

Chapter 1

Introduction

1. Introduction

This chapter contextualizes an understanding of reconciliation within the broader debates regarding peace building, conflict resolution and transitional justice. It is argued that there is a need to focus more on relationships as a part of peace-building interventions, and that the emerging body of theory (and international practice) regarding transitional justice can be significantly advanced by bringing together insights from a range of disciplines that feed into conflict resolution theory.

The chapter also looks at the particular relevance of these debates to the South African context where the Truth and Reconciliation Commission presents a unique manifestation of reconciliation and transitional justice processes. Its pertinence to community conflict in this context is highlighted. This is followed by an overview of the research process employed for this study and an outline of the structure of the dissertation. The chapter concludes with a brief overview of the three-dimensional model of reconciliation that underlies the framework for the dissertation

2. Competing Conceptions of Reconciliation

Rather than search for an ideal model of reconciliation, the dissertation research examines the different meanings that the term is given by different groupings in a conflict situation. Reconciliation is a generic term that encapsulates a wide range of different interpretations.

While generally understood as a term referring to the rebuilding of cooperative relationships, the substance of the process (and implied product) of reconciliation is given various meanings. It is sometimes used in relation to a superficial form of stability or social order (as in “we will not prosecute politicians for the sake of national reconciliation”) or it can refer to a deeper sense of rebuilding a moral community (“reconciliation is about building a non-racial society where all are committed to a common nationhood and shared values”).

In a situation of intense conflict, it is usually those who benefit most from the status quo who call most fervently for reconciliation. The call for reconciliation is usually understood as relating to decreasing the level of conflict behavior and improving attitudes towards adversaries. It has thus often been rejected by those who feel that the conflict needs to be intensified in order to promote social change.

Reconciliation has, however, also been given a more radical interpretation by some advocates of social change. If social change is defined as more than simply a change in the distribution of power and resources, to include also changes in fundamental

values of a group and a transformation of their identity, these changes can be understood as a form of reconciliation.

This more radical reconciliation agenda is a process that does not simply change the attitudes among conflicting groups, but also changes the boundaries of what it means to be a part of those groups. Recognizing that deep-rooted conflict dynamics are centrally dependent on group identity formation, this reconciliation paradigm identifies group identity as a target for intervention.

On the one hand, reconciliation in South Africa has been interpreted to mean simple co-existence - different groups existing together without killing each other. On the other, reconciliation has come to embody the process of building a non-racial society - a fundamental transformation of the nature of social identity.

Reconciliation is multi-level in that it is used in relation to international conflicts, national conflicts, community conflicts and interpersonal conflicts. This usage of the term at different levels brings the danger that the definition and practice of reconciliation at one level may be assumed to have the same meaning as it does at other levels. Some conflict resolution theory, for example, posits that the commonalities of conflict causes and dynamics at different social levels render these levels of conflict amenable to similar forms of conflict resolution intervention. This dissertation challenges some of the assumptions that have been made regarding reconciliation being generic - meaning the same thing for different levels of society - particularly national and community levels.

The research also challenges the assumption that reconciliation at one level is automatically linked to increased reconciliation at other levels. The need for multi-level intervention or for both top-down and bottom-up approaches is explored.

While reconciliation may be a noble goal pursued by progressive social actors at a national level, the way in which local communities are engaged in this endeavor can be very contentious. Local communities can potentially benefit from national reconciliation processes. They do, however, have their own reconciliation agendas. Reconciliation at the local level is likely to have different substantive concerns to the national level. Issues such as ethnic or racial identity are not likely to be fundamentally reshaped by local intergroup dynamics. Local intergroup relations and their historic development are also not simply direct reflections of national group dynamics.

While reconciliation can be viewed as an all-encompassing feel-good concept (e.g., “Mandela’s Rainbow Nation”), the pursuit of reconciliation in the South African context is a process that tends to highlight fundamental differences regarding values and goals of social order and intergroup relations held by different parties. While the “miracle” transition has created positive expectations about rosy intergroup dynamics, talk of reconciliation has revealed the depth of divisions among groups. It has also exposed the tensions between national political agendas and local community priorities for conflict transformation.

3. Reconciliation as a Component of Peace-Building

Reconciliation is often relegated to a secondary concern in the larger picture of peace-building or peace-making processes. This has been a symptom of the focus on conflict resolution as the process that addresses the structural causes of conflict. While this focus has served a central role in highlighting the issues of structural inequalities, structural violence and institutionalized bases of conflict behavior, it has relegated our understanding of the issue of relationships to a marginal role in peace-building processes.

Concerns about addressing relationships between adversaries within this “mainstream” approach has been reduced to one of either pre-negotiations (building trust, understanding, etc.), or a post-conflict concern for addressing residual hatred, fear and distrust that arose as a result of the violent conflict dynamics (or of ensuring that structural changes are sustainable - part of consolidating democracy). Reconciliation is thus reduced to the role of smoothing the way for the “real thing,” or mopping up the remnants of the conflict after it is essentially over and ensuring that progress is not reversed.

This dissertation attempts to engage with the issue of relationship between adversaries in a more fundamental manner. Rather than looking at the conflict resolution process as a once-off event that has a before and after stage, the trajectory of the conflict is seen as one that contains certain turning points. These turning points may be particularly significant because they contain a fundamental shift in the structural bases of the conflict. The trajectory of the conflict is, however, not one that is simply defined by these conflict resolution moments. During the continuous conflict transformation process

there are changes in interaction patterns between adversaries, there are alterations in the attitudes among adversaries, there are shifts in the values that guide the basis for interpersonal and intergroup relations in a society, and ultimately modifications of the way that adversaries define themselves, their boundaries and their connectedness with others as a society undergoes change.

It is argued in this dissertation that these changes are not simply reflections (or manifestations) of the underlying structural changes that occur, but are processes that are, to some extent, actively managed. This is not to say that these reconciliation processes are independent from conflict resolution processes. They are in fact interdependent, and one can not precede the other - they are contiguous factors contributing to the shaping of conflict-transformation processes.

There is thus a need to examine reconciliation processes that attempt to impact on these relationships in their own right (while not ignoring the context of structural conflicts).

4. International Interest in Transitional Justice and Reconciliation

a) Transitional Justice

Transitional justice has emerged as a major issue facing societies undergoing dramatic political change. Especially with the increased number of societies that have undergone negotiated transitions to democracy or “velvet revolutions,” the issue of how past human rights abuses were to be addressed became major concerns. Solutions that fell somewhere between a blanket amnesty and amnesia on the one hand and victors’ justice and Nuremberg-style trials on the other hand, were pursued, as the victory of one side was never complete. Settlements on the issue of justice had to recognize the power balance that may forestall a transition or that may threaten social stability in the context of continued threats of a coup (or other social disruptions) in the post-transition period.

The debate around these transitional justice arrangements was mainly grounded within the framework of international human rights and the obligation to prosecute perpetrators of human right abuses. While recognizing the difficulty of pursuing such prosecutions in societies that are threatened by political instability, the concern in the literature is focused on how a human rights culture can be promoted and human rights institutions developed and strengthened despite the provision of amnesty. The model of a truth commission has been a central focus of these debates. It is presented as a tool for exposing past abuses and invoking public moral outrage (and to a lesser extent addressing victims’ needs for recognition and reparations), and thus contributing to the growth of public support for human rights values.

These debates have tangentially touched on concerns for reconciliation. Some truth commissions have explicitly set reconciliation as a goal, but have defined this narrowly in terms of addressing the needs of victims (i.e., reconciling them with the lack

of prosecutions). By implication, much of the debate also refers to reconciliation as the prevention of the outbreak of renewed hostilities. Reconciliation has thus been negatively defined as the absence of violent conflict, something one pursued through compromising justice. Peace and reconciliation within this international human rights framework is thus defined within the peace versus justice dilemma. The following dissertation, however, explores reconciliation within the framework defined by a broader peace-building paradigm.

For the most part, the international debates about transitional justice have represented old-style political negotiations based on power. While there has been a shift towards a broader human rights orientation (away from simple victor's justice), the issues of justice and truth have been approached in a zero-sum fashion, where what was pursued was as much justice and truth as possible given the constraints of the balance of power. The relevant dimension of power considered in these debates has, however, been that between the vestiges of the old regime and the new democratic government. The power of individual victims and of local communities have not figured in these policy debates except indirectly in terms of principles of victim's rights.

b) Reconciliation as an Emerging Focus of Study within Conflict Resolution

The growing recognition of reconciliation as a focus within the fields of conflict resolution and peace studies is a relatively recent development. It appears to be a confluence of research and theoretical inquiry from a range of other disciplines that have

given rise to a rapid development of theory and practice. The state of this development is, however, still in its infancy.

Some of the major influences, with regards to the ideas described in this dissertation at least, have been from the fields of international relations, theology, criminology, legal anthropology and conflict resolution.

In the field of *international relations*, particularly with regards to intractable conflicts, theoreticians and practitioners have developed intervention models that address issues related to: threats to identity, victimhood and enemy images through processes of story telling, listening and mutual recognition. The influence of social psychology and psychiatry have been particularly influential in this field. Important influences include Kelman (1991), Volkan (1987 & 1988) and Montville (1989 & 1993).

Within the field of *theology* and ethics there has also been a growing concern for processes that engage with moral reflection, guilt, confession and forgiveness. These issues have also gained increased recognition and research interest among psychologists. The work of Lederach (1994), Assefa (1993), Shriver (1995) and Kraybill (1996) illustrate this approach.

A third source of influence, particularly in terms of contributing insights based on empirical research, is the field of *criminology*. In the pursuit of the development of processes that are more victim centered and community based, the theory and practice around restorative justice has contributed significant insight into processes that can bring about changes in perpetrator perspectives and contribute to building interpersonal

relationships as well as communities. Important contributors are Zehr (1990), Peachey (1989), Scheff (1994 & 1996) and Braithwaite (1989).

The contributions of *anthropology* have, for this study at least, provided some of the analytical tools to make sense of the different conceptions of justice and the basis of social order that are central in understanding disagreements and conflicts around reconciliation. Important insights were gained from authors such as Nader (1990) and Merry (1989).

Lastly, theoreticians within the *conflict resolution* field have also provided broader analytical frameworks that provided scope for more serious engagement with the issues around group identity and relationships as a component of peace-building processes. This dissertation research particularly relied on Galtung (1995) and Mitchell (1981) for the tools to engage with this broader context.

5. The South African Context

a) The Democratic Transition and Reconciliation

South Africa provides a very good illustration of this tension between the focus on conflict resolution and reconciliation. In the most vulgar analyses the conflict is seen as having been resolved by a “miracle” transition from apartheid (a structure of political racial inequality) to democracy.

The vulgar reconciliation parallel to this analysis sees this miracle as a transformation from a past of separate racial categories of identification to a new united

sense of belonging to “Mandela’s Rainbow Nation”. To some extent, wishful thinking and the euphoria of the dramatic nature of the transition created a false sense of commonality. The common pride in the achievement of dramatic progress towards peace was something significant, but it made people forget about (or ignore) the vast divisions that still remained at all levels of society.

A deeper analysis at the structural level would recognize the limited nature of the change that has occurred. The political transition to democracy is a turning point at one level, but is not in itself the resolution of the structural problems that are at the basis of racial and class divisions in South Africa. It could probably most adequately be seen as a significant promotion of the institutional capacity of the society to deal with certain forms of conflict. It introduced new structural mechanisms for regulating the conflict that still exists.

With regards to reconciliation, progress has probably been less significant than at the structural level. What appeared to be great symbols of unity, are now seen as being empty of practical meaning. People seem to feel that they were misled into thinking the other party had agreed with them, when they now discover how different their points of view are. It is as if there was a subtext that everybody was reading when they made agreements and engaged in symbolic actions. They thought they were reading the same subtext but now find out that this was not the case. In a society that has reached the point of coexistence, the basis for this coexistence is now being questioned.

The lines of division that were most starkly contrasted by the violent conflict of the past still exist and new divisions have emerged or been given a higher profile. These

divisions are perceived as fundamentally threatening in a society that does not agree on how relationships between groups can be built, how differences can be valued and how common values regarding interaction can be developed. Rigid group identities are still protected with religious zeal and intra-party divisions are still regarded as betrayals.¹ The types of psycho-social responses present in group interaction appears to be stuck in the patterns of a violent past.

The issues of racial reconciliation, cooperation between political parties, and the construction of values based on democracy, human rights and tolerance of dissent remain serious concerns in post-apartheid South Africa. These obstacles to peaceful coexistence are found at both the national and local level. Strategies for promoting reconciliation remain hotly debated. Public debate centers mainly around the need to address racial tensions and the role of national government in this process. Government policies regarding affirmative action, development priorities, transformation of state institutions and other interventions are all debated within the context of promoting reconciliation.

These public debates, however, represent simplistic interpretations of the nature of social divisions, portraying them as simply racial or economic. Local level politics in many ways reflect these national tensions. They also, however, are driven by unique local histories of social divisions and conflict dynamics. National political debates present a framework within which local politics operate, but the particular local personalities, interpersonal relationships, and symbolic conflict events provide unique

¹ Examples of this are common, e.g., the accusation by black political leaders that black journalists who criticize them have sold out to their white bosses, the extreme vilification of politicians who break rank (such as Bantu Holomisa), etc.

obstacles and opportunities to pursue peace, justice and reconciliation within these communities.

b) Dealing with Injustices of the Past

There appears to be a common recognition in South Africa that certain forms of behavior that occurred during the conflicts of the past thirty years would not be acceptable in the post-transition period. A simple commitment to non-repetition, however, is not enough to deal with the deep wounds of the trauma and address the concerns of victims and victimized communities regarding redress and future security.

There has been growing international recognition of the need for processes of dealing with these abuses in a way that recognizes and responds to the suffering of individual victims, allows society as a whole to understand how and why these abuses had occurred, and which dramatically condemns such behavior and commits the state to preventing its re-occurrence. Truth commissions have been the most notable example of these interventions.²

These processes designed to deal with the legacy of past abuses have, however, always proved controversial. They raise contentious issues regarding justice, impunity, exposure of painful truths, reparations and public memory. These issues are contentious most obviously among political parties, but also between the state and certain sectors of society, most notably the victims of past abuses. While ostensibly being “reconciliation” initiatives, they have often themselves become sources of frustration and targets of attack.

c) The Truth and Reconciliation Commission

The introduction in South Africa of the Truth and Reconciliation Commission (TRC) was greeted with enthusiasm (by most South Africans as well as international commentators) as a unique and innovative way of addressing the injustices of the past in a way that could promote reconciliation.

The legislation that established the TRC was the outcome of a confluence of different political and social developments. The interim constitution that facilitated the first democratic elections guaranteed the granting of amnesty to those who had committed illegal acts in the course of the political conflict before the change in government. In developing the legislation that would give effect to this amnesty provision, the government (through extensive negotiations) built a broader program of truth recovery and victim story-telling within the context of which this amnesty would be granted. The granting of amnesty was also effectively limited by this legislation to those who made full disclosure about their activities.

Many aspects of the TRC's mandate related to activities that have been identified by various practitioners and researchers as essential in promoting reconciliation: story-telling by victims, acknowledgment of suffering, formal condemnation by the state of abuses, calling perpetrators to account, making recommendations regarding how to prevent the recurrence of abuses, providing for reparations for victims, etc. One dramatic difference between the TRC and other similar initiatives in other countries was the public

² Hayner (1994) has noted 15 such commissions in the period of 1974 to 1994, and since then many more have been established.

nature of almost all its hearings.³ This, combined with its extensive investigatory powers, its capacity to call perpetrators to account, and its envisioned role in engaging communities at a grass-roots level, made it a body that attracted extensive interest and enormous expectations.

The TRC presented a dramatic development both in terms of the growing international interest with regards to truth commission (or transitional justice) processes and the emerging body of theory and research regarding reconciliation within the peace studies/conflict resolution discipline.

A key component of the TRC's process was notably that of community engagement. Central ingredients of the TRC's strategy were its community-orientation (comprised of community hearings and community follow-up workshops) and its victim-orientation (captured by principles written into the legislation⁴). This commitment towards communities and victims, however, stands in contrast to its broader goals that focus more on national-level results⁵, thus providing scope for competing interpretations.

d) Community Reconciliation in South Africa

This dissertation focuses on the TRC's role in promoting reconciliation at the community level. The theory dealing with reconciliation moves back and forth between interpersonal and national or international dynamics without providing a clear

³ Examples of countries where truth commissions did not operate in public include Chile, Argentina, El Salvador and Zimbabwe.

⁴ Section 11 of the Promotion of National Unity and Reconciliation Act (Act No. 34 of 1995)

⁵ Section 3(1) of the Act spell out the broad mandate.

explanation for how these two are connected. As will be explored in the theoretical chapters, the way that interpersonal and intergroup reconciliation dynamics are linked in practice, particularly in relation to the issue of justice, appears crucial in determining outcomes. A focus on community-level reconciliation provides a context within which these different and intersecting reconciliation agendas and dynamics can be examined effectively. The two communities chosen in this study also contain within them the divisions that are germane to the understanding of broader national conflicts that have characterized South Africa's violent past.

The communities of Duduza and Katorus provide two contrasting pictures of this violent past. While they had both experienced intense conflict over the past twenty years, the nature of the conflict in the two communities differed quite sharply. The most intense aspect of the conflict experienced in Duduza was between African National Congress (ANC) supporters (and aligned organizations) and state security forces, while in Katorus, the dominant conflict since 1990 was between ANC and Inkatha Freedom Party (IFP) supporters.

The conflict in Duduza, in broad terms, fits the profile of a black community in conflict with the apartheid state, but in a somewhat exaggerated sense. There were various protest marches, local community organizations mobilizing boycotts and other activities, and there were underground ANC activities. The dynamics of conflict were also fairly typical of this period of resistance to apartheid and the state's brutal repression, with many people being detained, tortured and killed.

In Katorus there were also similar conflicts between the community and the state, but these were eclipsed in the 1990s by very intense fighting between supporters of the ANC and the IFP. While many observers point to the role of the security forces in fueling the violence, the community experienced a very clear internal division along political and (as the conflict progressed) also ethnic lines.

These two communities thus provided a very suitable context within which to examine the conceptualizations of reconciliation and the role of the TRC. They allow a contrast in terms of how reconciliation is viewed in relation to quite different conflict dynamics involving very different types of parties and divisions among disputants. The contrast between the two communities provides an opportunity to examine whether the differences in these local conflict patterns produce demands for different local reconciliation conceptions and strategies by both the local community members and by TRC staff. While these differences were revealed by the study, commonalities between perceptions by community members (and political groupings) often outweighed the differences, and the sharper contrast appeared to be that between community perceptions and TRC approaches to reconciliation.

6. The Research Process

The empirical research of this dissertation encompassed primarily in-depth interviews with a range of key stakeholders in the TRC's community engagement process.

Interviews were conducted mainly with the purpose of gaining insight into the

respondents' perceptions of the TRC's role, their understanding of the conflicts of the past, the need for processes that address continued divisions and the nature and goals of such interventions.

The main additional sources of primary information were documents regarding the structure and broad operation of the TRC, transcripts of the hearings, and personal observations of the hearings in the two communities.

All the interviews were conducted between February and November 1997. Interviews were conducted with respondents from various key stakeholder groups: victims, ex-combatants, community leaders, TRC commissioners and staff, and NGO and church organization staff. In each community interviewees were selected from three categories: victims, ex-combatants, and community leaders.⁶

7. The Structure of the Dissertation

The chapters in this dissertation are structured in terms of a logical flow of analysis rather than reflecting the development and growth of ideas. The ideas that are laid out in the initial theoretical chapter on reconciliation have, for example, been influenced by the subsequent research.

The chapters have been structured in the following manner. Firstly, Chapter two (Reconciliation: The Theoretical Context) provides the reader with an understanding of the theoretical context that shapes the research: the meaning of reconciliation and its relation to broader peace-building processes. It then develops a three-dimensional view of reconciliation involving different spheres of reconciliation (behavior, attitudes, values and identity), different substantive components of reconciliation (justice, truth, security and healing), and different levels of reconciliation (national, community and interpersonal). It is argued that these dimensions present key constituents of broader ideological frames of reconciliation.

Chapter three (Top-Down Versus Bottom-Up Approaches to Justice) uses the literature on justice to illustrate how one component of reconciliation can be subjected to competing conceptualizations of its nature. It focuses on the tensions between top-down and bottom-up approaches to justice.

Chapter four (International Experience: Tensions Inherent in National Reconciliation and Transitional Justice Initiatives) reviews the practice of reconciliation initiatives in countries undergoing transitions to democracy, highlighting specifically the trends in the international debates which have impacted the way in which policies around justice are conceptualized as top-down processes.

Chapter five (South African Truth and Reconciliation Commission: Development, Structure and Goals) examines the specific national political context within which the TRC was conceived, conceptualized and legislated. The focus is on the agendas,

⁶ As noted in the methodological chapter, some overlap between these categories was found among

pressures and transitional constraints which influenced the priorities, scope and structures that framed the way in which the TRC approached the question of reconciliation. This chapter highlights the tension between reconciliation initiatives as a function of national political agendas versus reconciliation initiatives as a component of community-oriented conflict transformation processes and victim-empowerment movements.

Chapter six (Context of Community Reconciliation: Two Case Studies) reviews the political context shaping local politics with specific reference to the national-level tensions that played out in the two communities that were studied. It briefly examines the history and conflict dynamics characterizing these two communities.

Chapter seven (Research Methodology) presents the research methodology employed in examining the different conceptualizations of reconciliation in relation to the TRC's intervention in the two communities. The chapter presents a framework for linking the (three-dimensional) theoretical framework developed in Chapter 2 with the empirical data gathering and analysis process. It also presents the key research questions and hypotheses, and discusses the data collection process.

Chapters eight, nine, ten and eleven present the primary research findings and analysis. In Chapter eight (Contestation of Reconciliation Strategies: Individual Case Management) and nine (Contestation of Reconciliation Strategies: Community Engagement) the findings regarding contending strategies for community engagement and individual case management are discussed. It looks at how the TRC intervention was

respondents.

conceived and how it was received by the communities of Duduza and Katorus. It examines the lines of division regarding specific reconciliation strategies.

Chapter ten (Principles of Reconciliation) takes this analysis to a second level of abstraction by examining the principles of reconciliation (specifically the contentiousness of top-down versus bottom-up approaches) that may underpin the various strategic orientations. Again, the various stakeholder divisions over these principles are examined and discussed.

Chapter eleven (Ideological Frames of Reconciliation) attempts to identify broader conceptual frames that give a sense of meaning to the various principles of reconciliation. The links between the ideological frames and the principles are analyzed and the extent to which different stakeholder groups uphold these ideological frames is examined.

Chapter twelve (The TRC and the Community: Competing Conceptions of Justice) focuses on the issue of justice as an illustration of how these principles and ideological frames clash when brought to bare on a specifically contentious component of the reconciliation process. While finding some common ground among respondents' support for restorative justice, the meaning of justice is found to be an ideological battleground where top-down and bottom-up approaches are in direct conflict and different ideological frames pursue different practical agendas.

Chapter thirteen (Conclusions) reviews and integrates the insights developed in all the preceding chapters and draws some tentative conclusions regarding the theoretical and practical implications of the research.

The appendices include an overview of the interview data (Appendix A) and the research instruments (Appendix B).

8. Conclusion

The research is essentially about the tension between top-down and bottom-up approaches to reconciliation. This tension is explored in the literature on reconciliation, in the literature on the international experience of national post-conflict reconciliation processes, and in the conceptualization and legislation of the TRC. Two case studies of the TRC's involvement in community reconciliation are then used to collect empirical information about the contentiousness of TRC reconciliation strategies, and the underlying tensions between top-down and bottom-up approaches are identified. These tensions are explained in terms of broader ideological frames that make sense of respondent views.

In the next chapter, three key dimensions of the reconciliation process are identified. One dimension is the differentiation of different social **levels of reconciliation** (national, community and inter-personal). Different perspectives on this dimension underlies the conflict between top-down and bottom-up approaches to conflict.

A second dimension is the different meanings given to the concept of relationship. The differentiation of **spheres of reconciliation** (behavior, attitudes, values and identity) are examined as a key dimension of the competing ideological frames that are identified in the course of the research.

A third dimension is that of different substantive **components of reconciliation** (justice, truth, security and healing). Because reconciliation is such a vast field, the justice component is chosen as a more manageable focus for the research, one which illustrates the substantive issues that face a reconciliation process. The theoretical literature on justice is thus examined in more detail and the international experience is reviewed specifically in relation to the question of transitional justice. The last substantive chapter (Chapter 12) returns to the question of justice to provide a clear illustration of all the theoretical arguments made in the previous chapters, and integrates these with a discussion of the empirical data.