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South Africa' s reconciliation path

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Along the strenuous road from devastating apartheid to reconciliation has come a gradual recognition of all South Africans' interdependence on one another. Much remains to be done before justice and well-being for all is achieved, but the transition from seeking destruction to aiming for empowerment is a vital element in this process.

South Africa's reconciliation path

From apartheid to interdependence

Fanie du Toit

South Africa's political transition during the early and mid-nineties is generally recognised as largely successful. Reconciliation featured prominently during this process. Consequently this "world historic moment" is often cited as an important reason why reconciliation has enjoyed significant attention since, positively and negatively. In various ways, it has been developed, interpreted, glamorised, co-opted, ignored or even mocked.

In contrast to its increasingly prominent international profile, however contentious, reconciliation has begun to fade from South Africa's public conversation. There may be mundane reasons for this, possibly including a change in political priorities or the normal passage of time. Yet, the concept has also borne the brunt of disappointment with the lack of social transformation in the post-apartheid society, perhaps precisely because it promised so much at the onset of democracy.

Contrary to this intuitive but common reaction against reconciliation in South Africa today, I argue that it is not because of too much reconciliation that the country experiences its current malaise, but because of too little. Moreover I would argue that a careful historical re-reading of South Africa's political transition could inform, in various positive ways, economic and social transformation policies as they stand today. It is my view that the forgetfulness regarding what made our transition possible in the first place significantly reduces the country's ability to address stubborn post-apartheid challenges in creative and inclusive ways.

At the same time and for the same reason (selective historical readings of

transitional justice cases, South Africa amongst them) transitional justice more broadly also runs the risk of sacrificing its original creativity. Instead it often tends to fall back into older, more consolidated discourses with well-known weaknesses and shortcomings. As a result, the fresh promise of a more integrated, inclusive, transformative and comprehensive approach to transition, with which transitional justice (and reconciliation) announced itself on the international stage, seem to have gone somewhat stale.

After South Africa, reconciliation developed into a key constituent of international transitional justice frameworks shaped largely by liberal values and driven by human rights agencies and liberal governments. The United Nations, for example, stated in various documents and in different events its commitment to reconciliation as part of a broader transitional justice agenda. This, in its own right, also contributed to the spread of the concept around the globe, but, I will claim, on terms different from those which had influenced the South African process.

Hostile debate on reconciliation

Against this background, a distinction is often made between "communitarian South Africa" and "liberal reconciliation" – the latter seen as less demanding than the South African "original" in terms of public morality, but at the same time more demanding regarding prosecutorial justice.

This distinction has produced hostile debate at times, both in political and academic circles. Whereas liberal reconciliation is presented as fatally anaemic by its opponents, reconciliation in

the "South African way" is branded as fundamentally compromised in terms of justice and, importantly, also liberal freedom.

I am convinced that this stand-off is based on a superficial reading of South African history that has persisted for different reasons, some more sincere than others. Far from being ideologically driven one way or the other, South Africa's reconciliation process in fact embraced its hybridity, and borrowed self-consciously from a range of political traditions, including liberalism, communitarianism and agonism.

To illustrate this I will recall two stories, which, to some degree, remind us of the historical texture of South Africa's transition as a pragmatic process steeped in, and shaped by, leadership that acknowledged the fundamental interdependence of South Africa's racial groups – not in the first place as a moral challenge, but as simply a matter of fact which needed to be acted upon.

Often the best political leadership during transition does not belong to individuals steeped in big moral ideals but to those leaders who can simply face the facts as they are and initiate steps to address the most obvious challenges, such as denying the simple fact, for example, that warring groups are often fundamentally interdependent on one another, not only for security but also for prosperity and general well-being. Leadership that understood and acknowledged South Africa's fundamental interdependence contributed significantly to its peaceful transition but seems to have faded from the national scene since. In my view, this has left the country's reconciliation process dangerously incomplete.



While heads of state and negotiators gathered at the conference of the UN Framework Convention on Climate Change in Durban in 2011, more than 500 women from the Rural Women's Assembly, a network of women's groups from more than ten African countries, joined the civil society meetings outside the conference, seeking to raise awareness about the impact climate change will have at the grassroots level.

The first anecdote concerns General Constant Viljoen, former head of the South African Defence Force and influential Afrikaner leader during the transitional period, who spoke powerfully in an interview with me some years ago about his acceptance of political reconciliation as the preferred way forward. He was centrally involved in a failed attempt in 1992 to prop up one of the apartheid-sponsored black leaders, Lucas Mangope, in an area known as Bophuthatswana that was threatened by ANC (African National Congress) cadres returning from exile. Viljoen and others favoured ongoing military action and a policy of capitalising on military strength rather than offering political rapprochement to the ANC. The operation which Viljoen ordered without consulting President F.W. de Klerk, was however a fiasco. The next day Viljoen and Nelson Mandela spoke on the phone. Mandela told Viljoen that he should enter the political arena, because there was no future in war. "We cannot defeat you General, but you cannot kill us all. Sooner or later we will have to negotiate and share the country. Why not just skip the fighting and negotiate now?"

It was when he accepted the reality of the ANC's presence in the country, and the consequence of his political interdependence on Mr Mandela and others

like him, but also the dependence of the possible survival of his kith and kin on finding ways to coexist with black South Africans, that Viljoen, at least according to himself, became prepared to engage in the political process meaningfully and in a sustained way.

Religious versus racial conflict

I remember a conversation with an Israeli academic on a plane from Johannesburg to Cape Town. "Reconciliation will never work in the Middle East because we have a religious war, not a racial one. There are Muslims with whom you can talk and there are those Muslims with whom you could not." I responded that I knew too little about the Middle East to comment, but that the analysis sounded simplistic to me. What I did know was that during the eighties South Africans most definitely also thought their conflict was intractable. They were not able to imagine a starker dividing line than race (religion paled by comparison) and they also viewed one another as "lost causes". South Africans eventually turned their respective "enemies" into negotiating partners – but only after they had come to recognise the level to which their well-being rested on mutual and comprehensive interdependence, politically, socially and economically.

When the recognition of interdependence began to replace the myth of apart-

heid-style independence, reconciliation became a serious option. Apartheid held that separate was better, and even more astonishingly, that separate was *possible*. Gradually it was acknowledged to be a fundamentally unworkable notion, and morally indefensible, administratively chaotic, and economically ruinous.

From then on, as the realisation of *de facto* interdependence grew, the political other became gradually acknowledged as indispensable rather than dispensable, as a requirement for achieving political objectives, rather than an obstacle to it. Thus it became evident, only gradually, that it would be in one's interest to ensure that the enemy was shored up, strengthened, and enabled to present itself with credibility in the middle ground by virtue of being afforded a reasonable risk/reward ratio. From a position of seeking the destruction of one another, adversaries instead began the arduous process of empowering one another as negotiating partners.

A core observation from this period, which has formed over time, is that the motivation for reconciliation in South Africa, prior to moral choices, perhaps even foundational to it, was the recognition by adversaries of their interdependence as a source of shared and *comprehensive* well-being.

Between compromise and principles

A second observation concerns a dialectic that was constantly at play during these negotiations, namely between creativity and compromise on the one hand, and principles, closure and results on the other hand. Again let me illustrate with an anecdote. Mac Maharaj was the leader of the ANC-sponsored underground struggle, called Operation Vula. He spoke about a simple formula that the politicians used during the negotiations. As issues arose, they were placed in one of three boxes which contained issues the parties agreed on, issues they differed on, and issues they partially agreed on, respectively. Slowly issues were moved into the 'agreement box', on condition that all agreements would be reviewed again before finalisation. "In this way, we were able to keep the process going. It was the secret of our success. The more we agreed on issues, the easier it was to handle more contentious issues which we began to see within the context of the broader agreements", he says.

Remarkably a process of inclusive debate, fresh thinking and open discussion coexisted with a technocratic determination to create good things together, to move on, to make it work.

By and large, the National Party and ANC leaderships also managed to tread this line, at times parting in a huff, other times socialising like old friends, but always pushing back towards one another and the negotiating chamber – because they shared a conviction of their interdependence, not only for producing political outcomes, but indeed for survival in its most basic form. As the process continued, the Freedom Charter's line "South Africa belongs to all who live in it, black and white" became less a moral invocation than a statement of fact.

Amongst the great many different forms, thicknesses, and modes of reconciliation, there are almost always two agendas at play: transition and consolidation. Reconciliation requires a process of engagement that accommodates both these elements.

The interim Constitution, effectively South Africa's peace agreement, was finally signed in November 1993, including in the post-amble, the well-known amnesty clause. This document provided guidance for the holding of free and fair elections in April 1994, the forming of a National Constitutional Assembly consisting of elected representatives from all parties, and the adoption of a final Constitution in 1996. During this period, the assembly (effectively South Africa's democratic parliament during this phase) also adopted the Promotion of National Unity and Reconciliation Act no 34 of 1995, which brought into being a Truth and Reconciliation Commission (TRC) with three tasks aiming to lay to rest a violent past: granting amnesty, recording human rights violations and making recommendations regarding the payment of reparations.

Conditional amnesties

Since the TRC, an international debate has ensued on the acceptability, or not, of amnesty, given international law such as the Rome Statute that explicitly states that there shall be no amnesty for crimes against humanity, war crimes and genocide. However, commentators such as Neil Kritz has developed a more nuanced position, brought to the fore by the South African format of condi-

tional amnesty which Kritz describes as a "profound distinction" from earlier amnesties in Latin America and elsewhere. "Overall", Kritz, continues, "the amnesty programme was successful in establishing individual accountability and in facilitating the construction of a far more complete record and analysis of the patterns and institutions of abuse under apartheid than would have been possible without these individual confessions". This is because these amnesties were not blanket amnesties, but attached to certain conditions which perpetrators would have to fulfil, namely full confessions of all crimes, proof of political motivation of all crimes and the principle of proportionality stating that a crime had to be proportional to its purported political motivations. If an apartheid-era political criminal could convince the TRC that he or she had made a full disclosure of all he or she had done, did these things because of political motive and did them in proportion of such political aims, such a perpetrator would receive amnesty.



The political other became gradually acknowledged as indispensable rather than dispensable.

Kritz reminds us though, that the TRC process would in all likelihood not have been able to generate so many applications if a "second track" was not maintained, namely the threat of prosecution of those not entering the amnesty program. Clearly both amnesty in its conditional, individualised format and prosecution played a part in the move from apartheid to democracy.

But fundamentally, the TRC brought home to South Africans the importance, at specific turning points in the life of a nation, to pause at the victim's side, to listen to their stories and to afford them the human and civic dignity of reparation. It also taught us that not all political compromise needs to be void of accountability for past atrocities, that not all forms of accountability reside in courts of law and that not all forms of punishment entail the incarceration of perpetrators.

Most importantly, we realised that reconciliation cannot be enforced, that it needs to be owned by those being reconciled as *their own* initiative. The TRC had to be *our process* or risked being a no process at all. At the same time, the Commission, for all of its good and all of its shortcomings, showed the need, for all of us, to learn more about reconciliation and its power to create and shape a just and equitable peace. No single person or group had the answer. We indeed depended on one another in many more profound ways than what we had anticipated, even just before the advent of democracy.

Today, many challenges remain in South Africa, of which the high levels of socio-economic inequality and exclusion, structured largely along racial lines but with notable exceptions, are probably the most urgent. As the nation contemplates ways to address these problems, it is once again faced with the challenge to unite, in order to move beyond the next hurdle. In facing its latest serious challenges, the temptation is to feel nothing had happened, or that reconciliation did not benefit the poor. Actually, the very fact that South Africa is able to even address socio-economic inequality in a reasonably systematic and coordinated way is due to its largely successful political transition.

During this period, the overwhelming sensation of the acknowledgement of interdependence – white and black, on one another – played a central role. Now, as we face our "economic moment of truth", South Africans would do well to once again acknowledge that they depend on one another to realise their dreams. 🌿

Parts of this article were published in the Turkish Review, 1 May 2013.

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- 1 Personal notes
 - 2 Charles Villa Vicencio, *Walk With Us and Listen: Political Reconciliation in Africa* (Washington: Georgetown University Press, 2009), p. 66
 - 3 Neil Kritz, "Where We Are and How We Got Here: An Overview of Developments in the Search for Justice and Reconciliation," in *The Legacy of Abuse: Confronting the Past, Facing the Future*, Alice H. Henkin, ed. (Washington: The Aspen Institute, 2002), p. 34