

**BRATISLAVA INTERNATIONAL SCHOOL OF LIBERAL ARTS**

**Concepts of Forgiveness in Relation to the Truth and Reconciliation  
Commission: The Case Study of South Africa**

**Bachelor Thesis**

**Bratislava 2018**

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Commission: The Case Study of South Africa**

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## **Declaration of Originality**

I declare that this bachelor thesis is my own work and has not been published in part or in whole elsewhere. All used literature and other sources are attributed and cited in references.

Bratislava, 20 February 2018

Simona Fröhlichová

Signed: \_\_\_\_\_

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## **Abstract**

The aim of this study is to analyze the concepts of forgiveness from different perspectives, to compare them and to analyze in the context of the Truth and Reconciliation Commission in South Africa. Firstly, I will take into account definitions of forgiveness and different points of view on the issue. It describes the analyses of Paul Ricoeur, Martha Nussbaum and the concept of forgiveness made by Jacques Derrida. The second part of the theses deals with the African history, concretely apartheid and with the main events which took place. The main point of this work is to show why South Africa chose Truth and Reconciliation Commission as a tool in restoring piece and in order to restore justice; with the link to the forgiveness as a tool without which the country can never be reunified.

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## **Abstrakt**

Cieľom tejto práce je analyzovať odpúšťanie z rôznych pohľadov a aplikovať ho na Komisiu pravdy a zjednotenia v Južnej Afrike. V prvom rade vysvetlím koncepty odpúšťania z pohľadu Paula Ricouera, Marthy Nussbaumovej, Jacqua Derridu a Marthy Minow. Cieľom tejto práce je vysvetliť dôvody prečo sa Južná Afrika rozhodla pre Komisiu pravdy a zjednotenia v historickom koncepte apartheidu a akú rolu v procese zjednotenia zohralo odpúšťanie.

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## Introduction

*“As I walked out the door toward the gate that would lead to my freedom, I knew if I didn't leave my bitterness and hatred behind, I'd still be in prison.”*

*Nelson Mandela*

Every country is in the desolated state after the war. When war is between two or more countries, depends on the states how they set up new rules of cooperation and in which level of the “friendship” they will operate. Different case is when it comes to the civil wars. The case of civil war is sensitive since people are dying by the hand of their neighbor. When civil war ends, it is always hard to “stock puzzle” of the stay together into one picture. Citizens were fighting against each other and it is big deal to find out what to do when war ends. Countries are dealing with war crimes and restoring peace differently. However, the main task is always to reconcile citizens. Wrongdoings are hard to forgive in normal life, even harder when it comes to the war crimes. Forgiveness is a process inside a person and it is very individual. Not everybody is able to forgive; the criteria and conditions are individual as well. Nobody can order to forgive; nevertheless, forgiveness is a huge part of almost every religion. It dictates how, when and why one should forgive. When someone who is religious person and he knows that he has to forgive because his faith said so, and he just cannot, those people can feel desperate and inferior. Even though the 21st century is taken place, many countries still did not recover from the past injustice. Inhabitants of those countries are still not reconciled, and it has enormous influence on the current state and the prosperity of the society. The forgiveness is a tool which should help the victims, as well as the perpetrators to deal with current situation and to move on. However, such pressure does not work all the time and most often, it can cause more harm than good.

That is the reason why there is a necessity to analyze if institutions should take a part in forgiving. When forgiving is dictated, the process cannot be done. The victims may feel under pressure and frustrated when they are not able to forgive. They might feel that society is still divided also because of them because they do not feel like a good people. Because when one forgave, why they cannot? After the apartheid

in South Africa, country was destroyed on each side, but the worst was the cultural trauma and totally segregated society. People's pain was everywhere. And the important question occurred, how to deal with such a trauma? The most suitable answer was the Truth and Reconciliation commission (TRC). There were several reasons why it was the best option for all sides in dealing with trauma. Country had to deal with disorders, violent acts from the side of apartheid, as well as from the side of the opposition. Another reason was cultural. The philosophy ubuntu played important role and was appointed in the constitution and in the TRC process as well. Since the Archbishop Desmond Tutu was the Chair of the commission, the healings were led in a direct way toward forgiveness. This work examines why TRC was the best solution after the South Africa's apartheid in order to forgive and reunite the society.

## The Concepts of Forgiveness

*“We must develop and maintain the capacity to forgive. He who is devoid of the power to forgive is devoid of the power to love. There is some good in the worst of us and some evil in the best of us. When we discover this, we are less prone to hate our enemies.”*

*Martin Luther King*

Forgiveness is a process which does not influence only the person which is forgiving, but also surroundings. The role of forgiving is important since influence of the act shape the society. After war crimes it is necessary to unify society, and without forgiving this would be impossible. However, forgiving cannot be forced. If one tells another that he or she has to forgive, the process will not be done just because somebody said so. Anyway, there are many theories dealing with forgiving and how forgiveness should look like.

Paul Ricoeur sees forgiveness as “something to be begged for, from others, essentially from victims” (Duffy, 2002, p. 59). He stated that forgiving can be refused, as well as accepted. In many cases person states conditions under which he or she willing to forgive. Paul Ricoeur does not agree with this type of forgiveness. He says that this is not real forgiveness. It looks like someone has to ask for forgiving and then the victim creates conditions under which he will forgive. But it is not the real process of forgiveness which is happening inside us. Ricoeur’s thesis is that “if forgiveness’s entrance into the circle of exchange signals taking into account the bilateral relation between the request for and the offer of forgiveness, the vertical character of the relation between height and depth, between unconditionally and conditionally, continues to go unnoticed” (Ricoeur, p. 478, 2009). According to his thesis, we cannot deal with forgiveness as with goods. That is the reason why even the institutions cannot simply put pressure on victims and say them to forgive. The process has to be clearly voluntary; the decision has to be made by a person when one is ready to do that. From the other point of view, one cannot just forgive unconditionally, in a sense that he would come to somebody else and just simply say “I forgive you”. This puts pressure to the one to who forgiving was made. The person does not necessarily feel guilty or worth forgiving. This can create another misunderstanding and it does not help society at all.

He argues that the act of forgiveness is closely related to the narrative of the history. Since we see our lives as a story, when we are talking about some experience (good or bad), by “story telling” we are talking about victims and perpetrators. It is the same as thought on history class. The memories sharing is the suffering sharing as well. When is talking about for example Second World War people feel sorry for the victims. Many Jewish who survived feel guilty that they stayed alive when the others died. Ricoeur called this suffering “inflicted” on others. However, when there is discussion about forgiving, there is necessity to admit that human being is capable of forgiving. If there should be the forgiving process, than it follows that there is somebody guilty as well. There are cases when person do not forgive to some perpetrator but to itself.

According to Ricoeur “forgiveness does not abolish the past, but it lifts the 'burden of guilt' which can paralyze the relationships between individuals and communities who are 'acting out and suffering' their own history” (Duffy, 2002, p. 104). He sees forgiveness as an act of love which is spiritual and cleanse one’s relationship as well as soul. What Ricoeur sees dangerous is the easy forgiving, which as he said can leads to forgetting. It is hard to forgive, so called, the unforgivable, however, he convinces that “forgiveness requires enduring patience” (Duffy, 2002, p. 104).

One can take a look on forgiveness from different a point of view, which is the reason why also definitions can differ. Martha Nussbaum defined forgiveness as “a two-person process involving a moderation of anger and cessation of projects of revenge” (Nussbaum, 2016, p. 57). Forgiveness is a sensitive theme to discuss. There are and always be different points of view. Martha Minow in her work *Between vengeance and forgiveness: facing history after genocide and mass violence* elaborated the issue of forgiving and the want to revenge after the crimes against humanity, such as genocides, civil wars etc. After such an injustice, the society needs kind of the “treatment” to deal with the past. However, society creates individuals whose trauma, feelings and intentions can differ. The question is what is valuable for society? The problem with vengeance is that the previous violence would not stop and the revenge would make the violence continue. But can we forgive the unforgivable? As Minow pointed out “The victim should not seek revenge and become a new victimizer but instead should forgive the offender and end the cycle of offense”

(Minow, 2009, p.14). Minow underlined, the forgiveness should not be a part of the punishment and justice (Minow, 2009, p.15). She mentioned the problem which appeared in practice and that is that too often is forgiveness connected with excuses. It is expected from people to forgive, to connect society together, as a one. That means that the pressure is not under the perpetrators, but under the victims. They were hurt and now they have to forgive and live with bullies and violators as nothing happened. The process of reconciliation of the society should not be about pardon, excuses or amnesties. Then the wrongdoings look like something forgivable.

Martha Nussbaum introduced the concept of forgiving with Griswold's conditions under which the process of forgiveness can be done.

1. Acknowledge that she was the responsible agent
2. Repudiate her deeds (by acknowledging their wrongness) and herself as their author
3. Express regret to the injured at having caused this particular injury to her
4. Commit to becoming the sort of person who does not inflict injury; and show this commitment through deeds as well as words
5. Show that she understands, from the injured person's perspective, the damage done by the injury (this requires Smithean "sympathy")
6. Offer a narrative accounting for how she came to do wrong, how that wrongdoing does not express the totality of her person, and how she is becoming worthy of approbation.

When seeing those conditions, one can assume that it is hard to talk about unconditional forgiveness. Nussbaum elaborates concept of unconditional forgiveness and she criticizes that. As she mentioned, in the Hebrew Bible is unconditional forgiveness defines such as "forgiveness that rains down freely on the penitent, without requiring an antecedent confession and act of contrition" (Nussbaum, 2016, p. 75). However, unconditional forgiveness is not ideal. When one comes to somebody and just says "I forgive you", it can put a lot of pressure on the person, since he does not have to necessarily feel guilty and responsible. That may raise another conflict

instead of making peace. Since forgiveness is a process, the six conditions given by Griswold are found important but irreconcilable at the same time.

Nussbaum divided forgiveness into categories. The first she is dealing with is transactional forgiveness. She finds this type most popular in the Christian tradition. She describes the concept on various examples. The transactional forgiveness in Christian terms is a type of exchange. When Christians commit a sin, they go to the church for confession. The priest says them what to pray for and under which conditions God will forgive. This clearly sounds like the type of exchange Ricoeur was criticizing. “The forgiveness process itself is violent toward the self. Forgiveness is an elusive and usually quite temporary prize held out at the end of a traumatic and profoundly intrusive process of self- denigration. To engage in it with another person (playing, in effect, the role of the confessor) intrudes into that person’s inner world in a way that is both controlling and potentially violent toward the other person’s self” (Nussbaum, p. 72, 2005).

The other type of forgiveness Nussbaum describes is unconditional forgiveness defined as “forgiveness that rains down freely on the penitent, without requiring an antecedent confession and act of contrition” (p. 75, 2005). As an example of unconditional forgiveness we can take Pope John Paul II. when in 1981 a Turkish guy attacked him and shot on him. After two years he visited the shooter in prison and he said that he forgave him. This is the example of the unconditional forgiveness, nobody ask him to do that and he has not set any conditions under which he would forgive the perpetrator. He simply came to the prison and told him that he is not angry. This may sound as a great act of generosity. However, Nussbaum sees few issues connected to the unconditional forgiveness. First problem is that “unconditional forgiveness in human relations is rarely free from some type of payback wish” (Nussbaum, p. 76, 2005). Martha Nussbaum describes the example of the Pope John Paul I. who was saying that we should treat our enemies as our friends that we should feed them when they are hungry and give them drink when they are thirsty. This would make us feel better and it would make our enemies feel confused and humiliated. On the other hand, it would make us feel superior. The question is, is this the real forgiveness? Is this moral?

Jacques Derrida in his essay *On Cosmopolitanism and On Forgiveness* divided forgiveness into three types; conditional forgiveness, unconditional forgiveness and pure forgiveness. “Each time forgiveness is at the service of a finality, be it noble and spiritual (atonement or redemption, reconciliation, salvation), each time that it aims to re-establish a normality (social, national, political, psychological) by a work of mourning, by some therapy or ecology of memory, then the ‘forgiveness’ is not pure – nor is its concept” (Derrida, 2005, p. 32). He is saying that the political and religious forgiveness is not possible, since it is dictated and it is not coming from the heart of person. Conditional forgiveness is dealing with the victim and the perpetrator when the fault is recognized and there is “the transformation of the sinner who then explicitly asks forgiveness” (Derrida, p. 35, 2005). There is also the transformation from the side of the wrongdoer, who thanks to the act of forgiving is not guilty anymore. The problem with unconditional forgiveness was stated before and here is Derrida with accordance with Ricoeur. He is questioning what does it mean if someone say that he forgive but...? We cannot say that it is the real forgiveness when the process of the “liberation of the soul” took place. What is more, Derrida poses the important question of what we are forgiving. Do we forgive the act, the wrongdoing, the fault, or do we forgive to someone? “As soon as a third party intervenes, one can again speak of amnesty, reconciliation, reparation, etc., but certainly not of pure forgiveness in the strict sense” (Derrida, p. 42, 2005). Derrida is not against Truth and Reconciliations Commissions; he says that healing victims and whole process can be helpful in unifying the society. However, he is against the forcing victims to forgive. He says that this is not pure forgiveness. As in the case of South Africa, many victims felt under pressure that they have to forgive. But some of them were not able to do that. Then they say that they felt like a bad persons which are not able of such a generous act as forgiveness is.

Olga Botcharova in the work *Implementation of Track Two Diplomacy; Developing a Model of Forgiveness* (2002) pointed out that forgiveness has the central role in moving towards reconciliation. What she learnt from six years experience in the Conflict Resolution Training for Religious People and Community Leaders was that firstly, no skill training for problem solving was possible until the feelings of trauma were addressed and some basic healing from victimhood was achieved (Botcharova, p.290, 2002). The victim has to talk about what has happened,

about the pain and hurting to relieve emotions and to make a step forward on the path towards reconciliation. The second lesson shows is achieving forgiveness, as the culmination of the healing process, made it possible for the parties to move forward to reconciliation (Botcharova, p.290, 2002). Especially in the case of South Africa were after the apartheid, country had to reunify because of the high possibility of the civil war. From one side, it is unimaginable to forgive such atrocities, from the other hand it is even more unimaginable to live in a society full of hatred and fear. Thirdly, forgiveness cannot be taught, preached, pointed out, or in any other way imposed by outsiders. However, a framework revealing its evolving, sometimes mysterious, nature was identified and proved to be very effective in facilitating dialog (Botcharova, p.290, 2002). Forgiveness cannot be forced, since it is an inside process which has to be done individually. The last but not least, Botcharova says that the most powerful tool of the workshops was the sharing of stories by individuals from opposite sides of conflict, stories that served as an initial bond of empathy in rebuilding trust (p.290, 2002). That is also the reason why South Africa chose the TRC as a process of transactional justice. By hearing stories of the victims and perpetrators, they found out the truth about what was happening and the “story telling” helped the victims to deal with their trauma and in many cases to find a way to forgive. What forego to the TRC and why the South Africa’s trauma is so huge will be discussed in the next chapter.

## South Africa and its History

*“I've never doubted that apartheid - because it was of itself fundamentally, intrinsically evil - was going to bite the dust eventually”.*

*Desmond Tutu*

### Brief history of Apartheid

In the Merriam-Webster Dictionary the Apartheid is defined as “racial segregation; *specifically*: a former policy of segregation and political and economic discrimination against non-European groups in the Republic of South Africa” (Merriam-Webster). However the regime started in 1948, the origins of the racial hatred have the birth in the colonial era. In 1910, the Union of South Africa was created. The blacks started to be excluded from the political life, they did not have the right to vote and the membership in parliament was limited only to white males (Gobodo- Madikizela, 2004). In following years, the race brutality and the exclusion of blacks from the community was graduating. The racial segregation wanted to send the Africans back “home” to the rural areas and to exclude them from the cities. The only blacks allowed to stay in the cities were the workers (Boddy-Evans, 2014). The creations for the location for blacks were proposed already in 1905 (Gobodo-Madikizela, 2004). In 1948 the apartheid started to exist with the aim to exclude blacks not only from “constitutional politics but from citizenship itself” (Gobodo-Madikizela, 2004). “Recent explanations point to a combination of several factors- colonial conquest, land dispossession, economic impoverishment, and exclusion from citizenship of Africans- that paved the way to apartheid” (Overcoming Apartheid, n.d.).

In 1948 after the election when Nationalist Party won, the racist ideology called Apartheid took. The laws were based on inequality and differentiation between different races, the basic human rights stop to exist. People cannot live how they wanted and where they wanted, everything was dictated from above. People with different races could not have children together, to be friends and there was even dictated number of how many black Africans could live in surrounding of white Africans. People did not have the freedom of movement; their rights were oppressed

in all spheres- social, economical, cultural etc. The Nationalist Party came so far, that from the races they created “separated nations” with black Africans considered as foreigners (A history of Apartheid in South Africa, 2017). In the years of 1950, the Apartheid started to pass laws, very similar to those ones in United States. This was called the era of “petty apartheid” (Overcoming Apartheid, n.d.). Apartheid as similar as in United States of America “was imposed by denying and disenfranchising black voters through segregation, fraud, and denial of their citizenship rights. At its fullest development, the system was institutionalized, codified in law, and made permanent the expropriation and oppression of black people- the freed slaves and their descendents- by separating them from all economic, social, and political activity engaged in by white people” (Magubane, p. 392, 1996). The meaning of apartheid is to put apart, to separate and that is literally what the Nationalist Party was trying to do; to totally separate blacks, Indians and colored from the white people. In 1953, there was a Reservation of Separate Amenities Act according to which the blacks were totally separated from all public services such as trains, cemeteries, toilets, parks, post offices etc. (Overcoming Apartheid, n.d.). In 1950, there was a law called the Population Registration Act, which forced people to register according to their race. People were divided into four races such as White, Black, Indian and Colored (A history of Apartheid in South Africa, 2017). The person was not considered as white, even though its parents were white but they were looking much further into the past. It looks like this racial hatred and the idea of the “clear race” was very much inspired from the Second World War. The Racial Classification Boards were created to determine person’s race (Overcoming Apartheid, n.d.). The law absurdity continued with the Bantu Education Act concerned with the educational system for Africans “based upon a curriculum intended to produce manual laborers and obedient subjects” (Overcoming Apartheid, n.d.). In those years, the censorship was introduced as well. It was imposed on books, movies, radio etc. There was even a ban for a book called Black Beauty. The censorship and the connection with the rest of the world were decreasing; however the apartheid’s propaganda was highly increasing (Overcoming Apartheid, n.d.).

### **The Apartheid’s opposition**

In 1912 the African National Congress (ANC) was founded (Gobodo-Madikizela, 2004). It was established as the response to the racism and oppression from the

colonial era. They took The Freedom Charter as their foundation adopted in 1955. ANC declared that:

- That South Africa belongs to all who live in it, black and white, and that no government can justly claim authority unless it is based on the will of all the people;
- That our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality;
- That our country will never be prosperous or free until all people live in brotherhood, enjoying equal rights and opportunities;
- That only a democratic state, based on the will of all people, can secure to all their birthright without distinction of color, race, sex or belief;

And therefore we, the People of South Africa, black and white together-equals, countrymen and brothers- adopt this Freedom Charter. And we pledge ourselves to strive together sparing neither strength nor courage, until the democratic changes here set out have been won (ANC, n.d.).

They stated ten fundamental rights: the people should govern, all national groups shall have equal rights, the people should share in the country's wealth, the land shall be shared among those who work it, all shall be equal before the law, all shall enjoy equal human rights, there shall be work and security, the doors of learning and of culture shall be opened, there shall be houses, security and comfort and there shall be a piece and a friendship (ANC, n.d.).

During the discussion about the Charter, there was a dispute between the ANC members. These opinion differences were increasing until 1958. During the Transvaal Provincial Congress 'Africanist' people were excluded. After this event, the Pan-African Congress (PAC) was formed (Pan Africanist Congress, 2017).

The ANC declared the peaceful protests and demonstration for a long time. Together with the rest of the opposition they tried to open the eyes of the black people for fighting for their freedom, as well as to negotiate with whites to enforce the equal rights. The peaceful protests ended in 1960. In 1959, Pan-Africanist Congress (PAC) and African National Congress (ANC) decided to organize a protest against the

oppressive regime. On March 21, 1960 the demonstration took place. As a sign of protest against the pass law, people left their passes at home, they went into the streets and they let police to arrest them. According to their plan, it was not possible to put everybody into the jails, since the economy would collapse and they had not even have so much space in there. Around five thousand to seven thousand people came into the streets in Sharpeville in front of the police station. The witnesses and actors claim that it was a peaceful protest where they were singing and dancing (SABC Digital News, 2015). However, the peaceful protest turned into the massacre. “the government responded by declaring a state of emergency and banning all anti-apartheid organizations, and then passed laws, effective retrospectively, exonerating police from responsibility in acts committed against those involved in the peaceful march”(Gobodo-Madikizela, 2004). Police started to shoot into the crowd and at least sixty-nine people were killed, around one hundred-eighty people were hurt. Few days after the protest was declared as illegal and each organization, movement or event against apartheid was banned. People who were injured were transported from the massacre to the hospital. After the treatment, it was told to them that they will go back to the Sharpeville to their families and friends. However, they took them to the jail and they accused them of the crime of terrorism because they were fighting for rights and land and according to the former rulers, those “privileges” belongs only for white people (SABC Digital News, 2015). “The government’s informers created terror, suspicion, and divisiveness within the movement. This led to internal investigation that often resulted in the torture and murder suspects” (Gobodo-Madikizela, 2004).

The massacre was an important milestone in South Africans history. After the respond of the police to the peaceful demonstrations, the PAC and ANC called for an end to forty-eight years of peaceful protest (Gobodo-Madikizela, 2004). The PAC established the Poqo, the armed wing, later renamed the Azanian Peoples Liberation Army (APLA) (Pan Africanist Congress, 2017). Nelson Mandela, the leader of ANC also created the armed wing of ANC called Umkonto we Sizwe (Spear of the Nation, shorter MK) (Gobodo-Madikizela, 2004). MK started with the idea of the “controlled violence” with the motto that force had to be answered with force (Gobodo-Madikizela, 2004). However, shortly after the foundation of MK, the police came and there was the trial against main representatives of MK; Mandela, Sisulu, Kathrada, Goldberg and four other. They were guilty for treason and sentenced for the life

imprisonment (Overcoming Apartheid, n.d.). In the speech Mandela had during the trial, he stated that he is ready to die for the ideas ANC is fighting for. His famous words were “During my lifetime I have dedicated myself to this struggle of the African people. I have fought against white domination, and I have fought against black domination. I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and to achieve. But if needs be, it is an ideal for which I am prepared to die” (Overcoming Apartheid, n.d.).

On June 16, 1976 the Uprising in Soweto took place. “The rise of the Black Consciousness Movement (BCM) and the formation of South African Students Organization (SASO) raised the political consciousness of many students while others joined the wave of anti-Apartheid sentiment within the student community” (SA History, 2017). The uprising was so powerful that it expanded across the whole country and lasted for the year. This was another protest, however, bigger than in Sharpeville, which was turned from the peaceful demonstration into the night mare. Around seven hundred people were killed or hurt (Huffington post, 2015). During the apartheid, even the education differed between the whites and the others. Students in Soweto started to ask for the better education. This is how the protest started. Many say that this was the beginning of the end of the apartheid. They knew that young power moves society and that this would not be easy. People started to be more and more dissatisfied and desperate, so they had not have fear anymore. The only valuable thing at that time was the freedom. That was the only thing for them worth to fight and die for. The Soweto Uprising was the trigger for the domino effect and the call for freedom was spread around the whole country.

## Truth and Reconciliation Commission

*“If the pain has often been unbearable and the revelations shocking to all of us, it is because they indeed bring us the beginnings of a common understanding of what happened and a steady restoration of the nation's humanity.”*

*Nelson Mandela*

When a country experienced an oppressive regime, it is always hard to find right way how to deal with the past. When there is a war between countries, there is huge trauma from wrongdoings, however countries usually negotiate and in the end, they find some accordance about dealing with the situation. What is easier for victims is that they do not have to see perpetrators every day. The mood in the society is very similar, people are sad, angry, traumatized and in the end happy that the war is over. However, when oppressive regime takes place in one country and inhabitants segregate one group of them from another, it is almost unimaginable that even after the piece, they perpetrator can still be the “neighbor” of the victim.

The case of South Africa was very sensitive and complicated. During the negotiations, they had to deal with one part- the Apartheid and from the other side of the coin they also had to deal with the violent opposition. During four years, more than 20 000 people died (South Africa Survey1999/2000). On 17 March 1992 the referendum called last “whites only” took place. The goal of the referendum was to measure the support of the whites of the negotiations of dismantling the apartheid (SA History, 2016). The referendum question was” Do you support continuation of the reform process which the State President began on 2 February 1990 and which is aimed at a new Constitution through negotiation? There were 68, 73% of voter who did for and 31, 27% against (Spiess, p. 61, 2009). As Mandela stated “In principle, the referendum signaled the end of white privilege, the ‘Yes’ vote means that whites are now prepared to address these problems. There is no alternative to negotiations” (SA History, 2016).

### Dealing with the Past

Each country finds its own way with dealing with past. Each country is different and for each country different model can be suitable. However, there are

always frameworks which can countries choose. Aleida Assmann refers to the four models of dealing with the traumatic past

1. Dialogic forgetting,
2. Remembering in order to prevent forgetting,
3. Remembering in order to forget,
4. Dialogic remembering (Assmann, 2010).

### **Dialogic Forgetting**

The experience from the past shows, that the memory of violence creates violence (Assmann, 2010). It is almost impossible to fight against an oppressive regime peacefully, or to win a war without using any violence. The case of South Africa is nothing different. The protests and organizations against apartheid started its peaceful path, however after continuous oppression and after the repeated suppression of the human rights organizations created their armed wings. “This is why humans in history have looked for pragmatic solutions how to bring to an end a lethal conflict by controlling and containing the explosive force of memory” (Assmann, 2010). However, the forgetting does not mean the silence. This type of dealing with the past was popular after the civic wars. The perpetrators were usually the silent ones who were not much interested in sharing experiences from their wrongdoings. On the other hand, victims often had the need to be healed. They want to show the experienced injustice; however, many times it is extremely painful and traumatizing (Assmann, 2010). It is similar as when person is robbed; one calls for the justice and almost always says about the experience. However, the victims of rape are more scared of talking about the trauma, also because of the high feeling of the shame.

As Assmann pointed out “While the silence that is imposed by the victors on the losers is the perennial strategy of repressive regimes to muffle the voices of resistors and victims, self-imposed dialogic silence is a model for peace designed and agreed upon by two parties connected through past actions of mutual violence in order to keep an explosive past at bay.” This policy is often in the connection with amnesties. When during the civil war to parties are fighting one again another, this model is the intersection in order to unify the society. The other rising question is how long the unified society based on mutual forgetting can survive in piece.

### **Remembering in order to never forget**

The dialectic forgetting is a useful model in the case of civil wars, where there are two sides which are “guilty on the same level”. In the cases when the perpetrator is much superior to the victim and the victim is defenseless, the concept of dialogic forgetting cannot work (Assmann, 2010). The shift from forgetting towards remembering occurred after the Second World War. The Holocaust memory “is sealed with a special pledge for an indefinite future: ‘to remember in order to never forget’. Through its widening in space as well as time it has acquired the quality of a civil religion” (Assmann, 2010). Even nowadays in the era of populism, it is still more and more important to remember the genocides in order to prevent from the repeating of the history. The model used after the Holocaust was almost the opposite of the model of forgetting. The important role played to heal the victims and their traumas and then to remember them and to teach and learn about them. “It was rediscovered not only as a therapeutic remedy for the survivors but also as a spiritual and ethical obligation for the millions of dead victims” Assmann, 2010). It was important to make victims feel that they are not alone in it and to share their experiences with others, as well as with the other victims. Their memories had to be switched from the asymmetric experience into symmetric forms of remembering (Assmann, 2010). By sharing memories it was tried to mitigate a distance between victims and perpetrators.

### **Remembering in order to forget**

During the dealing with the Holocaust past, the model of dealing with wrongdoings and injustice via forgetting became unacceptable. “Against this background of a new awareness of the suffering of victims, forgetting was no longer acceptable as a general policy in overcoming atrocities of the past” (Assmann, 2010). This concerns not only the post Second World War trauma but the South Africa’s apartheid regime or the slavery in United States. Assmann describes the shift from the second to the third model as unintentional. She states that the aim of forgetting in this third model cannot be taken literally, but “rather for the urge to leave behind and go beyond – in this the third model clearly deviates from a semi-religious fixation of and on a normative past as a form of negative revelation”. In South Africa, the Truth and Reconciliation process was broadcasted all over the world. The victims were not

testifying in the courtroom, but they were talking in front of millions people. This ritual should help them to deal with the past before their experiences could be erased from the social memory (Assmann, 2010).

### **Dialog Remembering**

The fourth model is applicable to the two or more countries which share the common experience of wrongdoing. This can be implied on the countries which suffered from the Second World War. They have the same trauma, they share experiences and they “face a shared history of mutual violence by mutually acknowledging their own guilt and empathy with the suffering they have inflicted on others” (Assmann, 20110). According to the Zigmund Freud, the human memory has the tendency of displacing the bad memories after some time. According to the Assmann, when nation faces to the negative events from the past, there are three roles for national collective to assume:

1. that of the victor who has overcome the evil
2. that of the resistor who as heroically fought the evil
3. that of the victim who has passively suffered the evil

Everything else lies outside the scope of these memory perspectives and is conveniently forgotten (Assmann, 2010). The aim of this model is the transformation into the acknowledgment of the guilt. However, there are still more examples of the absence of this model, then of the illustrations (Assmann, 2010).

### **Why TRC?**

Martha Minow in her book *Breaking the cycles of Hatred* stated three ways in which countries respond to the past injustice. The first are prosecutions, where international tribunal prosecute major war criminals for crimes against piece, war crimes, and crimes against humanity (Minow, p.20, 2009). However, „crimes against humanity have not yet been codified in a dedicated treaty of international law, unlike genocide and war crimes, although there are efforts to do so. Despite this, the prohibition of crimes against humanity, similar to the prohibition of genocide, has been considered a preemptory norm of international law, from which no derogation is

permitted and which is applicable to all States” (United Nations Office, n.d.). In the Rome Statute of the International Criminal Court (Article 7) are Crimes against humanity mean “murder, extermination, enslavement, deportation or forcible transfer of population, imprisonment or other severe deprivation of physical liberty in violation of fundamental rules of international law, torture, rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court; enforced disappearance of persons, the crime of apartheid, other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health” (United Nations Office, n.d.). Since the apartheid is appointed in the Rome Statute, the atrocities which happened in South Africa would be consider as the crime against humanity and the perpetrators would be punished. However, this was not the path which South Africa chose.

According to Minow, the second form country can choose when dealing with past are reparations. “Reparations may take form of monetary payments, or the return of stolen homes, art, or the bones of loved ones. They may explicit apology, the creation of memorials, and other gestures of restorative justice” (Minow, p.23, 2009). After the Second World War, Germany paid reparations to the Israel. Nevertheless the reparations are for victims extremely helpful, victims may feel under the pressure. They may feel forced to forgive what happened to them if they take the money. “Once paid, compensation may wrongly imply that the harms are over and need not be discussed again. Money can never remedy nonmonetary loss, however, and the fight over money carries the risk of trivializing the harm” (Minow, p.23, 2009). Money can never fix the trauma. Apologies and reparations are strongly connected since one without another does not make any sense. The reparations without apologies may seem like the guilt can be redeemed, and the apologies without reparation look like empty words.

The last way of dealing with the past is Truth Commissions. This was the model chosen by South Africa. When the negotiations in South Africa started and the power of apartheid was declining, people had the feeling that they won. That the oppression

is over and that they will be finally free. However, the happiness was extruded by the trauma and there was only a small place for celebration. Blacks had not won yet, they had to find out how to deal with atrocities which were happening for so many years, not only from the side of the apartheid followers, but also from the side of the opposition. Nuremberg processes looked insufficient, since it was not about dealing with crimes and wrongdoings between the citizens of the same country. South Africa could not take a prosecution as a solution, since they have not have insufficient material resources, inadequate numbers of trained staff qualified and available to pursue prosecutions, or lack of enough power or courage to proceed against offending leaders, police, and military officials (Minow, p.58, 2009). The other option South Africa could choose was blanket amnesties. Notwithstanding, this would not be a helpful option either. Since the opposition committed bloody and cruel violent acts as well, if the amnesties are approved to them, the degree of hatred between whites and blacks would even increase. If the process of dealing with the past goes without any healing and clarifying, there would be a huge possibility of the civil war. Despite of that, the members of ANC were not so excited about TRC since the violent part of the opposition was taken as perpetrators.

During the negotiations in South Africa the opposition could not find the intersection with the apartheid side. As it was mentioned, ANC accepted and promoted the African Freedom Charted even before negotiations started. Even though many of the representatives were communist, they always put the freedoms and human rights at the first place. They did not want to punish individuals on the base of the collective guilty. Within the transactional justice opposition wanted to take the individual approach, to give everyone a chance to confess and to be heard. They were not willing to withdraw from their conditions, so the TRC was supposed to be the best option. Another reason leading South Africa towards (TRC) was the Ubuntu philosophy. It is based on the claim that person is a person through another people and it means “the quality of being human” (Flippin, 2012), referred to the ‘African humanism’ (Dietrich, p.116, 2011). It is hard to translate ubuntu to the other languages, Yvonne Mokgoro translates it as “group solidarity where such group solidarity is central to the survival of communities with scarcity of resources; ...anti-individualistic conduct towards the survival of the group if the individual is to survive; ...humanistic orientation towards fellow being” (Dietrich, p.116, 2011). In

the context of the TRC in South Africa, “ubuntu re-emerged and took its place as a legal principle and core constitutional value” in order to achieve transactional justice (Diedrich, p.115, 2011). Term ubuntu became the part of the Interim Constitution with the sentence:

*There is a need for understanding but not vengeance, a need for reparation but not for retaliation, a need for ubuntu but not victimization (Dietrich, p.117, 2011).*

In the context of the transitional justice in South Africa, ubuntu operated as a tool in restoring piece. After such society segregation as it was in South Africa, it was important to find some kind of a connector which would unify people. Ubuntu was described as a mechanism suitable for finding between the truth and the justice (Dietrich, p.122, 2011). The system of the TRC was functioning on the base of the “exchange” system, testimony for amnesty. Those perpetrators, who decided to come and testify of their wrongdoings, had to apply for amnesty. After the investigation the commission decided who would and who would not receive the amnesty. “Fewer than 400 of the 9,000 applicants satisfied the conditions” (Minow, p.24, 2009). Those conditions were: a full confession, showing that they received orders from a political party or the state. The Committee will also take into account the motive, the context and the gravity of the action. Once the applicants have been granted amnesty they may not be criminally charged for the same act. Amnesty may also be refused, in which case persons remain liable for prosecution. The Committee on Reparation and Rehabilitation considers the plight of the victims of human rights violations and may consider compensation" (The TRC Special Report Series, n. d.).However, those whose amnesties were rejected or who did not ask for them had to be prosecuted by a trial. However, this kind of justice never happened. Those who asked and got amnesties asked for forgiveness and became “clean”. Those who did not they stayed unpunished and that is everything but not justice.

### **The Structure of TRC**

The TRC was appointed by President Mandela and was structured into three committees: The Committee on Human Rights Violations, the Committee on Amnesty, and the Committee on Reparation and Rehabilitation (The TRC Special Report Series, n. d.). The committees were investigating the crimes happened from 1st

of March 1960 to the 5th of December 1993 (The TRC Special Report Series, n. d.). In 1995, the Promotion of National Unity and Reconciliation Act 34 established the TRC. It was the result of the cooperation of religious community, non-governmental organizations, human rights lawyers etc. (Tutu, 2017). TRC commission composed from 17 commissioners. The Archbishop Desmond Tutu was appointed as a chair of the commission and the politician Alex Boraine as the deputy chair (Tutu, 2017). Desmond Tutu was chairing the healings in very sensitive way, however with the emphasis on the importance of forgiving, unifying society and restoring the piece; "We believe, however, that there is another kind of justice—a restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships—with healing, harmony and reconciliation" (Overcoming Apartheid, n. d.). The most important object of the TRC was victims. The Commission received more than 22, 000 testimonies, and around 10% of them were publicly healed. However, those were victims of the apartheid. There were also victims which experienced the wrongdoing from the side of the liberation movements. South African Broadcasting Corporation (SABC) broadcasted TRC as the television series. It was broadcasted all over the world (The TRC Special Report Series, n. d.).

The Human Rights Violations Committee hearings, held from 16 April 1996 to 26 June 1997 (The TRC Special Report Series, n. d.). Different views were put on the TRC. The blacks were more inclined towards TRC. White people had the tendency to not come to the healings. Supposingly, it was very hard for them to hear about the torture and suffering. "There are some white people who see this as, the Truth Commission as, addressing the needs of black people in this country, without a doubt. And that's something we have to confront and face and try to turn around" (Special Report Transcripts for Section 4 of Episode 8, n. d.). Martha Minow in the work *Between the Vengeance and Forgiveness* stated twelve aspirations which South Africa wanted to achieve:

1. overcome communal and official denial of the atrocity and gain public acknowledgment;
2. obtain the facts in an account as full as possible in order to meet victims' need to know, to build a record for history, and to ensure minimal accountability and visibility of perpetrators;

3. end and prevent violence; transform human activity from violence- and violent responses to violence- into words and institutional practices of equal respect and dignity;
4. forge the basis for a domestic democratic order that respects and enforces human rights;
5. support the legitimacy and stability of the new regime proceeding after the atrocity;
6. promote reconciliation across social divisions; reconstruct the moral and social systems devastated by violence;
7. promote psychological healing for individuals, groups, victims, bystanders and offenders;
8. restore dignity to victims;
9. punish, exclude, shame, and diminish offenders for their offenses;
10. express and seek to achieve the aspiration that “never again” shall such collective violence occur;
11. build an international order to try to prevent and also to respond to aggression, torture, and atrocities;
12. accomplish each of these goals in ways that are compatible with the other goals (Minow, p.88, 2009).

## TRC in a Relation towards Forgiveness

*“If you are neutral in situations of injustice, you have chosen the side of the oppressor. If an elephant has its foot on the tail of a mouse, and you say that you are neutral, the mouse will not appreciate your neutrality.”*

*Desmond Tutu*

The Reconciliation Barometer (2015) asked respondents: What, if anything, does reconciliation mean to you? They could choose from 16 options, from which they were supposed to choose first, second and third choice. Surprisingly, most South Africans chose answer “past victims forgiving past perpetrators”. It was 19, 2% of respondents who chose this answer as a first choice, and together 47, 6% put this answer into top three (Reconciliation Barometer, 2015). It is the result of the pressure put on the victims during healings. Archbishop Desmond Tutu was constantly appealing towards forgiveness and that it is the first and most important step towards reconciliation. However, the forgiveness is not always seen positively. Many victims felt under a pressure and inferior human beings because they saw that the others forgave, but they were not able to do so. As black South African woman Kalukwe Mawila stated:

What really makes me angry about the TRC and Tutu is that they are putting pressure on us to forgive. For most black South Africans the TRC is about us having to forgive. People I know don't make subtle distinction between reconciliation and forgiveness. I don't know if I will ever be ready to forgive. I carry this ball of anger inside me and I don't even know where to begin dealing with it. The oppression was bad, but what is much worse, what makes me even more angry is that they are trying to dictate my forgiveness” (Prager, Govier, p.264, 2003).

However, the role of TRC should not be mainly about victim forgiveness towards perpetrators. It should help find the truth, and deals with perpetrators on behalf of the victim's healings. If forgiveness is perceived as a kind of obligation, it can create just

more anger and barrier to forgive. However, Tutu's view is different. In his book *No Future Without Forgiveness* (2000), he claims that there is no move forward without forgiveness. According to him, if you do not forgive, you are stuck in the past without any chance of better future. Tutu also appeals at the connection between forgiveness and the God. He claims that God is able to forgive, so we should do that as well because in the end, we do not know who we will meet in the heaven (2000). The other issue Tutu gives is that some victims were willing to forgive, they just did not know to whom they should forgive. He describes a story of the girl whose father was killed. She explicitly said that "We do want to forgive but we don't know whom to forgive" (2000). The problem which hampers many victims to forgive is that many perpetrators took advantage of amnesties and that creates injustice. It is visible on the Reconciliation Barometer (2015) where only 8, 1% of respondents put the answer "past perpetrators punished for their actions" into their free choices. From this perspective, it does not look like one of the main goals of TRC was fulfilled.

According to the Nussbaum and Derrida, TRC was a good decision for South Africa. The idea of the reconciliation, finding the truth and unifying society could work. However, under the light of the circumstances if victims forgive; it would be under the base of the unconditional forgiveness. They had promised reparations as a help with dealing with the past. Unfortunately, only a little part of them was paid. If Tutu and perpetrators want from victim to forget about past and to forgive, the "sorry" is not enough. In this case it would be the Nussbaum's transactional type forgiveness. To say sorry and expect the forgiveness can be very selfish act. On the base of the truth and justice, those who had not received amnesties should be prosecuted and punished. But, they were not and the injustice was excused. When somebody kills your children and stay unpunished, it is hard to forgive and meet the person on the regular basis.

One of the most important healing was concerned with Winnie Madikizela-Mandela and the Mandela United Football Club. She was accused of the murdering and sexual harassment according to the victims' testimonies. The perpetrators were claiming that they committed murders (literally, they used the term slaughtered) under the orders of the Winnie Madikizela-Mandela, because of the suspicion that they are informers. The witnesses who committed the murders were begging for forgiveness for what they did "And I thank the good lord that he has kept me to such time that I

found this opportunity to come clean and ask for forgiveness to all those persons that I have wronged, especially the people who are affected or were affected by my deeds. And I'm free now that I have spoken the truth. I have come before this Commission, I'm free. Thank you" (Special Report Transcripts for Section 2 of Episode 77, 22:16). We can see that in the context perpetrator used the TRC as a tool to clean himself. Even though that the relatives have not talk about forgiving and their position, perpetrator feels exempted. Many of the wrongdoers who came to TRC were asking for forgiveness from the victims, but after the testimony, they could also finally forgive themselves. The other question occurring is if they really came to despise their deeds, or if they were just calculating with amnesties. Winnie Madikizela-Mandela was claiming that she had any knowledge about the murdering. Desmond Tutu was begging her to express her sorry and to ask for forgiveness "There are many out there who would have wanted to do so if you were able to bring yourself to say something went wrong, because all these leaders couldn't have been so agitated, and say I'm sorry. I'm sorry for my part in what went wrong. And I believe we are an incredible people, many would have rushed out in their eagerness to forgive and to embrace you. I beg you, I beg you. I beg you, please. I have not made any particular finding from what has happened here, I speak as someone who has lived in this community. You are a great person and you don't know how your greatness would be enhanced if you were to say sorry, things went wrong, forgive me. I beg you" (Special Report Transcript for Section 2 of Episode 77, 34:35). However, Madikizela- Mandela showed her sorry, but with denying everything what happened, her apology had a bitter taste.

## Conclusion

*“Forgiving is not forgetting; it’s actually remembering--remembering and not using your right to hit back. It’s a second chance for a new beginning. And the remembering part is particularly important. Especially if you don’t want to repeat what happened.”*

*Desmond Tutu*

Forgiveness plays important role in everyday life. Often person has to forgive the friend, parents have to forgive their children etc. However, people do not meet with forgiving the crimes against humanity on daily basis. This type of forgiveness is much more complicated. In the case of South Africa, after the apartheid forgiveness played an important role. South Africans even consider forgiveness as a main goal of TRC. Many philosophers, sociologists, political scientists or psychologist analyzed forgiveness from different perspectives. When it comes to the forgiving the unforgivable crimes, Derrida and Ricoeur agree that it is not even possible. That when somebody kills your family, torture your friend or does any other atrocity, you cannot just forgive that. From the other hand, Desmond Tutu claims that there is no such a crime which cannot be forgiven. He states that all wrongdoings which happened gave us hope. Another type of forgiveness is collective forgiveness. Ricoeur is against this type of forgiving as well. He claims that it is not possible to apologize for whole nation which committed horrific crimes on another nation. According to Nussbaum, the ideal type of forgiveness is more about generosity. It comes for taking perpetrator as an individual human being and through forgiveness it gives person look on deeper consequences. In the example of South Africa they had to find a way of dealing with the past after apartheid. The society was divided into many groups and it was hard to find a right way how to deal with situation. Since the opposition did not want to fall back with their requests about freedoms and human rights, TRC looked as a best option how to solve it. Opposition wanted to give a chance to perpetrators to liberate them, so they had the opportunity to testify. After the testimony and investigation the amnesty could be granted to them. It was kind of an exchange freedom for the truth. As the perpetrators had a claim for amnesties, there were promised reparations to victims. Sadly, they had not receive those reparations and if, to a less extend.

TRC fulfills Nussbaum's idea of the truth forgiveness- the "generosity" in few stages. Firstly, it is about healing. The healing of victims, as well as perpetrators plays important role on behalf of forgiveness. It is necessary to uncover the unclear situations, to clarify the motives, intentions and circumstances. Another important aspect was investigation. TRC was not about healing whatever stories, together with each testimony investigation came hand in hand. The importance of fact checking was a necessity for the giving amnesties, as well as for considering the reparations. What should happen and did not were the prosecutions which caused the general dissatisfaction and the atmosphere of persisting injustice. It was important to approach the transitional justice peacefully, without collective punishment for collective guilt, but to solve issues in the society so it can move on.

This created an obstacle for victims towards forgiveness. They had not experience that justice took its place. They feel cheated and unfair. Thanks to the TRC, many of the crimes were explained, and it helped clarify what was going on during the time of apartheid. It helped many people to cleanse the conscience and many victims to forgive. The reconciliation became reality only partially. TRC should help in unifying society, also in order to avoid another conflict in the future. In the end, TRC was the best solution for South Africa but it promised more than it fulfilled. According to Ricoeur, forgiveness at the national level cannot be real forgiveness. However, in the conveyed meaning TRC as an institutionalized mechanism it helped people to deal with the past and to forgive.

The 14<sup>th</sup> February 2018 was a happy day for majority of South Africans. Together with the resignation of corrupted Jacob Zuma, new hope for the victims comes. Cyril Ramaphosa, the new president and former member of ANC promised to continue with repaying the reparations. As the opposite of the previous president, Ramaphosa was a big supporter of the TRC. He claims that he wants to continue in the path of Nelson Mandela; "We are determined to build a society defined by decency and integrity, that does not tolerate the plunder of public resources, nor the theft by corporate criminals of the hard-earned savings of ordinary people" (BBC, 2018). Let's just hope that South Africa after years will finally receive the deserved justice.

## Resumé

Cieľom tejto práce bolo poukázať na rôzne koncepty odpúšťania, vo vzťahu vyrovnávania sa s minulosťou v prostredí Južnej Afriky. Apartheid bol opresívny režim ktorý segregoval Južnú Afriku na štyri rasy a podľa toho kto bol akej rasy udeľovali práva a vydávali zákony. Ako nástroj na uzmierenie, vysvetlenie pravdy a zjednotenie spoločnosti si vybrali koncept Komisie pre pravdu a zmierenie. Nakoľko bola komisia vedená arcibiskupom Desmondom Tutum, ktorý vypočúvanie obetí a útočníkov viedol v duchu odpúšťania.

„Hrešiť je ľudské a odpúšťať božské” hovorí sa. Konceptom odpúšťania sa zaoberá veľa vied, cez politológiu, sociológiu až po filozofiu alebo psychológiu. Odpustiť nie je ľahké. S týmto procesom sa stretávame v našom každodennom živote. Či ide o neveru, zradu alebo klamstvo. Nie každý sa však v živote stretne na úrovni že musí odpustiť niečo neodpustiteľné. V krajine v ktorej prebiehala vojna, občianska vojna alebo bola pod nadvládou násilného režimu ku koncu vždy musí prísť k akejsi forme zmierovania. Zmierovať sa s minulosťou však nie je jednoduché, odpustiť ľuďom čo zločiny páchali je ešte zložitejšie.

Paul Ricoeur vidí odpustenie ako niečo, čo je zvyčajne vyžadované od obetí. V Južnej Afrike hrá náboženstvo dôležitú úlohu, ktorej pri Komisii pre pravdu a zmierenie napomohol aj Tutu. Podľa prieskumov veľa Afričanov dokonca vníma ako hlavnú úlohu Komisie pre pravdu a zmierenie odpúšťanie. Ricoeur taktiež rozdelil odpúšťanie na podmienené a bezpodmienené. Mnohokrát si obeť dáva podmienky stanovuje podmienky na základe ktorých je ochotná odpustiť. V súvislosti Južnej Afriky mali odpúšťaniu napomáhať reparácie, ktoré sa však nezrealizovali. Tu sa však podľa Ricoeura nejedná o pravé odpustenie. Pravé odpustenie je vnútorný proces do ktorého človek nie je nútený, nedá sa nanútiť. Bezpodmienené odpustenie môže mať taktiež negatívny výsledok. Ak človek príde k druhému bez toho aby o odpustenie požiadal a oznámi mu že mu odpúšťa, uvalí tak naňho vinu i keď sa daný človek možno vinným vôbec necíti. Toto vytvára iba ďalší kolobeh hnevu a nenávisti.

V Južnej Afrike bola miera neznášanlivosti veľmi vysoká. Situáciu komplikoval aj fakt, že násilie neprebiehало iba zo strany apartheidu, no i zo strany opozície. Komisia pre pravdu a zmierenie mala pomôcť pri tranzitnej spravodlivosti dosiahnuť zmierenie a spokojnosť na všetkých stranách. Opozícia sa chcela vysporiadať s minulosťou na individuálnej báze, nie prijať kolektívnu vinu. Vypočúvania obetí, tak ako útočníkov mali umožniť pravde vyjsť najavo. Útočníci, za ktorých bola považovaná takisto aj časť opozície, mali možnosť „výmeny“ vypočúvania za amnestie. Mnoho si žiadosť o amnestie podalo aj bolo vypočutých. Na druhej strane tí, ktorí amnestie nedostali alebo sa na výsluch neprihlásili, neboli stíhaní nijakým iným spôsobom. Zločiny ktoré napáchali sa im „prepiekli“ a spravodlivosti nebolo zadosťučinené.

Komisia pre pravdu a zmierenie bola pre Južnú Afriku z mnohých aspektov najlepšie riešenie pokiaľ chceli opäť spoločnosť zjednotiť a eliminovať možnosť civilnej vojny. Vzťah odpúšťania a Komisie je veľmi úzko spätý. Z vedľajšej úlohy ktorou pre komisiu bolo odpúšťanie sa pre Juhoafričanov stal hlavný cieľ. Podľa Ricoeura však inštitúcie nemôžu zastávať rolu odpúšťania, nakoľko odpustiť musí každý sám, individuálne, vo svojom vnútri. Komisia pre odpúšťanie a zjednotenie však môže pri odpúšťaní zohrávať významnú úlohu.

Spolu s 14. Februárom 2018 prichádza pre Južnú Afriku aj nová nádej. Po rezignácii prezidenta Jacoba Zuma prichádza nový prezident Cyril Ramaphosa. Ramaphosa sľubuje že bude pokračovať v krokoch Nelsona Mandelu, sľubuje proces reparácií a tak sa snáď Južnej Afrike po rokoch dostane zaslúžená spravodlivosť.

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