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In Response To: Pieter/Johannes Botha/Vorster's [Lessons from ten years of research in argument: implications for higher education](#)

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The delivery of the final report of the South African Truth and Reconciliation Commission on October 29, 1998, was a historic event in a country that has defied the odds to survive intact with the whole world watching. As Professors Vorster and Botha have told us, to read the Commission's report is a "humbling and shaming experience." As an American who has read the story of my own nation's struggle over slavery I can only imagine their anguish. I take seriously their commitment to critically engage the texts produced by the activities of the TRC and respond to their analysis. My critique is offered in that spirit.

The five volume report documents in the starkest terms the human rights abuses the white apartheid regime committed to retain power between 1960 and 1993, and the black resistance forces committed to overthrow it. It condemns the white Botha and de Klerk administrations and black heroine Winnie Madikizela-Mandela and other prominent ANC leaders. Professors Botha and Voster join many in claiming that it is wrong to charge the entire white population with collective responsibility while blacks say that the report will chronicle apartheid's evils but not bring reconciliation. In short, no one is happy including TRC officials themselves. Despite the Commission's best intentions, the report, at least initially, has appeared to drive South Africans apart. An A.C. Nielsen Market Research report concluded immediately after the report's release that the TRC hearings had worsened race relations. Archbishop Desmond Tutu who presided over the Commission's work was not surprised. "Coming to terms with the past takes time," he stated. (1999) "It's like cutting out cancer," said TRC deputy chairman Alex Boraine. "You don't do it without pain." (1998)

Why has the report brought such anguish when it sought to bring unity through reconciliation? Vorster and Botha tell us that they suspect it is the failure of the discursive strategies employed by the Commission. Their argument is a complicated one, but I want to focus my attention on three claims they make that are important to all of us who struggle to make sense of the Commission's work,

First, and most central to their analysis they argue that the TRC oversimplifies the complex truths of South Africa's apartheid experience in order to perform the ritual of reconciliation. The truth of that history seems to be less objective for Vorster and Botha than the TRC. They warn us of assumptions of such epistemology and tell us that the national memory being constructed by the Commission's "truths" may do more to traumatize than heal South Africa's body politic. The argument over the nature of truth is well known to this audience and I will not rehash it. What I will ask my colleagues to do is to offer

specific examples of the "truths" presented in the Commission's report that trouble them and explain how they are problematic. I have spent many hours reading its five volumes. The "truths" it compels us to confront are difficult to perceive as ambiguous.. Apartheid is itself a crime against humanity. Individuals have been murdered, tortured, imprisoned, poisoned, assaulted and treated like animals. Atrocities in the name of political action were committed by the apartheid regime and the rebellion led by the African National Congress that sought to topple it. Records of these atrocities and the orders to execute them were destroyed. Business and labor, the media, the military, the health community, the legal profession and religious organizations to differing degrees were culpable. I cannot begin to argue that the Commission gathered and discerned all of the available evidence in the limited time it had to complete its work. I can ask its critics to point to particular instances where its truth claims have been problematic. In my view there are great risks in pursuing this line of reasoning. If parts of the new body politic can interpret these atrocities freely they can avoid being held accountable. As the Commission's Response to the Minority Report stated: "we interpreted our statutory mandate as requiring us to rise about this subjective diversity and executive the duties imposed upon us professional and strictly in accordance with our mandate, despite our subjective views on specific issues." (*Report* 5.9.458)

Vorster and Botha also argue that the role of certain religious *topoi* in the TRC's discourses inhibits the possibilities for reconciliation. They join other critics of the Commission who contend that religious discourse facilitates the presentation of the Commission's "truths" in absolute terms and threatens to silence diverse ways of arguing about South Africa's history and humanity. Their concern is not simply with the role of the Christian practices of confession, penance and absolution, but ultimately with the implications of the infusion of religious *language* in the Commission's practices.

I would pose two challenges to their objection to what they characterize as pervasive religious discourse. First, it is important to note that truth telling followed by reconciliation rather than retaliation is deeply invoked in the African communal concept of "ubuntu" with its implications of recognizing the humanity of the other and compassion. The intertwined African and Christian practices take human form as we watch the televised individual amnesty hearings, community meetings, victim statements and general hearings

Second, it is imperative that our colleagues nominate an alternate discourse if they find the TRC's religious intonations to be so troubling. It is important to remember that the Commission was born of the political compromise between the apartheid regime's security policy, the military and the National Party as the price for allowing the country to proceed to full enfranchisement without a civil war. The price of the compromise was amnesty. The Commission's practices were agreed upon after an exhaustive inquiry into the ways other countries had gone about dealing with the past. South Africa's price for compromise could have been paid through a general amnesty law, which would have produced a

political discourse, but ignored the victims of past atrocities almost entirely. It could have produced another Nuremberg forum, a strictly judicial discourse where perpetrators would be tried and punished. Professors Vorster and Botha have invoked Commissioner Wynand Malan's Minority Report to support their position. But the Commission has the same difficulty with Malan's minority report as I do with my colleagues' analysis: Malan's objections did not refer to a single part of the Report's text.

Indeed, Malan withdrew completely from the discussions and deliberations that produced the text, thus depriving the deliberations the very diversity of experience and opinion that he argues is essential to nation building.

Finally, Vorster and Botha are worried about scapegoating and the assignment of collective guilt via the process of individual confessions. In the process, they argue that the clear cut identifications of victims and perpetrators condemns Afrikaners (because of the Afrikaner regime) and applauds blacks like the ANC because of the noble cause of liberation. As South Africans become spectators in this over-simplified drama, problems such as economic inequalities, sexism, racism, and physical abuse are ignored.

This claim is the most difficult one for me to understand. The reality portrayed in the Commission's report is one of the white government's systematic oppression of blacks and the smooth and deadly workings of a police state. The reality portrayed is also the unacceptable atrocities committed by members of the ANC in the midst of the liberation struggle. Individuals on both sides have gone to the courts to prevent the Commission from publishing its findings. If social change is to occur, then whites that were complicit in a terrible system for generations must invoke collective guilt. Blacks must also know that the ends do not always justify the means.

In closing, let me offer an alternative explanation as to why the TRC has met with so much public critique. The Commission's constructions have many of the discourses of law – barristers, official charges, evidence, cross examination, and official opinions issued by Commission members. In a court of law, after the terrible facts of murder and torture are laid bare, the psychological need for the law to exert its power and punish the offender is overwhelming. The forgiveness that Tutu and others hope for may be long in coming. It may never come. But in the meantime the compromise has held. Civil war has not broken out. Perpetrators have not been slain by their victims. Collective guilt may still produce collective responsibility for reparations.

Can South Africa come to grips with its past, even without forgiveness and build a new nation? I am not confident, but for reasons that are different than my colleagues. Dissatisfaction already jeopardizes the upcoming June elections. The *New York Times* tells me that Winnie Mandela's popularity with lower class blacks might be too tempting for the ANC to block her from running for a seat in Parliament. Widespread toleration of corruption in Mandela's government has produced great cynicism. The jobless rate may be as high as 40% in some parts of the country and the crime rate has skyrocketed. These

are serious threats to the future of Vorster and Botha's South Africa. I urge them to be active members of their body politic and work as hard as they can to enhance the democratic process. In August 1996 Archbishop Tutu invited the public to submit suggestions to the TRC to help it fulfill its mission. I hope that they answered his call.

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