

WHEN DOES RECONCILIATION TURN INTO A
DENIAL OF JUSTICE?

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When does reconciliation turn into a denial of justice?¹

I want to discuss the collapse of a paradigm, that of justice, which animated the post-war struggle for independence in equatorial Africa, and the ascendancy of another, that of rights, which goes by the name of "reconciliation" in contemporary South Africa. I will argue that the pendulum has shifted from one to another, and that this swing is best illustrated by two paradigmatic cases: the "social revolution" of 1959 in Rwanda and post-apartheid "reconciliation" in South Africa.² If post-'59 Rwanda represents a case of justice without reconciliation, then post-apartheid South Africa illustrates one of reconciliation without justice. Our dilemma, it seems to me, is how to transcend the polarity between justice and reconciliation: Are we condemned to choose between the two? Or, is a measure of justice, as I will argue, a necessary ingredient for a durable reconciliation? To manage the tension between reconciliation and justice creatively, do we not need to think of reconciliation as not just political but also social, and justice as not just criminal and individual, but also social and systemic?

The Paradigm of Justice and its Pitfalls

The promise of state independence in equatorial Africa was summed up in a single demand: justice. What did justice mean? What was the injustice of the colonial system? The answer lay both in the nature of power and that of production.

The nationalist political project was first and foremost a response to the nature of colonial power. The colonial state was a bifurcated power. It claimed a dual legitimacy, both modern and traditional. Modern power was urban-based and spoke the language of rights. In contrast, traditional power, rural-based, spoke the language of culture. These languages, of rights and of culture, signified two contrasting institutional set-ups, both of organizing power and reproducing political identities.

Modern power claimed to be civilized. This claim should be understood in 18th century Hegelian terms, which identified the advent of civilization with the modern state and its centralized monopoly over all legitimate means of violence – a development that was said to have rendered societal conflict free of violence. Thus, the modern state claimed to be the underpinning of a civil society,³ short hand for civilized society. Civil power and civil society were two sides of the same Hegelian coin. Civil power was the source of civil laws, which guaranteed civil rights to citizens. In the colonies, however, the power, the law and the bearers of rights were racialized. Racism was the original sin of civil society in colonial Africa.

The other face of colonial power was the Native Authority, the enforcer of "customary" law. Before we accept its claim to being "traditional", we need to recall that nowhere in pre-colonial Africa were there traditional chiefs with unchallenged powers over every

domain of social life. Everywhere, traditional authorities were in the plural: there were clan-heads alongside chiefs, age-sets alongside gender groups, each with a legitimate say in a clearly defined and limited domain. The idea of an unchallenged and absolute executive authority holding sway over all domains of social life – as traditional – is foreign to pre-colonial Africa. Secondly, the existence of multiple sources of tradition also meant that tradition was never in the singular, always in the plural. Sources of tradition were not only several; they were often conflicting. This should not be surprising since tradition was always a lived reality, about which people had different memories, sources, convictions and hopes for the future. Lived and reproduced in tension, tradition was always changing. What was new and untraditional was the idea of a single tradition, officially sanctioned and officially enforced, as “customary law”.

My interest is not really in challenging the universality of modernity and the authenticity of tradition. It is, rather, in underpinning the political significance of both. What should we make politically of the fact that while civil power was defined in racial terms, both the Native Authority and the custom it enforced as law were defined in ethnic terms? That while civil power and civil law were racialized, the Native Authority and “customary” law were ethnicized?

My argument – made fully in a book I called *Citizen and Subject*⁴ – is that colonial power sought to reproduce two distinct identities through this legal and institutional apparatus: a racial identity amongst beneficiaries, and an ethnic particularism amongst victims. Race was the identity through which power united its beneficiaries as citizens, and ethnicity the identity through which

the same power fragmented its victims as subjects. This attempt to build a Chinese Wall between racially united citizens and ethnically fragmented subjects was pioneered by the British who called it "indirect rule". The French emulated it in the 1920s and called it "association". The Belgians followed in the 1930s, and the Portuguese in the 1950s. In spite of differences between them, it is significant that every colonial power in equatorial Africa reorganized its administration into one or another version of indirect rule. From this point of view, it is relevant to note that the re-organization of the South African State by the National Party, called apartheid, removed the Native Affairs Department from rural to urban areas. The effect was to re-organize administration in rural areas in line with principles of indirect rule, by mediating racialized power through the ethnically defined authority of chiefs. In this sense, apartheid, I argued, should be understood as the generic form of the colonial state in Africa, not as an exception to it.⁵

And yet, there was a crack in the proverbial Chinese Wall. In spite of political ideology and political practice, the civic and the ethnic could not be kept apart as two worlds: the imperative of colonial political economy was at cross-purposes with that of colonial power. While power was preoccupied with keeping everyone in their place, the logic of political economy compelled many to change places. This constant changing of places, this dynamic human flow, was a consequence of the system of migrant labour. Migrant labour created urbanized subjects. Race was no longer simply an identity of the beneficiaries of powers; it also turned into an insurgent urban identity, have urbanized subjects. Brought to town as migrants, urbanized "natives" were beyond the lash of customary law but were still excluded from the regime

of civilized rights. It is the urban subject nursing a racial grievance that formed the social base of nationalism. One need only think of Nkrumah's "varandah boys" and Cabral's "boatmen" or, closer to home, of the post-world war II ANC in South Africa.

Similarly, ethnicity too became a contradictory construct. It did not remain simply an identity of power, of chiefs organized as the Native Authority, but also turned into an insurgent peasant identity. In spite of the claim that tradition was singular and unchanging, there was never an unquestioned acceptance of the official version of custom. From the onset of colonial rule, peasants had their own version of custom against that of chiefs, as did women against that of men, and youth against that of the older generation. One need only think of the string of rural revolts that called for a "genuine" custom to replace that which had been officially crafted and enforced as customary law.

In the history of every nationalist movement, the key question was always how to link the revolt of the urban strata against racial exclusion with the revolt of rural subjects against an oppression justified as "customary" in ethnic terms. In this context, justice meant, first and foremost, deracialization, of urban society, civil society and the central state. For militant nationalism, which linked the revolt of the urban strata with that of insurgent peasants, justice also meant de-ethnicization, the denial of that reified difference, that stigma which went by the name "tribe". The theorist who best captured the tenor and substance of nationalist resistance on this score was Frantz Fanon.⁶

The demand for justice had also another side, particularly in colonies ruled from a metropolitan-based power. Here, the difference between settler and non-settler colonies was telling.

For the non-settler economy, the absence of state independence translated into unfavourable conditions for local capital accumulation. By and large confined to primary production under technologically backward conditions, the backwardness of this mainly agrarian economy was theorized by militant nationalism as a modern dependency. Underdevelopment wrote dependency theorists, was a modern condition, reproduced through an international division of labour that was created through imperial domination and reproduced through a combination of the market and force. The leading dependency theorist on the African continent was Samir Amin, the author of *Accumulation on a World Scale*.⁷

The core demand for justice was thus double: deracialization and de-ethnicization within and breaking the chains of dependency without. Justice would require a reorganization of both power and production. My argument is that it is the failure to reorganize power that was the key to the collapse of the nationalist project. Out of that collapse was born the paradigm of rights, so narrowly articulated that it has little room for a meaningful notion of justice. It is this revisionist, truncated, post-Cold War notion of rights that today goes by the name of reconciliation.

The failure to reorganize power was a double failure. Epistemologically, it was a failure to historicize and problematize notions of race and tribe as identities reproduced by a form of power, and embedded in a set of institutions. Militant nationalism either accepted these identities and definitions as the hallmarks of a positive science – as with race – or it dismissed them as ideological constructs, as with tribe. Politically, it was a failure to produce a practice that would change the paradigm. When revolutionaries succeeded, they managed to turn the world upside down; but they

failed to change that world. More than anything else, that failure was political.

Rwanda: The Pursuit of Justice as Revenge

The most spectacular instance of this double failure was Rwanda.⁸ To draw a few general lessons from the Rwandan experience, I will focus on one event, the “social revolution” of 1959. This is the event that ushered in the volcanic landscape that we call post-colonial Rwanda. I will begin with the question of identity – Who is a Muhutu and who a Mututsi – and the need to distinguish between cultural and political identities. If you go to contemporary Kigali and ask someone in the Rwandan Patriotic Front (RPF) as to the difference between a Muhutu and Mututsi, you will most likely be told: “We live on the same hills, speak the same language and practice the same religion. We are the same people.” And so it is: culturally, the difference between Bahutu and Batutsi is like a difference along a continuum. But not so politically. Bahutu and Batutsi have been produced as bipolar, often antagonistic, political identities: one as power, the other as subject. The cultural continuity, and the political discontinuity, is very much like that between Afrikaners and Coloureds in this country. As is well known, the Native Authority in colonial Rwanda, particularly after the late 1920s, were wholly Batutsi and the peasant masses predominantly Bahutu. Not surprisingly, peasant jacqueries against the Native Authority took on an anti-Tutsi character. Abetted by the Catholic Church and encouraged by Belgian colonial power, peasant resistance turned into an insurgent revolt against Tutsi power in the Native Authority.

The new power, the custodian of the "social revolution" of 1959, was self-consciously a "Hutu Power". Institutions previously Tutsi-fied were now Hutu-ized. A programme of redress, permanent and without limits, followed. Access to education, from primary to university, and to state employment was defined in terms of whether you were recognized by the state as a Muhutu or a Mututsi. "Hutu" and "Tutsi" became permanent identities, politically enforced, the former with a preferential access to power, the latter subject to that same power. The quest for justice had turned into revenge.

Post-1959 Rwanda raises a question: How did the pursuit of justice turn into revenge? Several lessons can be drawn from the historical tragedy that unfolded in the aftermath of the "social revolution" of 1959.

First was a failure to historicize the nature of power and the identities it generated, one that turned into a failure to reform power and to transform the identities imposed by power. For the fact was that Tutsi was not simply the identity of chiefs in the Native Authority, it was also the identity of the native strata most directly affected by racial exclusion in the civic sphere. In other words, Tutsi was the identity both of power in the Native Authority and of an insurgent nationalism in the civic sphere. The irony is that both Bahutu and Batutsi had a victim consciousness, but in different realms of power: Bahutu resisted an ethnic dictatorship in the Native Authority, and Batutsi resisted a racial dictatorship in the civic authority. Whereas Bahutu resistance against a "customary" Native Authority was called tribalism, Batutsi resistance against a racialized and modern civic power was called nationalism. Both tribalism and nationalism were insurgent

ideologies, and yet both were limited in perspective and problematic in nature. Forged as movements of resistance in the womb of power, each was marked from birth by the contours of that power. So a racialized Tutsi identity came to be the birthmark of urban resistance and an ethnicized Hutu identity the birthmark of rural resistance. If the insurgency was to transcend the identities imposed by power as divisions inside the people – racial and ethnic – then it would have to reform the nature of that power. It would have to deracialize civic authority and detribalize Native Authority, as so many jumpstarts in an overall democratic process.

This, then, was a failure to differentiate political from cultural identity. It was not surprising in an age when politics was often considered to be a residual activity. If you were a rightist, you assumed that the contours of political identity were culturally given, and if you were a leftist you assumed they were economically determined. It was a failure to realize that political identity was not and did not have to be a simple and unproblematic translation of cultural or economic difference into the political sphere. Rather, political identity was reproduced through a set of historically defined institutions that underpinned a form of power. Only a reform of that power would reproduce a common political identity. In Rwanda, this was a failure to recognize that one could forge a common Rwandese political identity, without denying Bahutu and Batutsi as cultural identities along a cultural continuum, but at the same time without translating these into bipolar political oppositions.

Second, even if it led to a radical changing of places between Bahutu and Batutsi, the “revolution” reinforced Hutu and Tutsi as political identities, rather than eroding them. The same process which turned the consciousness of being a Muhutu, previously a

stamp of servitude, into a badge of pride and an identity of power, demonized the Batutsi. To make the revolutionary process "permanent", it institutionalized the political opposition between Hutu and Tutsi. Rwanda raises the question of how identities consolidated in the course of a struggle can persist in a changed context, thereby subverting the very possibilities opened up by that struggle. It calls attention to the process by which past grievances is sanctified into a shield protecting a new power against future critiques. More specifically, it invites us to understand the process by which memories of a past tragedy – the Holocaust, the Genocide – become key ingredients in the forging of a new state ideology. Put in the language of revolutionaries, it underlines some of the ways in which demands for "permanent revolution" as in Trotsky or "uninterrupted revolution" as in Mao can turn into so many grave-diggers of that same revolutionary process.

Third, as the programme of redress, heralded as revolutionary justice, became permanent – even turned into a prerogative of "revolutionaries" – the failure to reorganize power turned into a failure to reorganize and create a political community inclusive of both Bahutu and Batutsi. Revolutionaries who vowed never to forget the past accented the past over the future, giving a longer leash to the identities which animated that past, and a shorter shrift to a process that might forge a common identity and a reorganized political community of survivors out of that past tragedy. It is the failure to frame justice within notions of an inclusive political community that turned justice into a permanent preoccupation, a vendetta that increasingly spelt revenge.

South Africa: The Search for an Alternative Paradigm

The South African search for an alternative paradigm has been a conscious move. Beginning by distancing itself from the legacy of post-independence Africa, it has turned into a search for new and more appropriate analogies. The search for clothes that fit has also been a mixed experience, involving both discarding clothes that don't fit and appropriating those that do, even if they may not fit quite fully. I will argue that it is worth understanding the rationale behind this process of sifting, for it illuminates the logic behind the politics of reconciliation in contemporary South Africa.

The analogy that was discarded was that of Nuremberg. This conversion has recently been recounted by Kadar Asmal, a leading ANC activist, in a book he co-authored with two others.⁹ Asmal tells us that he "campaign[ed] for a South African equivalent of the Nuremberg trials", until faced with the reality of "a negotiated revolution" which ruled out "imposing victors' justice". Any such attempt to identify and punish politically responsible individuals, he tells us, "would result in what has been called 'justice with ashes'". In South Africa, he concludes, there should thus be "no Nuremberg trials", "no vindictive 'lustration laws' on the recent Czech model disqualifying certain persons from the old order from holding office in the new", and "no black-listing of collaborators as in post-war France and Belgium". All these were rejected, says Kadar with a straight face, "in favour of ideals of nation-building and reconciliation between the oppressors and the previously oppressed".

I find Asmal's argument interesting on two counts. To begin with, he makes no distinction between justice and victor's justice. He presumes that all justice is victor's justice. From this point of view, all justice is the same as revenge. Is it then surprising that justice

should appear as the price for reconciliation? Secondly, and perhaps for this very reason, Kadar's conversion is not really a change of political heart. It is more of a pragmatic political concession. The result is a breach in what the book considers politically possible and what it continues to uphold as politically desirable: while the demand for Nuremberg is dropped, the Holocaust continues to be the metaphor through which Asmal and associates seek to illuminate the injustice of apartheid. The Holocaust is, however, an inappropriate metaphor, for a variety of reasons. Key to these is that it abstracts from the real problem: whites and blacks in South Africa are not akin to Germans and Jews, for Germans and Jews did not have to build a common society in the aftermath of the Holocaust. There was Israel. South African whites and blacks, however, do have to live together in the aftermath of apartheid. Here, as in Rwanda, yesterday's perpetrators and victims – today's survivors – do have to confront the problem of how to live together. Faced with identities inherited from the past, they must forge new and common identities. To paraphrase a friend,¹⁰ if the survivors of the Holocaust marched to the tune, "Let My People Go" the survivors of apartheid would have to march to a different tune: "Let My People Stay."

It is this point of difference – that victims and perpetrators do have to continue to live together, and at that in a context in which past perpetrators would continue to wield considerable if not enormous power – that has become the basis for the South African leadership to embrace a different analogy. This is the analogy with the Latin American dictatorships, particularly those in Chile and Argentina.¹¹ To this political insight, which I neither wish to dispute nor to diminish, can be added other points of resemblance between the South African and the Latin American contexts.

Were there not in both instances gross human rights abuses in the confrontation between power and resistance? Did not both confrontations, in the absence of an outright victory on either side, lead to a mutual exhaustion and, born of it, a mutual recognition – political wisdom – that this waste of life and resources need not continue? Finally, did not the global situation, as the internal one, also underline the need for compromise and facilitate it?

While not wishing to detract from the insight that underlines the above observations, I do wish to point out its limited nature by raising a different question: How does one go beyond the compromise of 1994? 1994 has a double significance. While it shows that reconciliation is possible, it also raises a further question: How can reconciliation be made durable? I will argue that just as the possibility of reconciliation required putting aside the analogy of the Holocaust and Nuremberg, its durability requires acknowledging the extent to which the analogy with the Latin transition is inadequate.

Truth telling in South Africa has led to two unanticipated outcomes. Each raises doubts about the ease with which the process of reconciliation may be consolidated within its present framework. I will frame these outcomes as two sets of questions. First, is reconciliation an inevitable outcome of truth telling? Is it also not possible that the more truth comes to light – and the less justice is seen to be done – the more truth may breed outrage amongst the majority and fear in the minority? Could such a situation not lead a growing number in the majority to call for justice as criminal justice – a demand for a Nuremberg – and many in the minority to turn to flight, autonomy, and even separation as possible solutions to an increasingly fearful circumstance? The dilemma is this: while the argument to opt

for truth-telling as opposed to criminal justice was underscored as a political necessity, the more truth is told the more it may fuel the very demand it is supposed to have displaced, that for justice!

Second, the analogy with Latin dictatorships has obscured the difference between perpetrator and beneficiary. As such, the more it unfolds, the more the process is subject to a critique: Whose truth? Which truth? The truth of the minority or the majority? Of the political activist or the population? Where the focus is on perpetrators, victims are necessarily defined as the minority of political activists; for the victimhood of the majority to be recognized, the focus has to shift from perpetrators to beneficiaries. The difference is this: whereas the focus on perpetrators fuels the demand for justice as criminal justice, that on beneficiaries would shift focus to a notion of justice as social justice.

This shift, in turn, is likely to illuminate further the difference with the Latin transition. As a form of power, apartheid undergirded a particular system of privilege. A focus on power that obscures the relationship to privilege leads to accenting the relationship between perpetrator and victim as the minority. But a focus that links power to privilege links perpetrator to beneficiary, racialized power to racialized privilege, and puts at center-stage the relationship between beneficiary and victim as the majority. To recognize this difference is, I think, key to thinking through how to make the reconciliation durable.

The distinction between perpetrator and beneficiary, and between victims as the minority and victims as the majority, allows us to distinguish between two forms of reconciliation: one narrow and political, the other broad and social. The reach of political reconciliation is limited to the political elite, to political activists on this side and to state agents on the other side; its embrace is limited

to a minority, in a word, to perpetrators and their victims. Social reconciliation has a wider embrace. It reaches out to ordinary members of society, those who benefited or got victimized as part of the logic of an ongoing system, regardless of agency. The embrace of social reconciliation includes the vast majority, in a word, beneficiaries and victims.

I do not wish to oppose political to social reconciliation as alternatives, but to distinguish them so as to underline the relationship between them. My point is both to acknowledge the importance of political reconciliation as a pre-requisite to a social reconciliation and to argue that the political reconciliation may not prove durable without a social reconciliation. It is, thus, to raise questions like: What does it mean to reconcile beneficiary and victim as the majority? To deepen reconciliation from the political to the social? To broaden it from the political elite to society?

I suggest that, as a first step, we recognize that there are degrees of reconciliation that bear a relationship to forms of justice, even if the relationship is tension-ridden. Limiting justice to criminal justice, to punishment, is not necessarily to benefit victims. I have been arguing that the latter requires a shift of focus from the world of agents and activists to that of winners and losers, from those who were victimized individually and personally to those whose victimhood was more anonymous and circumstantial, from gross human rights abuses – murder, torture, rape – to gross systemic outcomes like those of pass laws and forced removals, abuses which racialized both poverty and affluence. It is a shift of focus that relocates agency in a historicized structure. But this shift in focus is also a shift in logic: perpetrators are personally and individually guilty, beneficiaries may not be. They may be unconscious beneficiaries of systemic outcomes, where benefits cannot necessarily be linked to individual agency. Thus, many a

white South African can have benefited from the system and yet be honestly surprised at the injustices perpetrated in the name of that same system. Isn't one objective of the TRC's televised hearings in fact to invite beneficiaries to be so outraged at the evil that was perpetrated in their name as to denounce perpetrators, and thereby isolate them? For beneficiaries to join victims in a common outrage at evil is a positive development, but for beneficiaries to shirk responsibility for the ongoing consequences of that evil is, I suggest, hardly positive.

Agency theory, whether in its rights or subaltern version, has a tendency to be blind to structural constraints. This is why I think it is not enough that we leave the responsibility for righting wrongs between beneficiaries and victims as the majority as a moral burden on the shoulders of beneficiaries. Rather, this needs to be understood as a legislative and executive burden of that agency which claims to be the upholder of the public good, the state. It is also why I would say that to make reconciliation durable requires moving from a narrow recognition of rights that individualizes and dehistoricizes it, accenting the rights of property holders above those of the rest, to a broad recognition that underlines the need to right historical wrongs, and thus to provide a measure of justice to previously excluded groups. To create the basis for a stable regime of rights, it may be necessary to address the tension between justice and rights as a tension between different kinds of rights, rather than to polarize it. The lesson we should draw from Rwanda is not that there should be no redress, because any justice would be victor's justice, but that redress should be limited in duration and be socially meaningful to the widest majority of victims. Without a measure of social justice, reconciliation cannot be durable.

Addressing the tension between social justice and individual rights may require moving away from an absolute emphasis on either, so as to contextualize and relativize the emphasis on both. If the first step in reconciliation was to guarantee security for the minority by temporarily breaching the rights of the majority – no Nuremberg, no regime of equal political rights in the short run so as to allow for minority vetoes in the interim, “sunset” clauses that allow for a presence of the minority in the state apparatus, a presence out of all proportion to its numerical weight in society – then does not the second step call for a breach, also limited and temporary, but this time in the rights of the privileged minority, in order to ensure a measure of dignity for the majority, through a form of group redress that is equally dramatic if temporary, that gives the hitherto deprived majority a stake in reformed social institutions?

One may ask: what if there is no social justice, no durable reconciliation, but instead a sort of a pragmatic, day-to-day accommodation? What if racial privilege is entrenched as a constitutional right and comes to be defended in the language of rights in civil society and in the language of standards within institutions? Indeed, if we are to go by the experience of other privileged minorities on this continent – minorities like the Asians of Uganda or the Tutsi of Rwanda, those who were popularly seen, on the morrow of independence, as illegitimate beneficiaries of a colonial relationship – this alternative does give us pause to think. Does not their example illuminate what can happen when a privileged minority enters into a Hobbesian pact, trading political rights for security of privilege? Is the price not one of being branded permanently – and racially – as a minority, one whose wealth is considered an ill-gotten privilege, a fixed target against

which any and every demagogue may organize in the name of social justice, while unleashing a tide of revenge? We need to consider whether a reconciliation that masks the continuation of privilege may not invite revenge as surely as does a demand for justice that knows no bounds.

Conclusion

One needs to resist the temptation to overlook the redeeming features of the new paradigm. Its contribution flows from the critique of the paradigm of justice, that it is not enough to change positions. Such a merry-go-round only triggers a cycle of revenge. Identities have to be transcended, not just displaced. To forge a common future for past perpetrators and beneficiaries, and their victims, it is necessary also to address them all as survivors.

If the paradigm of reconciliation has the virtue of pointing to a common future, its pitfall is that it does this on the basis of diminishing the nature of evil so grossly that accepting it requires nothing short of suppressing the agency of the majority. Telescoping the definition of victims to political activists may be justified as political necessity, as trimming the political agenda to fit the capacity of the moment; in short, as making the transition manageable. And yet, should we not resist the temptation to celebrate necessity as virtue, in the process turning that momentary necessity into a permanent condition? It is in this context that, I suggest we need to take a second look at the work of the Truth and Reconciliation Commission.

I suggest that while we accept the political imperative behind the compromise of 1994 that created the TRC as an amnesty commission, we nonetheless question its ideological claim to be a truth commission.¹² I suggest we go beyond asking whether truth

necessarily leads to reconciliation and recognize that the nature of truth is not an unproblematic given. Could there not be versions of the truth? If the relationship between perpetrators and victims highlights one truth, does not the relationship between beneficiaries and victims as the majority express a related but different truth? In as much as the commission highlights the former and obscures the latter, should we not ask: How much room does the truth, as tailored by this commission, have for the experience of the vast majority of South Africans? In tailoring the truth to fit the experience of agents and activists, and in obscuring the experience of the vast majority, is not the commission asking us to embrace the consequences of apartheid as ordinary people experienced it, to accept these as the price of reconciliation, even as part of normal life? Is reconciliation then turning into an embrace of evil? If so, how long can it hold?

I do not presume that the TRC should have been the agency to deliver a measure of justice to victims as the majority. But I do presume that the TRC could and should have prepared the ideological groundwork for practical initiatives to do so. In making a distinction between the two functions of the TRC, one political (granting amnesty) and the other ideological (defining the truth), my point is to focus attention on the ideological work of the commission. It is to make the argument that in highlighting the identity of perpetrators while obscuring that of beneficiaries, the TRC has given us a version of truth which obscures the link between perpetrators and beneficiaries, and thus between racialized power and racialized privilege.

If reconciliation is not to turn into an embrace of injustice, of evil – even if called truth – then the pursuit of social justice needs to be recognized as a political imperative. I recognize that what is

politically desirable may not always be politically possible. And yet, that is reasoning enough to explore ways of making it possible politically. It is reason enough to explore how to resolve the tension between managing the reconciliation politically in the short run and making it durable socially in the long run, and to consider whether it is possible to manage the tension between reconciliation and justice by approaching reconciliation in degrees, as a step-by-step process that moves from the political leadership to the population, from perpetrators and victims as a minority to beneficiaries and victims as the majority. Just as the distinction between political and social reconciliation does not have to highlight the agency of the political leadership at the expense of denying popular agency, it does not have to overload the agenda of the moment at the risk of eroding a limited capacity. By recognizing that degrees of reconciliation are linked to forms of justice, it can also allow us to explore ways of linking the two to make reconciliation durable.

Either we try and shape events by putting the question of social justice on the political agenda, or we let events compel us into that recognition, sooner or later. The difference, of course, is that whereas foresight will keep the initiative in the hands of political leaders, the lack of it will just as surely pass the initiative to demagogues.

Endnotes

- 1 I would like to thank two internal reviewers from the HSRC, Ben Magubane and Vincent Maphai, for their comments on the original draft of this paper. My thanks are also due to Abdi Samatar for support along the way.

- 2 Why compare South Africa and Rwanda? Why not South Africa and the US, Canada, Australia, New Zealand? This question was posed by an internal reviewer of the HSRC who was asked to comment on the first draft of the talk. The basis of my comparison is the Conquest State in a context where settlers remained a minority and natives the majority. I am particularly interested in the question of how to reform a conquest state that made a clear distinction between two groups, settlers and natives, and reproduced this distinction through a bifurcated structure that located by settlers in the civic sphere and natives in the ethnic sphere. For an elaboration of this argument, see Mahmood Mamdani, *When Does a Settler Become a Native? Reflections on the Colonial Origins of Citizenship in Equatorial and South Africa*, Inaugural Lecture, A.C. Jordan Professor of African Studies, University of Cape Town, May, 1998.
- 3 For a discussion on Hegelian and other sources of the notion of "civil society", see Robert Meister, *Political Identity: Thinking Through Marx*, London: Basil Blackwell, 1990; John Keene, *State and Civil Society*, London: Verso, 1988, Geoff Eley, "Nations, Publics and Political Cultures: Placing Habermas in the 19th Century", in *Habermas and the Public Sphere*, ed. Craig Calhoun, Cambridge, Mass: MIT Press, 1992.
- 4 See, Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton: Princeton University Press, and Cape Town: David Philip, 1996.
- 5 For a South African appreciation of "re-tribalization" that dovetails British notions of "indirect rule", see, Gen. J. C. Smuts, *Africa and Some World Problems, Including the Rhodes Memorial Lectures Delivered in Michaelmas Term, 1929*, Oxford: Clarendon Press, 1929.
- 6 Frantz Fanon, *The Wretched of the Earth*, London: Penguin Books, 1967.
- 7 Samir Amin, *Accumulation of a World Scale*, New York: Monthly Review Press, 1974.
- 8 While being sensitive to the historical context defined by a colonial and imperial enclosure, the point of my critique of nationalism is

precisely that the existence of constraint does not and did not mean the absence of choice. For a historical background to the Rwandan crisis from the standpoint formulated here, see Mahmood Mamdani, "From Conquest to Consent as the Basis of State Formation: Reflections on Rwanda", *New Left Review*, No. 216, March/April 1996.

- 9 Kadar Asmal, Louise Asmal, Ronald Suresh Roberts, *Reconciliation Through Truth: A Reckoning of Apartheid's Criminal Governance*, Cape Town: David Philip, 1996. For a critique, see, Mahmood Mamdani, "Reconciliation Without Justice," *South African Review of Books*, November/December 1996.
- 10 Robert Meister, University of California, Santa Cruz, personal communication.
- 11 For a formulation that formed the organizing principle of two conferences that prepared the ground for the Truth and Reconciliation Commission, see Alex Boraine and Janet Levy, eds, *The Healing of a Nation? Justice in Transition Project*, Cape Town, 1995.
- 12 Isn't it interesting that, popularly, the TRC is not referred to as the Reconciliation Commission, but as Truth Commission?