000 or more acknowledged by the commission as victims of gross violations of human rights (TRC 1998:201). This raises the question: If the commission could acknowledge the detention, torture and death of Steve Biko as a gross violations of human rights, why could it not extend the same acknowledgement to others who met a similar fate (Mamdani 2002:48)?

Thus, in conclusion, although the TRC affirmed the judgement of the international human-rights community that apartheid was a crime against humanity, the irony is that, whilst the TRC recognised this system of enforced racial discrimination and separation as a crime against humanity, it did not acknowledge any victims of this crime. As a consequence, it also recognised

no perpetrators. It is thus a crime against humanity without either victims or perpetrators (Mamdani 2002:54). The TRC thus missed the point that the victims of this crime against humanity, of this system of enforced racial discrimination and separation, could not have been individuals. They had to be entire communities marked out on grounds of race and ethnicity (*ibid*). Their injuries included forced removals, forced disruption of community and family life, coerced labour through administrative and statutory regulation of movement and location, et cetera.

## **5.6 Conclusion**

In this chapter, I argued and demonstrated that, as a result of the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation or systemic nature of the apartheid system, it not only de-historicised and de-contextualised the story of apartheid, but this de-historization and de-contextualisation led to the failure of this commission to establish as complete a picture as possible of the causes, nature and extent of the gross violations of human rights in South Africa which were perpetrated during the period 1 March 1960 to 10 May 1994. It is the contention of this chapter that the TRC lost a golden opportunity to educate the individual and corporate beneficiaries of apartheid about their direct responsibility for the disrupted social structures and abject poverty of the majority of Black people. If the beneficiaries had been educated about their participation in racial capitalism, they would certainly have been less arrogant, and possibly more compassionate and generous (Terreblanche 2002:131).

## CHAPTER 6

### CONCLUSION

This study has argued and demonstrated that it is impossible to reconcile the dispossessor and the dispossessed or the oppressor and oppressed in the way in which the South African TRC attempted. This is because reconciliation as a Christian concept addresses the vital questions of justice, equality and dignity (Boesak & DeYoung 2012:1). However, reconciliation in South Africa was not allowed to address these issues although it must be mentioned that the problem is not reconciliation but the interpretation and understanding thereof. This is because experience of the church and politics in South Africa has shown how the Bible was used in Afrikaner politics, how the radical message of the Bible was made a servant of ideology,<sup>44</sup> and how it was domesticated for purposes of subjection and control (Boesak & DeYoung 2012:9). The inclusion of reconciliation in the ambit of the truth commission was thus not to allow reconciliation to confront the country with the demands of the gospel but to blunt the progress of radical change and transformation (Boesak & DeYoung 2012:9).

However, I must agree with Boesak (2008:636–654) when he says that South Africans in general, including the victims and beneficiaries of the apartheid system, had expected more from the (TRC) process of reconciliation. On the one hand, it was expected that, because of the TRC,

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<sup>44</sup>It is probably necessary to mention that the idea behind the notion of the ‘Bible being made servant to ideology’ was that the gospel message was de-radicalised and made, for instance, to provide theological justification for apartheid. It must also be mentioned, as Boesak and DeYoung (2012:10) note, that ‘... the scriptures will not be ideologized, manipulated or managed to suit our political endeavours, processes or desires’.

reconciliation as a Biblical concept would be allowed to confront the country with the demands of the gospel, thus addressing the critical questions of justice, equality and dignity (and systemic change) that are so prominent in the biblical understanding of reconciliation (Boesak & DeYoung 2012). This expectation was raised by the symbolical Christianisation of the process of the TRC through the addition of the biblical concept of reconciliation and the appointment of a Christian priest, Archbishop Desmond Tutu. However, this move was made merely to reach some political accommodation, as Boesak and DeYoung (2012) point out. On the other hand, as Mamdani (2002) notes, since TRC claimed to be different from its predecessors – the National Commission on the Disappeared in Argentina in 1983, the National Commission for Truth and Reconciliation in Chile in 1991 and the Commission of Inquiry in Chad in 1992 (see Stevens *et al.* 2006:296) – it was expected that the TRC would practice neither impunity nor vengeance. It was therefore determined to avoid two pitfalls: reconciliation becoming an unprincipled embrace of political evil or a pursuit of justice so relentless as to turn into revenge (Mamdani 2002).

Therefore, it is imperative to recall that the commitment of this commission to avoid the two abovementioned pitfalls must be understood against the background of the elite compromise reached at both the informal and formal negotiations as well as an exceptional move from a normal truth commission run by judges, lawyers and politicians to an extraordinary Truth and Reconciliation Commission. Although the issue of the elite compromise has been discussed at length in previous chapters, the TRC unfortunately cannot be understood apart from it. Hence, the focus here will be on the extraordinary nature and acts of this commission, which is normally formed as a transitional commission (from one regime to another) and is run by judges, lawyers and politicians as a court-like commission. In contrast, the South-African TRC was formed, on

the one hand, to bring forth the beneficiaries or perpetrators of apartheid to confess in order to form, as completely as possible, a picture of the gross crimes against humanity that occurred during the period 1 March 1960 to 10 May 1994. On the other hand, this commission was formed for the purpose of national unity. In its attempt to avoid two the pitfalls, that of allowing reconciliation to become an unprincipled embrace of political evil and that of a pursuit of justice so relentless as to turn into revenge, the TRC appointed a Christian priest, Archbishop Desmond Tutu, who in turn Christianised the whole process of this commission. On the one hand, this move had the possibility of pushing the TRC to go to the roots of injustice(s) by addressing the issues of justice, equality and dignity, which are prominent in the biblical understanding of reconciliation. On the other hand, it had the possibility of pushing the TRC to re-integrate the beneficiaries or perpetrators of apartheid into the community, particularly the community they have wronged.

The addition of the biblical concept of reconciliation and the chairmanship of a Christian priest Christianised the whole process of the TRC and thus created a large set of expectations, particularly from Christians (Boesak 2008:636–654). On the one hand, Christians who understand the gospel expected on the basis of their understanding of reconciliation, namely confronting the country with the demands of the gospel, that it would uproot injustices. On the other hand, it was expected that, with the addition of the biblical concept of reconciliation, the TRC would address the critical questions of justice, equality and dignity that are so prominent in the biblical understanding of reconciliation (Boesak & DeYoung 2012). In addition, the TRC was initially supposed to be a truth commission, but, as has been discussed in the previous chapters, the preparations for the TRC were disturbed by a request by FW de Klerk. He indicated

that his constituency was not happy with the idea of a truth commission, normally organized by judges, lawyers and politicians. They would, however, feel comfortable with the addition of the notion of reconciliation. This move turned this commission into the Truth and Reconciliation Commission, which was extraordinarily chaired by a Christian priest. Thus Boesak and DeYoung (2012) observed that, in their work and engagement with reconciliation, they have discovered that reconciliation is often used merely to reach some political accommodation which does not address the critical questions of justice, equality and dignity that are prominent in the biblical understanding of reconciliation.

With regard to the claim that South Africans in general had expected more of the process of reconciliation (Boesak 2008:636–654), given that the TRC was determined to avoid the two pitfalls discussed above, the double determination of practising neither impunity nor vengeance was written into the interim constitution that paved the way for the legislation that set up the TRC (Mamdani 2002). This legislation is the Promotion of National Unity and Reconciliation Act, No. 34 of 1995, which mandated the TRC to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period 1 March 1960 to 10 May 1994 (TRC 1998; Terreblanche 2002:126). This is mentioned here to point out that, firstly, the TRC promised that there would be no blanket amnesty and that amnesty would be conditional. There would be no group amnesty. Every perpetrator would have to be identified individually and would have to own up to his or her guilt and the truth before receiving amnesty from legal prosecution. Secondly, any victim who is so acknowledged would give up the right to prosecute perpetrators

in courts of law. Justice for the victim would thus not be criminal but restorative (Mamdani 2002).

Based on the observation that the TRC was determined to practice neither impunity nor vengeance, it follows that the TRC process was dependent upon perpetrators telling the truth. This is because, given that the TRC affirmed the judgement of the international human-rights community that apartheid was a crime against humanity (TRC 1998; Terreblanche 2002:126), it was expected that the TRC would facilitate inquiries into (i) gross violations of human rights, including violations which were part of a systematic pattern of abuse and (ii) into the identity of all persons, authorities, institutions and organisations involved in such violations of human rights. It was also expected that all persons, authorities, institutions and organizations involved in such violations of human rights would come forward to make a full disclosure of all the relevant facts relating to the violation(s) of human rights (Tutu 1999). Thus, although the TRC acknowledged that apartheid was a crime against humanity and given its mandate (see TRC 1998; Terreblanche 2002:126), it failed in its tasks due to the following three key limitations: Firstly, the TRC individualized the victims of apartheid. Secondly, by focussing on individuals and obscuring the victimisation of communities, the TRC was unable to highlight the bifurcated nature of apartheid as a form of power that governed natives differently from non-natives. Finally, the TRC extended impunity to most perpetrators of apartheid (Mamdani 2002).

The three key limitations of the TRC are mentioned here to point out that, although the TRC promised to avoid the pitfalls of reconciliation becoming an unprincipled embrace of political evil and a pursuit of justice so relentless as to turn into revenge, it did, in fact, turn reconciliation

into an unprincipled embrace of political evil. This is because, firstly, the TRC provided (blanket) amnesty to the perpetrators, and secondly, it gave no reparation (i.e. socio-economic justice) to victims. As Mamdani (2002:54) notes, this led to the identification of a crime against humanity with neither victims nor perpetrators. This claim is based on the following: Firstly, to locate the specific way in which apartheid constituted a crime against humanity, the TRC cited the 1996 Draft Code of Crimes against Peace and Security of Mankind, a code that lists a set of acts, any of which may specifically constitute a crime against humanity. According to Article 18(f), these include institutionalised discrimination on racial, ethnic or religious grounds involving the violation of fundamental human rights and freedoms and resulting in seriously disadvantaging a part of a population (Mamdani 2002:54). The irony was that, although the TRC recognised this system of enforced racial discrimination and separation as a crime against humanity, it did not acknowledge any victims of this crime (Mamdani 2002:54). Secondly, the TRC failed the principles upon which it was established. These principles not only ruled out a blanket amnesty, but they also involved an exchange: amnesty for perpetrators, truth for society (and not just for victims) and reparation for victims (Mamdani 2002:54). Thirdly, the core victims of these crimes against humanity by this system of enforced racial discrimination and separation could not have been individuals. They had to be entire communities marked out on the grounds of race and ethnicity. Their injuries included forced removals, forced disruption of community and family life, coerced labour through administrative and statutory regulation of movement and location, et cetera. Thus to address these grievances required reparation for communities, not for individuals (Mamdani 2002). All these are mentioned here to illustrate how not allowing reconciliation to confront the country with the demands of the gospel has led to cheap reconciliation. According to Boesak & DeYoung (2002:10), this cheap reconciliation has

come to be understood as assimilation, appeasement, a passive peace, a unity without cost and maintaining power with only cosmetic changes.

In Chapter One, I argued and demonstrated that the “scramble for Africa”, that is, the invasion, occupation, colonisation and annexation of African territories by European powers, needs to be understood against the backdrop of the adage that “I conquer, therefore I am the sovereign” (Ramosé 2003) and the ontology of domination. This is because, as has been shown through the engagement of the Dusselian geopolitics of space, the world has been divided into two, namely between the center, which is occupied by the Europeans and Beings (with a capital B), and the periphery, which is occupied by Non-Europeans and non-beings (Dussel 1985:3). For a long time, the center has imposed itself through the influence of the ontology of domination on the periphery. As a result of the adage “I conquer, therefore I am the sovereign”, the center felt justified in imposing itself on the periphery. In addition, the center, which is occupied by Europeans and Beings, has become a space for rational Beings and beings whose souls have been ordained by God. As a result, the Beings of this space, that is, Europeans, felt justified to impose themselves as guardians on the non-beings of the periphery. Furthermore, I argued and demonstrated in Chapter One that, as a result of the ontology of domination and the rise of civil religion in South Africa, White people in South Africa, particularly Afrikaners who are descendants of Europeans, developed the notion of themselves as a chosen nation and South Africa as a promised land. Afrikaners, who are descendants of Europeans and as a result belong to the center, further felt justified to conceive the apartheid policy. Therefore, the anatomy of apartheid in South Africa needs to be understood against this background.

The passing of the Promotion of National Unity and Reconciliation Act (No. 34 of 1995), which led to the establishment of the Truth and Reconciliation Commission of South Africa, was the final step in the elite compromise reached at the informal and formal negotiations (Terreblanche 2002). This is based on the following occurrences: (1) the sudden promotion of the notion of democratisation and the transition to democracy, (2) the sudden ideological shifts in the thinking of the NP, the corporate sector in South Africa and the ANC and (3) the sudden passing of the Promotion of National Unity and Reconciliation Act (No. 34 of 1995) (Terreblanche 2002). These are discussed in detail below.

The sudden promotion of the notion of democratisation and the transition to democracy was not accidental. This is because the notion of democratisation was promoted as strategic shifts in the approach of imperialist governments to the Third World. Cronin (1994) notes that these shifts have gone through two major steps after the strategic defeat of the United States in Vietnam at the beginning of the 1970s. The first shift was to Vietnamise the Third World's struggles. This meant massive political and military support for regional authoritarian regimes (e.g. the NP in South Africa). By the end of the 1970s, these regional authoritarian regimes were proving to be increasingly unstable. They were the targets and often the direct cause of growing mass and guerrilla movements. As a result, the imperial governments strategically shifted their strategy because their politico-military strategy was not working and posed threats to their continued control over these countries. Hence, these imperial governments started promoting the notion of democratisation. Yet it must be noted that this took place at the same time as capitalism was becoming global in character.

The notion of a transition to democracy or democratisation was promoted strategically at the same time as the collapse of the Soviet Union (1989–1991). Democratisation was upheld as the only option available for Third-World countries. This is because many liberation movements were supported by the Soviet Union and were promoting the idea of overthrowing authoritarian regimes (e.g. the NP in South Africa) by means of military power. Thus, the collapse of the Soviet Union provided imperial governments, with their authoritarian regimes, with a reason to promote democratisation. The collapse of the Soviet Union left liberation movements (e.g. the ANC in South Africa) in disarray. As a result, a transition to democracy was the only option available to Third-World countries.

It must be noted that the sudden promotion of democratisation and the transition to democracy was not accidental. This is because, interestingly, democratisation was promoted at the same time when capitalism was becoming global in character. Whilst democracy sounds good in theory, in practice, especially under the capitalist system, it becomes a nightmare. On the one hand, democracy is based on the equality of rights and privileges maintained and supplied by state power whilst capitalism, on the other hand, is based on the unequal distribution of property and assets and on the state-guaranteed freedom of individuals to own assets and property as they please, within the prescriptions of the law. This means that that the sudden promotion of the notion of democratisation under the capitalist system results in unequal freedom and unequal rights.

The sudden ideological shift in the thinking of the NP, the corporate sector in South Africa and the ANC were not accidental. It is the contention of this study that, given the internal and

external pressures on the apartheid government (specifically the South African economy ), the NP and the corporate sector had to make a strategic move to guarantee their continued grip on the country's economy. During that time, the economy of South Africa was under pressure. As a result, the NP and the corporate sector in particular were looking for a new accumulation strategy. As a result, the transition to democracy was the only option for both the NP and the corporate sector.

At that stage, the ANC was in disarray. This is because their point of reference (the Soviet Union) had collapsed. The ANC was linked to the Soviet Union because its alternative to the authoritarian system of apartheid was socialism or communism. With the fall of the Soviet Union, the ANC was not prepared for democracy. Their policies (e.g. the Freedom Charter) were based on the influences of the ideas of socialism and communism. Consequently, the collapse of the Soviet Union created an ideological vacuum in the ANC, and the NP and the corporate sector seized the opportunity and convinced the ANC to opt for democracy. It should be repeated here that democratisation was promoted when capitalism was becoming global in character. The significance of this is that the ANC was not only unprepared for democracy, but they were also unprepared for democracy under the capitalist system. It is for this reason that the ANC accepted all the policies proposed by the corporate sector and other international financial bodies. These policies were part of the strategy of imperialist governments and their authoritarian regimes to increasingly exert domination through financial mechanisms imposed by bodies like the IMF, the World Bank and GATT.

The sudden passing of the Promotion of National Unity and Reconciliation Act (No. 34 of 1995) was not accidental. It is the contention of this chapter that this act, which eventually established the Truth and Reconciliation Commission in South Africa, was passed to finalise the elite compromise reached in the informal and formal negotiations. The TRC was tasked with the promotion of national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period 1 March 1960 to 10 May 1994.

However, the idea of “gross violation of human rights” was left vague. It was stated that the commission should facilitate inquiries into gross violations of human rights, including violations which were part of a systematic pattern of abuse. They should also facilitate inquiries into the identity of all persons, authorities, institutions and organizations involved in such violations. The mandate given to the TRC was thus vague, but the commission decided to interpret its mandate narrowly because the TRC was a result of a political compromise reached at the negotiations (both informal and formal).

It should be noted that the TRC did an excellent job of discrediting the apartheid regime and the atrocities committed under its aegis but failed to hold institutions (e.g. the South African corporate sector) responsible. Thus, this chapter contends that the TRC was established to seal the elite compromise reached at the negotiations. The TRC identified many of the individual perpetrators of gross human-rights violations and also many of the individual victims of these violations. In other words, the commission focused on individual perpetrators and victims and

ignored institutions. Consequently, it ignored the gross human-rights violations perpetrated collectively and systematically against millions of Black people under White political domination and racial capitalism. As a result, the inability and/or unwillingness of the TRC to systematically analyse South Africa's history of unequal power structures is puzzling. By trying to uncover the truth about only one form of victimisation under apartheid and ignoring another, the TRC failed dismally in its quest for truth and reconciliation.

Therefore, in Chapter Four, I have argued and demonstrated that the TRC accidentally and/or intentionally ratified the elite compromise reached at the informal and formal negotiations. This conclusion is the result of looking at the arguments in a number of sub-sections: (1) historical and ideological influences on the TRC, (2) TRC: The biblical concept of "reconciliation" within the TRC, (3) TRC: Individualistic and legalistic approach to human rights violation and (4) TRC: A political project with a political solution.

Below is a summary of the arguments of each sub-section for the purpose of re-validating the argument of this chapter, namely that the TRC accidentally and/or intentionally ratified the elite compromise reached at the informal and formal negotiations. Although a great deal of international attention has focused on the South-African TRC and its successes and failures, the actual concept of a truth commission did not emerge in South Africa. It is for this reason that the first sub-section of Chapter Four dealt with the historical and ideological influences on the TRC. In this sub-section, I have demonstrated that the actual concept of a truth commission emerged in the 1970s in Uganda and gained prominence in Latin America in the 1980s and early 1990s (specifically 1983, 1991 and 1992). The focus of this sub-section was largely on the historical

and ideological influence of the Latin-American truth commissions (the National Commission on the Disappeared in Argentina in 1983, the National Commission for Truth and Reconciliation in Chile in 1991 but also the Commission of Inquiry in Chad in 1992). This is because the TRC drew on the Latin-American examples to help shape its form and processes.

However, it must be mentioned that the Latin-American influence on the TRC obscured what was distinctive about apartheid in South Africa. The Latin-American situation that gave birth to their truth commissions was based on dictatorship and a gross denial of human rights. As a result, the TRC enthusiastically embraced this analogy of dictatorship in Latin America when it decided to narrow its investigation to perpetrators' and victims' (legally defined) gross human-rights violations. Consequently, the TRC obscured the systemic character of apartheid and offered business people an undeserved opportunity to clear themselves and their corporations of any guilt in respect of or responsibility for the legacy of apartheid (Terreblanche 2002:124–127). Furthermore, because of the historical and ideological influence of the Latin-American truth commissions, particularly the National Commission for Truth and Reconciliation in Chile, the TRC surprisingly accepted the proposed inclusion of the biblical concept of reconciliation in its name. This, then, leads to the second sub-section of Chapter Four, namely The TRC: The biblical concept of “reconciliation” within the TRC. This sub-section demonstrated how, despite the addition of the biblical concept of reconciliation, this concept was not allowed to confront the country with the demands of the gospel, and it blunted the progress of radical change and transformation. This claim, which has in my view been proven to be correct, is based on the argument that, for a long time in the history of South Africa, the Bible was used, particularly in Afrikaner politics, to provide theological justification for apartheid. It was also subjected to a

process that turned it into a servant of ideology, and it was domesticated for the purpose of subjection and control.

Thus, the proposed addition of this biblical concept of reconciliation was not unanticipated because it was added for the purposes of manipulating the process of uncovering the truth about the human-rights violations of the apartheid system. This sub-section argued that the addition of the biblical concept to the South-African truth commission was in order for the religious twist to help tame it, to domesticate it and to make it more understandable and appetising for the broader public (Boesak & DeYoung 2012). As a result of this domestication of the Bible, reconciliation came to be closely associated with assimilation, appeasement, a passive peace, a unity without cost and maintaining power with only cosmetic changes. It must mentioned that, in spite of this domestication, this sub-section has demonstrated that, in actual fact, reconciliation is real, that is, experiential. Reconciliation is radical, that is, focused on social justice, and reconciliation is revolutionary, that is, oriented towards structural change(s) (Boesak & DeYoung 2012).

Furthermore, following the historical and ideological influence of the Latin-American truth commissions and the proposed addition of the biblical concept of reconciliation under conditions in which the Bible had been domesticated and tamed, the TRC employed an approach which prepared it to fail in its mandate of facilitating inquiries into gross violations of human rights and the identity of those involved in them. This approached entailed an individualistic and legalistic approach to human-rights violations.

The TRC affirmed the judgement of the international human-rights community that apartheid was a crime against humanity, but in its dealing with this gross violation of human rights, it individualised victims of apartheid. This is significant because it points out the contradiction in which the TRC found itself. Whilst the TRC acknowledged that apartheid targeted entire communities for ethnic and racial policing, in its dealings, it identified individual victims and perpetrators. By doing this, the TRC accidentally or intentionally ignored the gross human-rights violations perpetrated collectively and systemically against millions of Black people under White political domination and racial capitalism. As a result, the TRC for all practical purposes chose to ignore violations of human rights that were part of a systemic pattern of abuse. The commission further chose not to identify all of the authorities, institutions, and organizations involved in violations of human-rights violations, as they were supposed to do. The TRC also chose to interpret human rights as mainly first-generation or legal human rights whilst the violation of second-generation human rights or social rights were practically ignored. As a result of this, the TRC not only offered the corporate sector in South Africa an undeserved opportunity to clear themselves of any guilt in respect of or responsibility for the legacy of apartheid, but it also ratified the elite compromise reached at the informal and formal negotiations.

Following the individualistic and legalistic approach that the TRC employed as a result of the historical and ideological influences of the Latin-American truth commissions, it is befitting to contend that the TRC was a political project with a political solution. It is the contention of the sub-section entitled “The TRC: A political project with a political solution?” that the TRC must be understood against the background of the elite compromise reached at the informal and formal negotiations. Therefore, the notions of informal and formal negotiations were invoked for the

purpose of contending that the TRC was established, on the one hand, to ratify the elite compromise and, on the other hand, to please the international human-rights community.

The abovementioned claim is based, as demonstrated in the sub-section concerned, on how the TRC dramatically narrowed down its mandate of establishing as complete a picture as possible of the causes, nature and extent of the gross human-rights violations. The TRC was tasked with inquiring into the gross violations of human rights, including violations which were part of a systemic pattern, but the commission intentionally interpreted its mandate far more narrowly. Thus, in pleasing the NP and the corporate sector in South Africa by not opposing the elite compromise and also in pleasing the international human-rights community, which had affirmed that apartheid was a crime against humanity, the TRC decided to identify individual victims and perpetrators. As a result, this commission manufactured the truth, which led to its inability and/or unwillingness to uncover the truth about systemic exploitation by the apartheid system.

It is against the background of the arguments of these sub-sections that Chapter Four has argued and demonstrated that the TRC accidentally and/or intentionally ratified the elite compromise reached at the informal and formal negotiations. This unwillingness and/or inability of the TRC to correctly analyse the history of gross violations of human rights has manufactured a skewed history that says that the systems of White political domination and racial capitalism did not undeservedly enrich White people and impoverish Black people. This has the implication that the rich are therefore released from any moral, political and/or systemic obligation to restore social justice towards Black people (Terreblanche 2002:124–132).

In Chapter Five, I have argued and demonstrated that, as a result of the inability and unwillingness of the TRC to uncover the truth about the systemic exploitation or systematic nature of the apartheid system, the TRC not only de-historicised and de-contextualised the story of apartheid. This de-historicising and de-contextualising also led to the TRC's failure to establish as complete a picture as possible of the causes, nature and extent of the gross violations of human rights in South Africa that were perpetrated during the period 1 March 1960 to 10 May 1994. Consequently, Chapter Five reaches the same conclusion as Terreblanche (2002), who concluded as follows concerning the TRC:

The TRC lost a golden opportunity to educate the individual[s] and corporate beneficiaries of apartheid about their direct responsibilities for the disrupted social structures and abject poverty of the majority of blacks. If the beneficiaries had been educated about their participation in racial capitalism, they would certainly have been less arrogant, and possibly more compassionate and generous. (p. 131)

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