

Memory, Identity and the (Im)possibility of Reconciliation: The Work of the Truth and Reconciliation Commission in South Africa

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Introduction¹

APARTHEID – . . . May it thus remain, but may a day come when it will only be for the memory of man. A memory in advance. . . very close to silence, and the rear-view vision of a future for which *apartheid* will be the name of something abolished. Confined and abandoned to this silence of memory, the name will resonate all by itself. . . . The thing it names today will no longer be.

Jacques Derrida²

Without the truth, there can be no reconciliation.

G. Werle³

In the context of signifiers such as Rwanda and Zaire, and in the context of the end of apartheid, it is important to reflect on the significance and pertinence of the memory of apartheid which not only marked the South African political landscape indelibly, but which also played a remarkable role in the construction of the identity of the West. In this article I will attempt to disaggregate several important dimensions of the manner in which the memory of the past is being negotiated and reconstructed in and through the work of the Truth and Reconciliation Commission (TRC), established by an Act of Parliament with the task of investigating and exposing gross violations of human rights⁴ that took place in South Africa under the apartheid regime, covering the period from March 1960 to May 10, 1994.⁵ I will argue that to do justice to the complexities of this process, one has to explore the relation between memory and identity, and more specifically, memory and *national* identity, as well as the different modalities and political logics which different forms of commemoration and articulations of national identity may take. In short, I wish to bring to the fore the fact that the question of the remembrance of apartheid, and the institution of a new order that has to articulate a relation to that history, is no simple matter. The issue is complicated even further if we want that memory to facilitate an opening onto a post-apartheid, post-national society. I intend to offer a reading of the logic of apartheid and the negotiation of its memory in the work of the TRC which may point to such an opening, to a future which is no longer dominated by apartheid.⁶

Truth and Reconciliation in Wider Context

Any discussion of questions of truth, justice and reconciliation has to be placed in a wider comparative context and has to deal with the manner in which post-transitional democratic governments handle social demands for an official recognition of the truth about human rights violations committed by previous regimes, and for dealing with those guilty of ordering and committing those violations.⁷ The last two decades of this century have been marked by a growing interest in these issues and how they affect transitions. It is not possible to give a detailed account of the different contexts in which these issues have arisen over the past ten years. It is, nevertheless, useful to note at least that events in former Communist countries in the early 1990s were responsible for sparking off initial interest in the process of “truth-telling” and its relation to achieving a just social order, and that these processes have historically taken many different forms, ranging from special national (Argentina) or international tribunals (Nuremberg and Hague tribunals) to individuals (Chile, Paraguay, Uruguay) and non-governmental groups (Honduras, Uruguay, Paraguay) taking their cases to national or international courts.⁸

Equally, there are many ways in which these processes may be approached analytically. One could, for instance, focus on the political conditions which permitted or inhibited the realization of practices of truth-telling under successor regimes. Such a focus would demand a detailed examination of the repressive constitutional and political legacies of specific transitional contexts, as well as of how democratizing political conditions shape the ability of governments to deal with issues of truth and justice.⁹ Alternatively, or in addition to this, one could focus on the manner in which collective identities, national self-images and political cultures are negotiated, reworked and reconstructed in the course of investigations into past abuses of human rights. As Perelli has noted:

When the past is resignified so as to explain (and thus legitimate) the present, what is at stake is more than the here and now. To the extent that the resignification bears on the projects and possibilities of the actors in question, a dispute over the past is a struggle for control over the future.¹⁰

Thus, reconstructing collective memory and instituting new foundational myths do more than “deal with the past”; they act as legitimating moments for and shape the character of new regimes. It is on these issues that I wish to focus in this paper.

Practices of Truth-Telling

I believe too much in the truth not to suppose that there are different truths and different ways of saying it.

Michel Foucault

There are a plethora of considerations which have to be taken into account in the examination of practices of truth-telling (*Wahrsagen*), and of the limits and possibilities of these practices. I take my lead, in this regard, from an important study by De Brito of these processes in Uruguay and Chile. De Brito argues, *first*, that a policy which provides for “total” truth and justice is impossible if one takes into consideration the intensely political nature of the pursuit of truth and justice, and the tension between the (“absolute”) nature of demands for truth and the political conditions in which attempts to fulfil those demands are made.¹¹ In fact, I would go further and argue that these processes may make visible the contextual and negotiated nature of the truth of the past. *Second*, it is important to keep in mind that the nature and success or failure of policies designed to achieve truth and justice are determined by the particular national political conditions and institutional and constitutional limitations operating during the transitional period.¹² For instance, it is crucial to distinguish between restricted, negotiated peaceful transitions to democracy, and transitions where the previous regime was completely defeated. *Third*, creating accountability for past abuses and dealing with the legacy of previous regimes are not, in and of themselves, able to consolidate democracy.¹³ It is only insofar as they form part of a wider process of fundamental institutional reform to promote accountability that they can become a key to democratic consolidation.¹⁴ Following from this, it is *finally* important not to treat these processes on a purely instrumental basis, for instance, just because they could act as a future deterrent.¹⁵ Justification of the pursuit of truth and justice derives its strength from an appeal to more fundamental intuitions about the just treatment of citizens in a democratic society. Truth and justice, then, are not to be regarded as peripheral issues in the process of transition; they are key ethical and political problems,¹⁶ and the manner and extent to which they are attained, insofar as that is possible, are crucial to the consolidation of a pluralistic, democratic ethos.¹⁷

The South African Context

It is now well over a year since the Truth and Reconciliation Commission (TRC), modelled explicitly on the Chilean example, commenced its work in South Africa.¹⁸ Its task, in the words of the Vice Chairperson of the Commission, Alex Boraine, is to contribute to the healing process in SA through

an honest assessment and diagnosis of the sickness within our society in an attempt to give people, both perpetrators and victims, an opportunity to face the past and its consequences and to start afresh. The Truth and Reconciliation Commission is an opportunity to make a contribution in order to deal finally with the past without dwelling in it and to help to create the conditions for a truly new South Africa.¹⁹

It attempting to address questions central to the process of transition – namely, how emerging democracies deal with past violations of human rights, how new

democratic governments deal with leaders and individuals who were responsible for disappearances, death squads or psychological and physical torture, and how they deal with the fact that some of the perpetrators continue to play important roles in public life – South Africa decided that the way forward was to be through the work of this Commission, rather than through Nuremberg-style trials.²⁰ After extensive discussion, the idea of such trials was rejected on several grounds. The first was a concern with the difficulty of proving guilt in the context of a criminal justice system. As the Nuremberg trials have shown, in cases of political trials where large numbers of people acted as members of political organizations, it is very difficult to determine individual legal responsibility. A second concern was the difficulty in gaining evidence of such acts. It was generally agreed that there was very little likelihood of new evidence coming to light or of witnesses being prepared to testify in criminal trials. Most importantly, however, was the consideration that the granting of amnesty was a central part of the very process which made the negotiated transition process possible. As Desmond Tutu has recently argued, “many of those now calling for justice through criminal trials supported the negotiated settlement at Kempton Park, and seem to forget that amnesty was a crucial ingredient of the compromise which reversed the country’s inevitable descent into a bloodbath.”²¹

Instead, it was agreed that the TRC should proceed by attempting to answer, on the one hand, the demands of those who lost family and friends to know the truth surrounding those tragedies, and, on the other, the desire of perpetrators of abuses to make full disclosures of their crimes in return for amnesty.²² Already this is indicative of the nature of the relations between truth, justice and reconciliation as they are perceived by the TRC. The TRC has been criticized, both in the initial debates around its inception and in the course of its proceedings, for sacrificing justice for reconciliation.²³ These criticisms have emanated from individuals and organizations across the whole of the political spectrum. While it is not possible to treat this issue in any depth here, it is important to take note of the main lines of criticism so as to come to a fuller understanding of the nature of the task undertaken by the TRC. Objections to the proceedings and their perceived lack of justice arose, in the first instance, from those for whom justice entails prosecution and punishment of perpetrators of abuses. From this point of view, the only possible path to justice would be the criminal prosecution and imprisonment of perpetrators.²⁴ Ntsiki Biko, for instance, argued that “[i]f these perpetrators are just let to go to the Commission, definitely they are going to lie there, because they want to get amnesty. And therefore no justice will have been done at all to the families.”²⁵ However, objections were also voiced from the perspective of the perpetrators themselves, who argued that principles of natural justice are perverted in the proceedings. Their main objections were that the TRC lacks impartiality and that, since untested allegations are made in public hearings, the accused are not offered the procedural protection of the justice system.²⁶ On this reading, the workings of the TRC quite

simply amount to a witch-hunt. In both cases, the TRC is argued to fall far short of achieving its aims of establishing the truth and so bringing about justice and reconciliation.

While the work of the TRC clearly, for the reasons specified, does not serve the purpose of justice conceived of as the meting out of punishment, it does achieve justice in another sense.²⁷ As Verwoerd has argued, the truth emerging as a result of the amnesty process “can be seen as a response to wrongdoing which remains to some extent true to the spirit of justice.”²⁸ It is only in and through full disclosure (truth-telling) that justice *as acknowledgement* can be attained and this, in turn, opens up the possibility of reconciliation.²⁹ I would argue that public recognition and acknowledgement of injustices thus constitute the basis for the attainment of justice.³⁰ That is why the public recognition of memories of the past in the reconstruction of the present and the future is absolutely crucial to the whole process. With the creation of the TRC, South Africa “has decided to say no to amnesia and yes to remembrance; to say no to full-scale prosecutions and yes to forgiveness.”³¹ This sentiment was clearly expressed in the new Constitution. Its last section, dealing with “National Unity and Reconciliation,” includes the following statement:

The adoption of this Constitution lays the secure foundation for the people of South Africa to transcend the divisions and strife of the past, which generated gross violations of human rights, the transgression of humanitarian principles in violent conflicts and a legacy of hatred, fear, guilt and revenge. These can now be addressed on the basis that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation . . .

But, one may ask, what precisely is the role of memory in this process, and how is it to be negotiated so that it avoids two excesses – that of too much dwelling on the past and that of too little disclosure – either of which would make reconciliation well-nigh impossible? Indeed, one may want to reflect somewhat further on the *very possibility* and nature of the “reconciliation” that is to be achieved, on its precise relation to remembrance, and on the relation between memory and identity in general.

Memory and Identity

Let me start with the relation of memory and identity. Each depends upon the other. Any individual or group identity – that is, a sense of sameness over time and space – is sustained by remembering and what is remembered is defined by the assumed identity.³² Memories are constantly revised to suit our current identity, and this *memory work* is always embedded in “complex class, gender and power relations that determine what is remembered (or forgotten), by whom, and for what end.”³³ Indeed, at this moment, when it is apparent that both identity and memory are political and social constructs,³⁴ and when we can no longer assign to

either the status of a “natural object,” we “must take responsibility for their uses and abuses, recognizing that every assertion of identity involves a choice that affects not just ourselves but others.”³⁵

History offers us a multiplicity of examples of the gravity of that responsibility – here one need only think of the history and historical narratives of the Holocaust – and of the widely divergent ways in which memory and identity interact. In situations of “new beginnings,” identities are constructed and held together as much by forgetting as by remembering. Such new beginnings sometimes require the eradication of the past and engagement in what Benedict Anderson has called “collective amnesia.”³⁶ This is most evident in the construction of new states in post-revolutionary situations: revolution has to inaugurate an absolute beginning that necessitates the introduction of “new time” and a radical break with the past. Constructing a new Japan and two new Germanys after the Second World War also involved forgetting rather than remembering.³⁷ It is, moreover, of interest to note that even in the case of the construction of the new state of Israel, the first few years focused more on the present than the past. The concept of the Holocaust only came into existence in the 1950s, after the new state was firmly established and Jews could reflect on the “pastness of the European past.” It was only when the memory of those terrible events could no longer be taken for granted that there was a powerful reason to commemorate.³⁸

Even the need to commemorate, then, has a history. Gillis argues that commemoration has taken roughly three different forms historically: pre-national (before the late eighteenth century), national (from the American and French revolutions to the 1960s), and post-national. The early, pre-national history of memory shows a sharp divergence between popular and elite memory: while the elite classes (the aristocracy, the church, the monarchical state) had need of institutionalized memory, ordinary people relied on living memory. National memories, in contrast, tend to focus on the construction of unity and continuity so as to cover over the fragility of new nations. (Women, national minorities and young people were generally admitted to national memories at an even slower pace than they were admitted to national representative and educational institutions.)³⁹

Since our concern is with modern, national memory, it is necessary to reflect further upon some of its most central characteristics. National memory is above all archival: it relies on the immediacy of the recording and on the visibility of the image.⁴⁰ It is also, however, acutely aware of the efforts of each group to make *its* version *the* basis of national identity. It is thus aware of conflicting accounts of the past. And it is out of this awareness that a different relation to the past emerges in what Gillis calls the post-national era, a relation which bears a strong resemblance to the struggles at the time of the Reformation between the older Catholic practice of locating the sacred only in certain times and places, and the anti-ritualistic, iconoclastic Protestant demand that the sacred be brought into everyday life itself. The new iconoclasm attempts to *desacralize*

the nation-state, to *democratize* memory, and to retrace a *multiplicity of pasts* better suited to the complexities of a post-national era.⁴¹

This account provides us with valuable insights for questioning the relation between memory and identity as it is being played out in South Africa today in the movement towards a post-apartheid society. In South Africa, the struggle over the meaning of the past is by no means over, its character by no means settled. While there is general agreement on the evil that apartheid represented, that agreement, some argue, has been reached without a thorough-going engagement with the past.⁴² One only has to think here of the refusal to engage with the work of the TRC evident in the submission of General G.L. Meiring, Chief of the South African National Defense Force. Instead of focusing on the period under investigation, his submission dealt only with the transition period. The few scant references to the past, moreover, were couched in terms of an “explanation” of acts perpetrated in the context of “a war situation.”⁴³ Indeed, this was a characteristic which marked the submissions by all the main parties. It is to these submissions, to the wider discourses informing them, and to the manner in which they relate to and commemorate the past, that I now want to turn.⁴⁴

Identitarian Constructions of the Past

We are all the children of our times and the product of the cultural and political circumstances into which we were born and with which we grew up.

F.W. de Klerk⁴⁵

We know that during the period of transition in South Africa, many different articulations were given to the memory of the past. These ranged from National Party appeals to put the past behind us to nostalgic demands for a resurrection of apartheid, be it in the form of an Afrikaner *Volkstaat* or an independent KwaZulu. National Party discourse, for instance, continuously admonished the people not to be obsessed with past grievances, not to insist on “apologies for everything that has occurred in the past,” and to “let bygones be bygones.” Indeed, it was argued that one should not “dwell on the real or imagined injustices of the past,” but work towards building a future “without mistrust, prejudice, hate and domination.”⁴⁶

These themes echo throughout the NP submission to the TRC,⁴⁷ which exhibits an exemplary form of “nationalist” history, with all its monuments and archives, exclusions and denials. National identity, on this reading, is natural, given and pure, constituted with reference only to the characteristics of the “nation” itself. In denying the fundamentally relational nature of identity, this account attempts to efface the difference at the heart of every identity, and, in so doing, to affirm an essentialist, identitarian, homogenous and non-pluralistic conception of nationhood.⁴⁸ Young’s description of nationalist monuments perfectly encapsulates the account of Afrikaner history this account presents. The submission plots “the story of ennobling events, of triumphs over barbarism, and recalls the

martyrdom of those who gave their lives in the struggle for national existence. . . .”⁴⁹ Much of the submission, then, is taken up by setting out the historical context in which “the conflicts of the past” and “unconventional actions and reactions” should be considered according to its authors. The use of the plural here is noteworthy: the conflicts involved many forces, and the Commission is constantly reminded that “no single side in the conflict has a monopoly of virtue or should bear responsibility for all the abuses that occurred.”⁵⁰ Indeed, in judging abuses, De Klerk argues that distinctions should be drawn between those carrying out the orders, those carrying out orders “over-zealously,” and malpractices and serious violations of human rights. But, above all, the context of these actions – working within a state of emergency – must be considered so as “to explain the historical context in which they occurred.”⁵¹ One cannot but be struck by the contrast between this narrative and accounts of the Holocaust which, time and again, run up against the sheer inexplicability of its evil. While the NP acknowledges the suffering of all those involved in the conflict, the whole submission serves to provide a context which could explain, and so justify, the actions perpetrated.⁵²

Now, in stark contrast to the certainties and clear-cut justifications which inform the submission of the NP – and also those of the other main political organizations and official institutions – the whole of the transition process itself was marked indelibly by a series of ambiguities. Since the end of apartheid came about not as the result of a revolutionary break or a complete discontinuity which divided the past from the present and future, it had the character of an impure transition. This raises certain problems for the negotiation of memory, truth and the institution of a just and democratic society. It both imposes restrictions and opens possibilities for those processes of negotiation. In the first instance, as De Brito notes, since the oppressors are not defeated and are even given a degree of political legitimacy by their “voluntary withdrawal” from power, successor regimes must avoid a backlash which may endanger the stability of the transition.⁵³ Secondly, negotiated democratic transitions set frameworks within which truth and justice have to be pursued: democratic pluralism ensures that the victims’ voices are heard at the same time as it ensures continued voice for violators. Thirdly, under these circumstances, there are usually state institutions which survive; institutionalized crimes have to be dealt with, while there must simultaneously be a concern for not destroying state institutions entirely. Fourthly, mechanisms and institutions dealing with abuses must be seen to comply with judicial due process – even if that means that some of those who are guilty of abuses may not be brought to book due to a lack of evidence – so as to strengthen the institutionalization of democratic procedures.⁵⁴ For all of these reasons, new regimes are engaged in ambiguous processes of negotiation which are a far cry from demands for clear-cut ethical stances and decisions. It would, therefore, be strange if these ambiguities did not also enter into the processes in and through which past memories and new beginnings are negotiated.

Post-Nationalism: Towards a Different Remembrance

It is in this context that the memory work of the TRC has to be understood. The important investigative work of this Commission has brought to light the existence of state structures for identifying targets for elimination, first-hand claims of ministerial-level approval of bombings and killings – all those activities which the NP submission euphemistically called “unconventional actions” – as well as events known, until now, only to the communities immediately affected by them. Indeed, I would argue that one of the most important effects of the memory work of the TRC is the way in which it has offered an occasion for survivors to gain recognition of their plight in full public view.⁵⁵ These public hearings allow submissions to contain the names of perpetrators of abuses – the TRC’s investigative unit tries to check these as carefully as possible beforehand and warns persons to be named, inviting them to respond to allegations – and seek to bring into public view both well-known events *and* everyday injustices perpetrated against persons hitherto unnamed. In this focus on the everydayness of injustice and the reoccupation of memory sites by ordinary citizens, the real significance of the public hearings and the search for justice becomes visible. As one commentator on a similar process elsewhere put it: it does not bring the dead back to life, but it brings them out from silence; for their families, it means the end to an agonizing, endless search.⁵⁶

The end of that search, of course, depends upon the knowledge obtained during the whole process. As the daughter of an activist argued: “I want to forgive, but I don’t know whom to forgive.” Steve Biko’s mother, shortly before her death last year, said much the same: “Yes, I would forgive my son’s killers. I am a Christian, and we Christians do forgive. But first I must know what to forgive, which means I must be told fully what happened and why.”⁵⁷ The hearings consequently offer an opportunity not only for survivors, but also for perpetrators of violence to come forward and give full statements of their participation in events. In this manner, reconciliation is sought between the parties participating in and affected by the events.⁵⁸ Not only high-ranking officers, but also low-ranking police officers and ordinary citizens are given the chance to partake in what I would argue is a public memorial exercise which differs from the “standard” nationalist uses of memory and monuments.

Thus, not only did the TRC steer South Africa away from a culture of violence, but it had several effects which arguably no other form of engagement with the past could have had. It has subverted the ability of national leaders of all persuasions to grasp and represent history in their own image; it has undermined both the possibilities which can make reconciliation impossible – it has avoided both being overwhelmed by and covering over the past. In contrast to the usual constructions of memories of a nation’s past, this exercise has no *singular* past and commemorates no one *unified* nationhood. It does not determine what it is that should be commemorated. Indeed, it is not even simply a commemoration,

for it is a mixture of the remembrance of a nation's own barbarity and of the survivors' scars; it also calls into presence the misdeeds perpetrated in the name of national liberation.⁵⁹

The memory work, therefore, performs a multitude of complicated functions. Through it, all discourses of nationhood and ideas of sacrificing one's life for national existence are problematized, if only by the absence of a singular narrative. Through it, the past is recalled so that it becomes possible to leave the past behind. This memory work, scheduled to continue for a total of two years and to be supplemented with a public archive in which all the materials obtained by the Commission will be housed, thus contains the seeds of a relation to the past and to memory which may lead South Africa to a *post-national* conception of identity, a conception of identity characterized by the distance it takes from that which was exemplary in the identitarian conception of identity which informed apartheid.⁶⁰

This possibility of a post-national (post-apartheid) identity depends upon the ability to go beyond apartheid insofar as apartheid functions as a signifier of closure. If apartheid signifies the denial of difference at the heart of identity, a remembrance of apartheid would consist in a remembrance of (the effects of) closure as such. A pluralistic, post-apartheid social order would consequently be one in which the constitutive nature of difference is thought. It is this constituting function of difference, this holding-against-an-other, which I would argue becomes visible in the memory work of the TRC. This can further be clarified by analogy to the structure of memory. Remembrance (technically, primary remembrance or retention) serves as the not-now which is constitutive of the possibility of the presence of the now.⁶¹ Remembrance thus in essence points to the incompleteness of the present. If a post-national order is to be characterized by such a remembrance, it is structurally determined as incomplete. However, this remembrance is not to be of just anything. It is to be a remembrance of the logic of closure. Thus we have here a double signification: a remembrance as such, which already reminds us of the incompleteness of our present; and a remembrance of something, of a discourse of closure. These two moments reciprocally reinforce one another and serve to show that which cannot be made present. Its marking, paradoxically, can only consist in keeping open the space, the interval between the present and the past, between the now and that which preceded the now. In remembering apartheid (as a logic of closure), the work of the TRC may open a space for difference which will not immediately be subsumed and transformed into a logic of othering.⁶² This remembrance may be able to *encircle*, to mark the space of difference as such that is constitutive of any already constituted identity.

Counter-Monuments and the Impossibility of Full Reconciliation

It is in this context that the counter-monument movement in Germany offers some interesting parallels we can fruitfully draw on in considering the South African case. My earlier remarks on modern iconoclasm and the deinstitutionalization of

memory are relevant here. Gillis argues that democratic societies need to publicize the memories of different groups “so that each may know and respect the other’s version of the past, thereby understanding better what divides and unites” them:

In this era of plural identities, we need civil times and civil spaces more than ever, for these are essential to the democratic processes by which individuals and groups come together to discuss, debate, and negotiate the past and, through this process, define the future.⁶³

A central part of this process consists in a move away from traditional monuments as memory-places, for monuments tend to become the opposite of what they set out to be. Rather than allowing people to remember, they facilitate forgetfulness: operating “[u]nder the illusion that our memorial edifices will always be there to remind us, we take leave of them and return only at our convenience.”⁶⁴ They tend to bury events under “layers of national myths and explanations.” Rather than allowing us to participate, they make us passive spectators and consumers. Sentiments such as these informed the German counter-monument movement, and specifically the work of artists Jochen and Esther Gerz, who designed the Hamburg *Gegendenkmal* (counter-monument) against fascism, war and violence. This counter-monument consisted of a 12m high, 1m square aluminum pillar, plated with a thin layer of soft, dark lead. An inscription on its base – in German, French, Russian, Hebrew, Arabic, Turkish and English – invited people to put their names on the “monument.” This counter-monument, however, was designed to be lowered into the ground over time as it was filled with names, eventually disappearing. The last part of the inscription read:

One day it will have disappeared completely and the site of the Hamburg monument against fascism will be empty. In the end, it is only we ourselves who can rise up against injustice.⁶⁵

Proper to the post-apartheid, and thus post-national, age is, I would argue, such a form of memory which embodies the sense of the never-sutured nature of memory and identity. The Hamburg counter-monument acts, in its absence, as a present reminder of a past. The TRC in a similar manner acts as an important memory site which demands engagement, not passivity, and change, not the commemoration of a past with a fixed identity. The fact that its existence is limited by statute prevents it from becoming a permanent fixture of the South African political landscape, and thus from becoming simply yet another monument which allows, and indeed works toward, forgetting rather than remembrance.

The kind of remembrance it calls forth, I have argued, is not of a given and singular past: the past is continuously renegotiated and reconstructed in its proceedings. Moreover, it does not simply call forth a *plural* past, that is, a past consisting of many, but completed, elements. Rather, the continuous reworking

and re-elaboration of the past point towards a fundamental impossibility: the impossibility of completion as such. In recognizing that identity relies upon traces of the not-now, not-here, it opens identity out onto a beyond which is to be *post-apartheid* and *post-national*. That is, it marks both dimensions of the “post”: that which it is beyond, but to which it nevertheless retains a relation, “apartheid” and “national identity.” The TRC potentially celebrates and commemorates not completion and national myths of origin in their full splendour, but the impossibility of identity, of the purity of origins, and also of reconciliation.

Let me conclude with some final remarks on the *impossibility* of a final and complete reconciliation. Is it not one of the TRC’s explicit aims, if not its central aim, to heal the wounds of the past and to bring reconciliation to a community torn apart by conflict? If, however, the argument concerning memory and identity is correct – if it captures something of a fundamental relatedness to the other – then a full reconciliation with the other and with the self will never be possible. Since full reconciliation depends upon a complete coincidence with the self, it by definition rules out any relation to another which prevents such self-completion. The idea of full reconciliation thus comes closer to an identitarian image of apartheid than to a democratic post-apartheid society which takes difference and not singular unity, both as its starting-point and as its impossible goal.

NOTES

1. This paper was first delivered to the May 1997 Prague Colloquium at the Institute of Philosophy of the Czech Academy of Sciences. I am indebted to the constructive comments of participants in that colloquium.

2. The original version of J. Derrida’s paper, “Racism’s Last Word” (*Critical Inquiry* 12 (1985): 290–99), appeared in the exhibition catalogue for “Art contre/against Apartheid.” This collection of works forms a travelling museum to be presented as a gift to the first democratically elected government of South Africa. One of Derrida’s most persistent questions concerns the nature of the gift. In his “Tours de Babel” (*A Derrida Reader: Between the Blinds*, ed. P. Kamuf (London: Harvester Wheatsheaf, 1991), 244–53), as elsewhere, he draws attention to the German noun *Gift*, which is also an adjective meaning poisonous: *Gift-gift*. The implications of this gift to the new South Africa, which may also be a poison, could be teased out at length. Suffice it to say here that, should the “home-coming” – the coming-to-rest – of the exhibition signify a solution or an end to the problem of identity named in apartheid, the gift may become its opposite: the gift may turn to poison. Perhaps, then, the exhibition should remain “homeless,” signifying that never-ending search for identity which is the condition of possibility for thinking a democratic, non-racial South Africa. For a further discussion of these and related issues, see, A.J. Norval, “The politics of homecoming: contending identities in contemporary South Africa,” *Reconsidering the Political*, ed. D. Howarth and A.J. Norval, special issue of the journal *Angelaki* 1 (1995): 157–70.

3. G. Werle, “Without the truth there is no reconciliation,” *Die Suid-Afrikaan*, 53 (1995): 18–9.

4. The Promotion of National Unity and Reconciliation Bill of 1995 defines gross violations of human rights as the killing, abduction, torture or severe ill-treatment of any person by someone acting with a political objective. It includes the planning of such acts and attempts to commit them.

5. The TRC was constituted by the Promotion of National Unity and Reconciliation Bill, 1995, which combines the requirements of the interim Constitution with those of human rights norms. The significance of this is clear when it is compared to alternative processes through which truth

commissions historically have been constituted. In most instances, commissions of this sort are appointed by the President or Prime Minister of the country concerned, and they have to work out their own procedures, objectives and methodologies. The benefit of a Commission appointed by an Act of Parliament is that a democratically elected group of people participated in the debate and the finalizing of the objectives of the Commission. See, A. Boraine, "Justice in cataclysm: criminal tribunals in the wake of mass violence," paper delivered in Brussels, Belgium, 20–21 July 1996. For a detailed discussion of the background to the idea of the TRC in South Africa, see, B.J. van der Walt and T. van der Walt, "Die waarheids – en versoeningskommissie," *Instituut vir Reformatoriese Studies* (1996), 1–21; as well as the information pack published by the TRC, "Truth and Reconciliation Commission. Information Pack," Johannesburg.

6. I have elaborated the idea of a post-apartheid identity in Aletta J. Norval, "Postscript – Post-Apartheid?" in E. Laclau, *New Reflections on the Revolution of Our Time* (London: Verso, 1990), 155–7; as well as in Aletta J. Norval, *Deconstructing Apartheid Discourse* (London: Verso, 1996), esp. 275–305.

7. This raises the question as to whether punishment is always necessary and preferable to other forms of dealing with perpetrators of injustices. De Brito argues that the absence of punishment is only admissible when there has been an official acknowledgment of truth and where a national consensus exists for non-prosecution. A.B. de Brito, *Human Rights and Democratization in Latin America: Uruguay and Chile* (Oxford: Oxford University Press, 1997), 9–10.

8. De Brito, *Human Rights and Democratization*, 3.

9. This is the focus of De Brito's important comparative study of these processes in Uruguay and Chile. A similar focus informs Kaye's study of truth commissions in El Salvador and Honduras. See, M. Kaye, "The Role of Truth Commissions in the Search for Justice, Reconciliation and Democratization: the Salvadorean and Honduran Cases," *Journal of Latin American Studies* 4 (1997): 693–716.

10. C. Perelli, "The power of memory and the memory of power," *Repression, Exile and Democracy: Uruguayan Culture*, ed. S. Sosnowski and L. Popkin (Durham NC: Duke University Press, 1993), 154, quoted in De Brito, *Human Rights and Democratization*, 10.

11. De Brito, *Human Rights and Democratization*, 4–5.

12. *Ibid.*, 5.

13. *Ibid.*, 7. In the South African case, the link between the establishment of the TRC and the fostering of a democratic culture is explicit, and of crucial significance. The Minister of Justice, Dullah Omar, argued in this respect that the Bill "provides a pathway, a stepping stone, towards the historic bridge . . . whereby our society can leave behind the past of a deeply divided society characterised by strife, conflict, untold suffering and injustice, and commence the journey towards a future founded on the recognition of human rights, democracy and peaceful co-existence." Hansard, 1995: col. 1339–40.

14. Thus the TRC should be understood as only one step in the direction of the institutionalization of a more democratic society.

15. De Brito, *Human Rights and Democratization*, 8.

16. *Ibid.*, 9.

17. It is important to note that my understanding of pluralism here is one which is strongly informed by agonistic rather than simply liberal conceptions of democracy. It is a pluralism which questions the objectivity and homogeneity of identities, and focusses on the constitutive nature of difference as an irreducible element of all identity. For a discussion of this sense of pluralism, see, inter alia, B. Honig, "Difference, dilemmas, and the politics of home," *Democracy and Difference*, ed. S. Benhabib (Princeton: Princeton University Press, 1996), 257–77; and D. Coole, "Wild differences and tamed others: postmodernism and liberal democracy," *parallax* 2 (1996): 23–36.

18. The Commission consists of 17 full-time commissioners, and has three separate committees: a Human Rights Violations Committee which conducts public hearings for victims/survivors; a Reparation and Rehabilitation Committee which works on policies and recommendations arising from those hearings; and an Amnesty Committee which hears applications for amnesty.

19. A. Boraine, "Justice in cataclysm."

20. For a discussion of these issues, see, inter alia, Dullah Omar, "Building a New Future," *The Healing of Nation?*, ed. Alex Boraine and Janet Levy (Cape Town: Justice in Transition, 1995), 2–8; and Desmond Tutu, "Healing a nation," *Index on Censorship*, 5 (1996): 38–43.

21. Desmond Tutu, letter to the *Sunday Times* (of South Africa), 4 December 1996.

22. There are no general or "blanket" amnesty provisions in South Africa. Amnesty has to be applied for on an individual basis. Applicants must complete a prescribed form, detailing information pertaining to specific human right violations; such disclosure should be full and complete. A public hearing follows where offenses fall into the category of "gross violations of human rights." If not, amnesty decisions may be taken in chambers. Several criteria have to be fulfilled for amnesty to be granted. These include the fact that a particular act must be shown to have taken place as part of a wider political event or in the service of a political organisation. Actions for personal gain and based on ill-will are excluded. By September 1997, 14,000 statements had been made to the TRC. In addition, 6944 applications were made for amnesty, and the Commission has dealt with 1700 of those applications. Of these, 50 amnesties were granted after public hearings, and 23 after hearings in chambers. Seventeen were refused after public hearings, and 1648 after consideration in chambers.

It is also important to note that the law does *not* require that applicants should express remorse. They can come to the commission saying, for instance, "that they fought a noble struggle for liberation, but that because they opened themselves to prosecution or civil actions as a result, they are asking for amesty." Desmond Tutu, letter to the *Sunday Times* (of South Africa), December 4, 1996.

23. Wilhelm Verwoerd, "Justice after Apartheid? Reflections on the South African Truth and Reconciliation Commission," paper delivered at the Fifth International Conference on Ethics and Development, "Globalization, self-determination and justice in development," Madras, India, 2–9 January 1997 (<http://www.truth.org.za/reading/justice.htm>).

24. This view has been expressed principally by families of victims, most notably the families of Steve Biko, Griffiths Mxenge and Fabian Ribeiro, who brought an action to the Constitutional Court in an attempt to get the work of the TRC declared unconstitutional, and to re-open the possibility for civil proceedings against perpetrators.

25. Ntsiki Biko, "Justice first," *Index on Censorship* 5 (1996): 67.

26. In its "Second Submission," the National Party voices most of these criticisms. It argues that the Commission is not perceived to be impartial, and that its hearings have the effect of grouping whole classes of decent people "with the actions of a few individuals, of which they were not aware and which they would not have condoned had they known of them." This results principally from the fact that the Commission's hearings are in public "and that testimony is not subject to proper examination," so opening "the possibility for abuse, for the stirring up of divisive emotions and for trial by media." "Second Submission of the National party to the Truth and Reconciliation Commission" (1997): 1–4. The NP recently threatened to take the TRC to court as a result of public criticism of their evidence by Desmond Tutu. The TRC subsequently issued a public apology acknowledging "the perception that such public criticism and conduct reflected negatively on its objectivity and impartiality." TRC Statement, September 22, 1997.

27. Kadar Asmal, Minister of Water Affairs and Forestry, has argued that the whole idea behind the TRC is "that a punitive process against the perpetrators would not be the right way to go about dealing with the past." See, Kadar Asmal, "Fears and Hopes," *The Healing of a Nation?*, 28.

28. Verwoerd, "Justice after Apartheid?," 7.

29. "Truth" and "full disclosure" should clearly not be understood in metaphysical terms. The Commission can never attain "The Truth." Instead, Krog suggests that one should understand the idea of truth here "as the widest possible compilation of people's perceptions, stories, myths and experiences." Antje Krog, "The South African Road," *The Healing of a Nation?*, 118.

30. The TRC's power of subpoena aids it in working against the possibility of a "conspiracy of silence."

31. Boraine, "Justice in cataclysm."

32. John, R. Gillis, "Memory and identity: The history of a relationship," *Commemorations: The Politics of National Identity*, ed. John, R. Gillis (Princeton: Princeton University Press, 1994), 4.

33. Gillis, "Memory and identity," 3. For a discussion of the need to introduce a gendered dimension into the work of the TRC, see, Beth Goldblatt and Shiela Meintjes, "Gender and the Truth and Reconciliation Commission," submission to the TRC (May 1996), (<http://www.truth.org.za/submit/gender.htm>).

34. This is now an accepted tenet of most social and political theory informed by poststructuralism. It is important to note, however, that the claim that identity is socially produced does not also translate into a claim that it is, consequently, easy to change or challenge such identities. Processes of identity formation are typically subject to deep sedimentation, and identities could prove extremely recalcitrant.

35. Gillis, "Memory and Identity," 5. This whole process thus is based upon a conception of identity as fundamentally relational. Identities are not achieved as self-same and pure, in isolation from other identities, but are always constituted in relation to an other or a series of others.

36. B. Anderson, *Imagined Communities* (London: Verso, 1991), quoted in Gillis, "Memory and identity," 8.

37. Gillis, "Memory and identity," 12.

38. *Ibid.*

39. *Ibid.*, 10.

40. Pierre Nora, quoted in *ibid.*, 15.

41. *Ibid.*, 18–20.

42. Although there is a general agreement that the work of the TRC is the best possible way to achieve justice and reconciliation, the work of the TRC continues to be challenged from a variety of positions. The NP continues to warn against the possibility of the TRC being turned into a witch-hunt; the Freedom Front voices similar objections. The IFP voted against the act and has recently resorted to publishing its objections to the TRC in the national press. While these parties were afraid that the TRC may "go too far," other parties, including the PAC and AZAPO argued that it would not "go far enough."

43. "Address to the Truth and Reconciliation Commission by the Chief of the South African National Defense Force, General G.L. Meiring."

44. It is important to note that there are deep and important differences between submissions by official parties and institutions, and individuals. These differences are also reflected in the degree to which positive effects were produced as a result of submissions. Generally speaking, I will argue that in the case of official submissions, the exercise was marked by a large degree of cynicism, while individual submissions, appearances and confessions, were distinguished by their thoroughgoing and soul-searching nature.

45. "Submission to the Truth and Reconciliation Commission by Mr F.W. de Klerk, Leader of the National Party," (<http://www.truth.org.za/np-truth.htm>).

46. F.W. De Klerk, "Eensgesingheid binne bereik," *RSA Beleidsorsig* 7 (1990): 68. For an in-depth analysis of NP discourse during the early 1990s, see, A. Altbeker and J. Steinberg, "Reason and representation in National Party discourse, 1990–92," *South Africa in Transition: New Theoretical Perspectives*, ed. D. Howarth and A.J. Norval (Macmillan, forthcoming 1998).

47. "Submission to the Truth and Reconciliation Commission by Mr F.W. de Klerk, Leader of the National Party," and, "Second Submission of the National Party to the Truth and Reconciliation Commission."

48. I have analyzed the character of apartheid discourse in *Deconstructing Apartheid Discourse*, where I develop the argument that, in addition to its historical specificity, it is exemplary of a generalized identitarian conception of identity.

49. James E. Young, "The counter-monument against itself in Germany today", *Critical Inquiry* 18 (1992): 270.

50. "Submission to the Truth and Reconciliation Commission by Mr F.W. de Klerk, Leader of the National Party."

51. The question of the historical context in which past abuses occurred raised important and difficult practical, ethical and philosophical issues. It is not possible to treat these issues here. However, it should be noted that while such contextualizations may be used to attempt to explain

past abuses, they have not generally been invoked to shirk responsibility for such abuses. Like other organisations, the NP has gone to great lengths to sketch the context and general aims of apartheid policies. It did, however, recognize that apartheid “led to hardship, suffering and humiliation – to institutionalised discrimination on the basis of race and ethnicity” and that responsibility for actions should be taken by the Cabinet, the State Security Council, individual ministers and commanding officers for all decisions taken and actions authorized. See, “Second Submission by National Party,” 23 and 26–7.

52. This is a feature of all the submissions by political parties, organizations and state institutions.

53. De Brito, *Human Rights and Democratization*, 6–7.

54. Even though the work of the TRC does not take the form of normal criminal tribunals, it gives great consideration to be seen to work within the constraints of due process and the rule of law. This is extremely important, since the names of both victims and perpetrators of human rights violations are made public. An elaborate system has been put into place to ensure that perpetrators to be named are alerted ahead of time, and are invited to make presentations at hearings. To this end, the TRC has an Investigative Unit which investigates allegations and any collects any relevant evidence.

55. This objective is clearly specified in the remit of the work of the TRC, as the need to “restore the human and civil dignity of victims by granting them an opportunity to relate their own accounts of the violations of which they are the victims.” Promotion of National Unity and Reconciliation Act, Section 3(3).

56. Paraphrasing of extract from the Chilean Commission’s Report, quoted by Boraine, “Justice in cataclysm.”

57. Quoted in Donald Woods, “Can the killers ever find peace?” *The Guardian*, Saturday February 1, 1997. The five men who admitted to participating in the killing of Biko in 1977 are Col. Harold Snyman, Lt. Col. G. Nieuwaudt, Warrant Officers R. Marx and J. Beneke, and Captain D. Siebert.

58. In the course of its work the TRC has widened its investigations to include analysis of the role of the media, the legal and medical professions, and the business community in upholding the institutions of apartheid. It has also arranged for hearings on the question of conscription.

59. It is important to note in this respect that the Promotion of National Unity and Reconciliation Bill of 1995 makes no distinction between acts perpetrated by the state and those perpetrated by liberation movements. This, in part, is a result of the recognition that all sides involved in the conflict engaged in serious human rights violations. Throughout its proceedings, and despite criticisms raised against it, the TRC has demonstrated a remarkable even-handedness in dealing with applications for amnesty.

60. Antjie Krog, in her discussion of the work of the TRC, raises an important question concerning the trajectory of apartheid, and its relation to the fact that British abuses against women and children in concentration camps were never officially acknowledged or condemned by the British: “wasn’t the mere fact that the abuses of the war were never exposed perhaps not a key factor in the character that formulated apartheid’s laws? Was the Boer veneration of Emily Hobhouse not a symptom of the desperate need for someone ‘from the other side’ to recognise the wrongs that had been done?” She argues that the fact that these abuses were not publicly recognised contributed directly to the possibility that the war “became a folklore supporting the notion of Afrikaners as a threatened group.” Antjie Krog, “The South African Road,” 114–5.

61. The theoretical structure of this argument draws strongly on Derrida’s deconstructive reading of Husserl’s argument on “internal time consciousness.” See J. Derrida, *Speech and Phenomena* (Evanston IL: Northwestern University Press, 1973).

62. This issue is theorized in the excellent study of the paradoxes of identity by W.E. Connolly, *Identity/Difference* (London: Cornell University Press, 1991).

63. Gillis, “Memory and identity,” 20.

64. Young, “The counter-monument,” 273.

65. *Ibid.*, 274–6.