

# Book Reviews

## **Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission of South Africa**

Villa-Vicencio, Charles and Verwoerd, Wilhelm 2000  
University of Cape Town Press, Cape Town  
Zed Books Ltd, London. 322 pp.

*Reviewed by Jaap Durand*

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Referring to the Zimbabwean crisis caused by the occupation of farms by war veterans of the struggle for freedom from colonial domination in the old Rhodesia, a political commentator in an Afrikaans newspaper observes that it would not have happened if Zimbabwe, instead of giving amnesty to violators of human rights in the old Rhodesia, had set up a truth commission similar to the one in South Africa. This is a remarkable acknowledgement in a newspaper that consistently had shown itself as a severe critic of the Truth and Reconciliation Commission (TRC). This indicates that the debate on the TRC is not yet over and that, as the time goes on, new perspectives on the work of the TRC will open up. In this respect, the collection of essays on the TRC in *Looking Back, Reaching Forward* can play an important role, because here we have the remarkable story and a debate triggered by it *from the inside* – in the words of the editors: an “internal critique”.

The fact that all the essays were written by either insiders, commissioners, staff members and others closely associated with the TRC or by known sympathisers could have been a grave weakness. Instead, the book succeeds in creating a remarkably potent platform from which a vigorous future debate can issue. Wherever there is internal critique, there is always the possibility of an ongoing debate which in itself could become a part of the history of the TRC, not to be ignored by the future generations of South Africa.

A review of a collection of essays is notoriously difficult. With limited available space it becomes even more difficult. I only can try to give potential readers an overview of the structure of the book and some idea of the contents of the various sections. Reference to certain essays must therefore not be construed as an implied criticism or devaluation of essays not mentioned.

The essays are presented in four sections. Section 1 deals with the historical context and origins of the TRC. In this section Dumisa Ntsebeza, one of the former commissioners of the TRC, places the TRC process against the backdrop of international human rights developments and gives us some insight into the problems experienced during the process, for instance the disclosure of the names of perpetrators against human rights by their victims in public. A second historical overview, this time specifically from a South African perspective, is given by Johnny de Lange. He is very clear that South Africa had no option but to create the TRC, but then the question remained: Was South Africa going down the road of retributive justice or was it seeking reconciliation? This was the challenge: how to achieve both justice and reconciliation. De Lange gives us the compelling reasons behind the thinking of those responsible for the drafting of the legislation, a very necessary contribution because for many this perceived ambivalence was precisely the weakness of the TRC's mandate. The whole inherent problem is emphasised by Paul van Zyl's essay on justice without punishment, making it abundantly clear that entrenching the rule of law in the wake of what happened in South Africa is a very complex and difficult task. A comparison between South Africa's truth commission and others worldwide is also given in this section by Priscilla Hayner.

Section 2 deals with moral and religious questions. The problem of a moral justification of the TRC is dealt with by Rajeev Bhargava, while Charles Villa-Vicencio writes on the nature of restorative justice as an underlying principle of the Commission. There are, according to Villa-Vicencio, three important phases in a viable theory of restorative justice: acknowledge-



ment, reparation and reconciliation. Under acknowledgement he deals *inter alia* with the submissions to the TRC of F.W. de Klerk and Thabo Mbeki. In Mary Burton's *Making Moral Judgements* one gets some sense of the intense moral debate among the commissioners on how gross violations of human rights should be defined in the context of a war situation or a state of internal conflict. The mandate chapter which deals with these matters was in fact debated over a seven-month period until, ultimately, it enjoyed the broad support of all the commissioners. Inevitably the concepts of a "just war" and "just means" cropped up and finally led to the TRC's conclusion that those who sought to uphold and sustain apartheid cannot be morally equated with those who sought to remove and oppose it. In their essay Kader Asmal, Louise Asmal and Ronald Suresh Roberts make it clear that the apartheid state violated, in and of itself, the requirements of justice in the execution of war, because an utterly illegitimate state, whose everyday acts are illegal under international law, simply lacks any capacity to act justly in the execution of war. On this basis, the writers criticise the TRC for its failure to give their mandate full scope. Consequently, the TRC's report is an inadequate reflection of the suffering that apartheid produced. This is on the one hand. On the other hand, as the editors state in their introduction, the Asmals and Roberts will need to convince a large number of human rights scholars that the TRC was not justified in finding that certain actions, undertaken by the ANC in the course of fighting what the TRC accepts was a just war, were gross violations of human rights.

Section 3 is the most difficult section to characterise, despite its heading, *What the Commission sought to achieve*. I find articles that in some way or other deal with the breaking of the conspiracy of silence and denial the most informative, perhaps because some of them are very personal. Yazir Henry, for instance, writes as a person who has suffered deeply and given testimony before the Commission and who is not reluctant to express his deep disappointment in the ambiguous way the TRC's report has been responded to by the government with reference to reparations. There is also the account of Ginn Fourie's personal meeting with the perpetrators of her daughter's death at the Helderberg Tavern in Cape Town. Finally, I also would like to mention Wilhelm Verwoerd's article in which he compares the silence that marked the aftermath of the Anglo-Boer War with the disclosure that comes in the wake of the apartheid years.

Section 4 deals with the "reaching forward" part of the book. Both Njongonkulu Ndugane and Sampie Terblanche deal with the problem of

poverty and the legacy of economic injustice, the latter giving attention to the structural side, highlighting the *systemic* exploitation during the apartheid years. Ndungane is undoubtedly right in saying that redressing the legacy of poverty and inequality is South Africa's most important priority and greatest challenge. The final essay in the book comes from Jakes Gerwel. I have very little hesitation identifying myself with its content. Gerwel argues against a two-tiered approach to the problem of national reconciliation, as if reconciliation is a project subsequent to the conclusion of the struggle for liberation and the transition to a non-racial democracy. Such an approach ignores the simple fact that the attainment of a democratic government was in itself a significant act of reconciliation, the enabling act as it were for all future projects with the view to advancing and consolidating reconciliation. The TRC's acknowledgement that it was impossible for it to "reconcile the nation" comes from the misconception that it was called to initiate reconciliation instead of promoting that which already existed. Gerwel points out that this misconception was the result of a "spiritualisation" of the idea of reconciliation for which *inter alia* the dominance of religious personalities and a general liberal-Christian perspective within the Commission had been responsible. It is wrong to suggest, says Gerwel, that South Africa is a wholly or predominantly unreconciled society because it contains within it a number of residual and enduring contradictions. "Diversity and difference are realities with which nations throughout the world continue to struggle. The good news is that South Africa is grappling to come to terms with these and to grow as a nation in relation to such realities." This is a good and positive note on which to end an excellent book, as long as we remember that there are other, more serious strains – such as social and economic inequalities – in the life of our nation. There is still a lot to be done.

