



**The Relationship between Remorse and Offering Forgiveness:  
Selected Case Studies from the South African Truth and  
Reconciliation Commission**

**By**

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A mini-thesis submitted in partial fulfilment of the requirements for the degree of Masters of Theology in the Department of Religion and Theology at the University of the Western Cape.

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## Declaration

I, Sandiswa Lerato Kobe, hereby declare that the work done in this mini-thesis is my own work, that has not been submitted to any other institution for degree purposes and that all sources, references or quotes have been indicated and acknowledged.

Signed: .....

Date: .....



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## **Abstract**

This study investigates three case studies, namely, the “Pepco Three”, the “St James Church incident”, and the “Gugulethu Seven incident” from the perspective of ongoing reflections on the nature of reconciliation in the sub-discipline of Systematic Theology. The research problem that is investigated in this project is: What role did visible signs of remorse (or its absence) play in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to the perpetrators of gross violations of human rights related to the three cases studies mentioned from the amnesty hearings of the South African Truth and Reconciliation commission, namely the “Pepco Three” the “St James Church massacre incident”, the “Gugulethu Seven”. In each case study, the crucial question that will be asked is whether the victims or their relatives understand forgiveness as something that is conditional and part of a longer process of reconciliation, or whether they understand forgiveness as something that can be offered unconditionally. The research draws on some standard theological literature with specific reference to literature on the concepts of reconciliation, forgiveness and remorse emerging in the aftermath of the South African TRC. This is followed by a description and critical analysis of the three identified case studies. In each case, I listened to the recordings, read the transcriptions, and considered the available secondary material on the case studies.

### **Keywords**

Transitional Justice

Truth Commission

Forgiveness

Reconciliation

Remorse

Pepco Three

St James Church

Gugulethu Seven

# Chapter 1: Historical Background

## 1.1 Introduction

The proceedings of the South African Truth and Reconciliation Commission (TRC) focused on three aspects, namely applications for amnesty from gross violations of human rights, applications for reparation by victims of such gross violations of human rights and to establish the truth regarding gross violations of human rights and identify both the victims and the perpetrators. The aims of the TRC also included the promotion of national reconciliation, however. This is described in the constitution of the TRC in terms of *The Promotion of National Unity and Reconciliation Act*, No. 34 of 1995. There is considerable debate on the legacy of the TRC in terms of this stated aim of national reconciliation. This debate typically refers to the hearings of the TRC and a number of famous inter-personal interactions that served as catalysts, but also test cases for the possibilities of reconciliation at a national level.

In this research project I will investigate three such case studies from the perspective of ongoing reflections on the nature of reconciliation in the sub-discipline of Systematic Theology. In this context, a distinction is usually made between the reconciliation of God and humanity in Jesus Christ, reconciliation between believers in the body of Christ and the ministry of reconciliation in church and society. Yet, as demonstrated by Archbishop Desmond Tutu, the chairperson of the TRC, it is also possible to offer theological reflection on reconciliation at various levels in society, including the case studies from the TRC. In theological discourse on reconciliation, a whole range of aspects of the process of reconciliation are usually identified. It is generally argued that reconciliation is impossible without the crucial role of forgiveness. One crucial debate in this regard is whether forgiveness has to be offered unconditionally. More pertinently: do remorse and the confession of guilt follow upon recognition of (God's) forgiveness (as several theologians have argued), or is forgiveness offered only upon the basis of signs or remorse, a confession of guilt and acts of reparation (as is widely assumed in secular circles)?

In this research project I will investigate the relationship between remorse and forgiveness with respect to three case studies that formed part of the proceedings of the Truth and Reconciliation Commission, namely the "Pepco Three", "St James Church massacre", and the "Gugulethu seven". The question that I will investigate is what role visible signs of remorse (or the absence of that) played in the willingness or unwillingness of victims (or their close



relatives) to offer forgiveness to perpetrators of gross violations of human rights in these three cases studies. This question will be addressed on the basis of a survey of theological literature on reconciliation, remorse and forgiveness. This will be followed by a description and critical analysis of the three identified case studies on the basis of recordings and transcriptions as well as some reflections on these case studies that are available in secondary material.

## **1.2 Context and relevance**

### **1.2.1 The Truth and Reconciliation Commission**

The establishment of the South African Truth and Reconciliation Commission should be understood in the context of several other similar commissions that were established to attend to processes involving transitional justice.<sup>1</sup> Freeman (2006:4) argues that it would not be proper to talk about such truth commissions outside of the broader subject of transitional justice. Transitional justice concerns the process through which a state moves from war to peace or from authoritarian rule to democracy by addressing a particular legacy of human rights violations that occurred on a massive scale. The need for transitional justice is said to have emerged as a result of many global developments, including the events and aftermath of the Second World War, which saw major trial for war crimes, massive reparation programmes, widespread purges and transitions out of war in countries such as El Salvador, the former Yugoslavia and Sierra Leone. Transitional justice was also driven by transitions to democracy in the Southern Europe after the Second World War, Latin America in the 1980s, and Africa, Asia, and central and Eastern Europe during the 1990s and beyond. Freeman (2006:5) argues that there is little that unites any single transitional context to another; there are more differences than similarities in transitional contexts. He adds that despite all of these differences there is one context that unites them all and it is that of “legacy of widespread violence and repression” that gave rise to the need for transitional justice (Freeman 2006:6). Many countries where transitional justice is addressed did not have the necessary structures in this regard. Often, the courts were not able to attend to the task, so that other appropriate structures were needed. The introduction of truth commissions has to be understood in this context.

In theory and in practice, processes towards transitional justice focus on four main

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<sup>1</sup> Priscilla Hayner (2001:32) describes the establishment of such truth commissions in the following way: “A public process of disclosure by perpetrators and public hearing for victims; an amnesty process that was intensely focused on national healing and reconciliation, with the intent of moving a country from its repressive past to a peaceful future, where former opponents could work side by side”.

mechanisms (Freeman 2006:6):

- Trials in a court of law, whether civil or criminal, national or international, domestic or foreign;
- Fact-finding bodies, whether truth commissions or other similar national or international investigative bodies;
- Government structures for reparation, whether compensatory, symbolic, restitutionary, or rehabilitative in nature;
- Political reforms, including legal and constitutional reforms, the removal of perpetrators of gross violations of human rights from public positions.

Following the negotiated settlement reached in the period between 1990 and the first democratic elections in 1994, the South African Truth and Reconciliation Commission was established in 1995 in order to address the impact of human rights violations during the apartheid period.<sup>2</sup> This commission followed the pattern of the above-mentioned examples, but added a distinct emphasis on the need for national reconciliation. It was established in terms of the *Promotion of National Unity and Reconciliation Act*, No. 34 of 1995. The work of the commission focused on the period from the Sharpeville massacre in March 1960 until 1994. The commission was established through the selection and appointment of seventeen commissioners named in the Government Gazette in December 1995. Archbishop Desmond Mpilo Tutu was appointed as the chairperson, with Dr Alex Boraine as vice-chairperson. The work of the TRC was structured in the form of the following three committees:

- The Human Rights Violations Committee investigated human rights abuses that occurred between 1960 and 1994;
- The Reparation and Rehabilitation Committee was charged with restoring victims' dignity and formulating proposals to assist with rehabilitation;
- The Amnesty Committee considered applications from individuals who applied for amnesty in accordance with the provisions of the Act (Doxtader & Salazar 2007:14-27).

Dumisa Ntsebeza, a prominent African lawyer, headed the investigative unit, which was given broad powers. The TRC received a grant from the US government worth approximately US\$ 18 million a year for two and a half years, which enabled it to employ a staff of about three

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<sup>2</sup> It is argued that the African National Congress wanted a "Truth Commission" that is similar to the ones I have mentioned above. On the other side, the National Party wanted a "Reconciliation Commission". The perpetrators group was concerned about the victims of apartheid, and the victims were looking for amnesty for the perpetrators; that is how the word "Truth and Reconciliation Commission" came about (See Vorster 2004:497-498).

hundred persons and to set up four regional offices. Public hearings of the Human Rights Violations Committee and the Amnesty Committee were held at many venues around South Africa, including in Cape Town (at the University of the Western Cape), Johannesburg (at the Central Methodist Mission), and Randburg (at the Rhema Bible Church). The commission was empowered to grant amnesty to those who committed gross human rights violations during the apartheid time, as long as the crimes were politically motivated, proportionate, and there was full disclosure by the person seeking amnesty. The commission heard reports of human rights violations and considered amnesty applications from all sides, from the apartheid state to the liberation forces, including the African National Congress. A total of 7,116 applications were received, of which only 1167 were granted amnesty.

The proceedings of the TRC took place between 1996 and 1998. In the process, numerous submissions were also received from churches, the medical establishment, the press, the business sector, and other sectors of society. The recommendations of the TRC were eventually published in a series of twelve volumes. There is no need to discuss the findings of the TRC in any detail here.

The legacy of the TRC will have to be assessed in decades to come. Suffice it to say that it has elicited considerable interest and praise<sup>3</sup> from observers outside South Africa while its work was highly contested in South Africa – by those who questioned the granting of amnesty on grounds of justice, by a white minority who regarded the TRC as biased, and eventually by the ANC itself, which rejected the final report, given its inclusion of human rights violations committed in the context of the armed struggle.

There is already a huge corpus of scholarship from a variety of disciplines that address that task. Three aspects deserve special mention here, namely the ongoing debates on national reconciliation, reflections in Christian theology on the legacy of the TRC and wider theological reflection on reconciliation prompted, amongst others, by the TRC.

### **1.2.2 Theological reflection on the legacy of the TRC**

There has been considerable interest in the legacy of the TRC in the field of Christian theology. Numerous articles, a few monographs and a number of significant edited volumes

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<sup>3</sup> The open selection process of commissioners, candidates interviewed in the public sessions, releasing drafts of the legislation for comment, holding hundreds of hours of public hearing in parliament on the proposed terms, and incorporating some key comments of the many national NGOs that pushed for strong terms (Hayner 2001:40). The powers given to the commission, its amnesty-granting power; the quality of public hearings; the manner in which the terms of the commission were made; and the overruling focus on reconciliation as a primary goal of its work.

were published to assess the legacy of the TRC. A brief survey of the most significant literature may suffice here:

An early collection of essays entitled *To remember and to heal: Theological and psychological reflections on truth and reconciliation* (1996), edited by Russel Botman and Robin Petersen, offer theological reflection on core concepts related to the proceedings of the TRC such as truth, lament, pain, justice and reconciliation itself. In *Ukubuyisana: Reconciliation in South Africa*, Mark Hay (1998) offers reflections on concepts such as penance, forgiveness and reconciliation from a Catholic point of view. Immediately after the conclusion of the proceedings of the TRC, another collection of essays entitled *Facing the truth: South African faith communities and the Truth and Reconciliation Commission* was published that specifically explored the submissions to the TRC made by faith-based groups (see Cochrane, De Gruchy and Martin 1999). A significant essay in this volume by Tinyiko Maluleke offers an evaluation of TRC discourse from the perspective of black theology. Perhaps the most influential reading of the significance of the TRC is offered from the inside by Desmond Tutu in *No future without forgiveness* (1999). A theological assessment of the legacy of the TRC may be found in John de Gruchy's study significantly entitled *Reconciliation: Restoring justice* (2002). Another significant assessment of the elusive nature of reconciliation is offered by Charles Villa-Vicencio, the research officer during the TRC and former director of the Institute for Justice and Reconciliation, in his booklet *The Arts of Reconciliation* (2002).

International and comparative perspectives on the legacy of the TRC may be found in the volume *The reconciliation of peoples: Challenges to the churches* (1995), edited by Gregory Baum and Harold Wells. A major contribution on the notion of political forgiveness is found in Russell Daye's study *Political forgiveness: Lessons from South Africa* (2004).

### **1.2.3 National reconciliation**

There is, more specifically, considerable debate on the legacy of the TRC in terms of one of its stated aims of national reconciliation. This debate typically refers to the hearings of the TRC and a number of famous inter-personal interactions that served as catalysts for discourse on reconciliation at a national level. Of course the events that transpired between victims and perpetrators during the hearings of the TRC in no way constitute national reconciliation. However, they set the stage for public debate on the legacy of the past. The media attention that these hearings elicited implied that millions of South African citizens were able to engage

with their own life stories through the catalyst that the series of hearings provided. The TRC thus provided an opportunity to ordinary South Africans (who were neither perpetrators nor victims of gross violations of human rights) to reflect on their own past and future through the publicity around the TRC.

Of course, each listener would engage with different aspects of the hearings: They might have been shocked by the knowledge of the atrocities that were committed; moved to confess guilt over minor violations of human rights; shared in the pain of the victims; been encouraged to articulate their own stories about the past in front of witnesses; been challenged to offer forgiveness for the sake of national reconciliation or to address the task of restitution; or been angered over the granting of amnesty to perpetrators of gross human rights violations.

Many commentators on the Truth and Reconciliation Commission have questioned whether the TRC accomplished much in terms of reconciliation. Borraine (2000:340), for example, noted that: “The commission has certainly told some home truths and uncovered significant knowledge about our past, but it offers very little in the way of reconciliation.” However, in terms of the previous, one may observe that the proceedings of the TRC did more to further the aims of national reconciliation than it is often given credit for. This was achieved indirectly, by staging a moment of catharsis and providing a catalyst for further reflection amongst ordinary South African citizens.

In the aftermath of the TRC, the possibilities and conditions for national reconciliation invited ongoing reflection. This is hardly surprising, given the social divisions, especially those marked by race and class, which continue to characterise the South African society. Such divisions are monitored through the annual publications produced by the Institute for Justice and Reconciliation (SA Barometers Survey). It is evident that South Africans continue to associate strongly with identity groups based on language, ethnicity and race. In the recent Diagnostic Report released by the National Planning Commission, it is acknowledged that South Africa remains a “deeply divided society”. These divisions were ascribed to economic underperformance and deeply entrenched patterns of historic privilege and deprivation (NPC 2011f:412), and are related to high unemployment, low quality of education for black people in particular, inadequate infrastructure, significant spatial development challenges, a resource-intensive and unsustainable growth path, an ailing public health system unable to cope with the national disease burden, uneven public sector performance, and corruption. In response to such divisions, the National Plan and Vision for 2030 recognises the need to prioritise reconciliation, social cohesion and nation-building in order to strengthen the social fabric of

the South African society (*Reconciliation Barometer* 2011:29-34).

What, then, could national reconciliation entail? As has been previously suggested, people attach rather different connotations to the term “national reconciliation”. For instance, in the negotiations, former president Nelson Mandela rose above bitterness and advocated national unity and reconciliation. The essence of his philosophy was that the heat of confrontation should not be allowed to cloud our judgment when deciding on the right way forward. Meanwhile, others regarded the policy of domestic reconciliation as a trick to silence political opponents for the sake of “social stability”.

In addition to former president Nelson Mandela’s view of what national reconciliation entailed, Archbishop Desmond Tutu followed a similar approach to the chairperson of the TRC and recognised the role of confession, absolution, penance and forgiveness in the promotion of national reconciliation. According to Tutu (1999:220), South Africans have “no future without forgiveness”.

Examining and interacting with her listeners, Antjie Krog, a South African journalist and professor at the University of Western Cape listened, wept, and subsequently wrote her book *Country of My Skull* (1998). She hails the TRC of South Africa as the first to individualise amnesty and to allow victims to testify in public. She argues that it was also the first commission to allow both perpetrators and victims of the conflict to testify at the same forum, which was a cause of concern for some critics. Krog counters such critics by emphasising the African roots of the profound understanding of reconciliation (*uxolelwaniso*) embedded in the narratives emerging from the TRC. She notes that this “was the first step towards changing into a more humane self that would including victim and perpetrator”.

According to Gobodo-Madikizela (2008:280-182), the public acknowledgement of atrocities and the suffering and pain endured by victims defined an important restorative step, not only for individual’s victims and survivors, but also for the broader society. For instance, she suggests that the moment where Mbelo (a perpetrator) reconciled with the seven mothers of the young men in the TRC was a moment of transcendence. She further notes that the TRC brought terms such as “apology”, “forgiveness” and “reconciliation” after mass atrocity into public focus and scholarly debate.

John de Gruchy (2002:15) suggests that the TRC unearthed horrific truths about the apartheid era so doing, helped to reclaim history that had been suppressed and fragmented. It did not uncover the whole truth, but it opened possibilities for those who have ears to hear. He further

suggests that reconciliation is a process, rather than a dogma; the TRC opened the space for this process to take place.

The Truth and Reconciliation Commission is widely known for its mandate to promote National Reconciliation in South Africa. Despite this, however, many people criticised its work and mandate. Many have suggested that it was a consequence of a compromise for transitional justice, while others maintains that the fact that it resulted from the negotiations between two political powers in South Africa suggests that the TRC itself was part of a compromise for transitional justice (Maluleke 2001:194-195).

Several commentators have pointed out that the significance of the TRC for national reconciliation has to be understood in terms of its own limitations. Mamdani (1997:183), for example, observes that the focus of the proceedings of the TRC was on the perpetrators and victims of gross violations of human rights. This has far-reaching implications:

Firstly, it reduced the injustices of the past to the relationship between the state and certain individuals, whereas national reconciliation would need to involve entire communities traumatised by apartheid.

Secondly, the commission defined gross violations of human rights as including the killings, abductions, torture or severe treatment of any person in the period from 21 March 1960 to 10 May 1994. Consequently, the TRC left out minor human rights violations such as detention without trial, the jailing of people for pass law offences and the many forms of racism that characterised ordinary life in South Africa. The commission was more eager to create a picture that made the story of apartheid (a crime against human beings) a lesson of reconciliation than to actually address the violation of human rights. Human rights were denied through oppressive practices, while the exercise of civil rights was limited as a result of prevailing inequalities. Ways, in which the potential of life were diminished, such as the examples mentioned, were not addressed through the TRC processes.

Thirdly, instead of addressing structural violence, the TRC mostly focused on repressive violence. The structural violence committed by the state, for example the forced removal of three and a half million people to create racially segregated residential areas, was not addressed. Between 1960 and 1994, 25 000 people died as a result of political, racially motivated violence, but many millions more were condemned to live in anguish and poverty. The TRC thus limited the definition of harm. Instead of addressing the relationship between the state and the whole of South Africa, it narrowed its focus to political reconciliation

between state agents and political activists.

Fourthly, the roles of beneficiaries, bystanders or collaborators regarding the social injustices and systematic inequalities of apartheid were not recognised. Nevertheless, one can easily argue that truth commissions tend to give priority to gross human rights violations, rather than systematic injustices. It therefore could not be expected from the TRC to have addressed the beneficiaries of apartheid as well, given its limited brief, although national reconciliation clearly cannot be restricted to addressing gross human rights violations.

### **1.3 Demarcation and statement of research problem**

This study will focus on the relationship between forgiveness and remorse with respect to three case studies that formed part of the proceedings of the Truth and Reconciliation Commission, namely the “Pebco Three”, “St James Church massacre” and the “Gugulethu Seven”. The question that will be addressed in this project is what role visible signs of remorse (or the absence of that) played in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to perpetrators of gross violations of human rights in these three cases studies?

In this thesis I will investigate the relationship between remorse and forgiveness with respect to the following three case studies:

#### **1.3.1 The Pebco Three**

Through this case study I argue that the narrative of the Pebco Three symbolised frustrations, anger and lies in the application process. The security policemen, for example, blamed the government and the apartheid system for crimes that they committed under apartheid while those who were in power claimed that they did not know what was happening at ground level. For some perpetrators, it was an opportunity to ask for forgiveness, express their longing to be reconciled with their families, the families of the Pebco Three and South Africa at large.

The Pebco Three designates three activists namely, Sipho Hashe, Champion Qaqawuli Godolozzi who disappeared at the airport in Port Elizabeth in 1985. After 11 years of searching for them, Elizabeth Hashe, Nomati Galelo, and Monica Godolozzi (the widows of the Pebco Three), asked the human rights violations committee to find out what had happened to their husbands since their disappearance in 1985. In May 1996 the TRC received amnesty applications for the abduction and murders of the Pebco Three from Former Eastern Cape security policemen, and former Vlakplaas askaris. In their applications, the security



policemen and the askaris claimed that the Pebco Three made Port Elizabeth ungovernable because they were politically active, especially in the struggle against the state. Martin Van Zyl, Gideon Nieuwoudt, Gerhardus Johannes Lotz, Roelf Venter, and Gert Beeslaar confessed to the Commission that the PEBCO members were drugged, killed, burnt, and their bodies were thrown into the Fish River. Two askaris, however, Kimpani Mogoai and Johannes Koole, claimed that the Pebco Three were abducted, tortured, and murdered. The testimonies given by these two askaris became a stumbling block in granting amnesty to both the security policemen and the askaris. As a result, the applications by the security policemen were opposed by the widows of the Pebco Three leaders, on the basis that there was no truth and full disclosure.<sup>4</sup> One askaris was granted amnesty by the commission in terms of truth and full disclosure.

I selected this case study because there was no forgiveness and reconciliation from the victims, but amnesty from the Commission to at least two of the nine applicants. Although some of perpetrators confessed their crimes, repented, expressed remorse, guilt and contrition, the victims were not in a state to discuss forgiveness and reconciliation. Victims were still dealing with the ghastly truth of the killing of their husbands, which alienated them even further from the perpetrators.

### **1.3.2 The St James Church massacre**

The St James church massacre is one of the cases that became a catalyst for reconciliation in South Africa. From their Christian conviction, victims spoke of their ability to forgive and reconcile, whereas perpetrators asked for forgiveness and showed willingness to unite in the new South Africa. During the proceedings at the TRC of South Africa, Gcinikhaya Makoma, Bassie Mzukisi Mkhumbuzi, Thobela Mlambisa, and Sichumiso Nonxuba (APLA operatives) applied for amnesty for the attack of the worshipers at St James Church, Kenilworth in Cape Town. They confessed that they were the ones responsible for the attack that killed 11 worshippers and left 58 wounded. At the TRC of South Africa, three APLA operatives argued that they were following orders in the attack; they had no prior knowledge of the fact that they will be attacking a church. It was one of their commanders, Sichumiso Nonxuba, who selected the target. According to them, Nonxuba selected the church because he believed that the apartheid government was using churches to oppress black people. They maintained that they

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4 The only senior Security Police Officer who was granted amnesty in respect of conspiring and ordering the abduction and murder of the Pebco Three was Harold Snyman, who failed to attend his amnesty hearing because of health reasons and since died.

also read in the books that white people were the ones who had taken the land from black people using the church and the Bible. Accordingly, they argued that killing white people was a way of putting pressure on the white government to return the land of black people. White people, in their opinion, were legitimate targets as they were complicit in the government policy of apartheid.

Although survivors and victims of the attack disputed the legitimacy of the claim that they attacked the church because it was a white congregation, the TRC was moved by the survivors and victim's response to the attackers. After demanding an apology and the need for reconciliation from perpetrators, the victims and survivors argued that they forgave perpetrators unconditionally because Jesus forgave their sins. Following the amnesty hearing, the victims later met with the perpetrators and publicly reconciled with them.

The TRC pointed out that the act of killing white civilians was a gross violation of human rights, and a violation of internal humanitarian law, however, on the basis of truth and full disclosure, and given that the crime was politically motivated, the commission granted them amnesty.

I selected this case study on the basis that the attack was carried out by victims of the apartheid system who had turned into perpetrators because of the situation that they were forced to live under. What also interests me is the request by the survivors for remorse and that after visible signs of remorse were offered, immediate and unconditional forgiveness that was based on Christ's teachings followed.

### **1.3.3 The Gugulethu Seven incident**

The Gugulethu Seven incident is known as one of the most complex cases that appeared before the TRC of South Africa. The Gugulethu Seven incident during the TRC of South Africa brought the language of apology, forgiveness, and reconciliation into the public focus after mass atrocities. In the media it captured headlines. In the prize winning documentary, *Long Nights Journey into Day* by Frances Reid and Deborah Hoffmann, the Gugulethu Seven formed part of the four cases the filmmakers explored. The documentary shows the reconciliation that took place between Thapelo Mbelo (a perpetrator) and the Gugulethu mothers, namely Cynthia Ngewu, Eunice Thembisa Miya, Irene Mnxinwa, and Notrose Nobomvu Konile. In addition, the TRC report documented and used the words of the mothers of the Gugulethu seven in order to define what reconciliation entails. The Gugulethu seven also symbolised poverty, anger, unemployment, inequalities, change and liberation that were

fuelled and manipulated by operations of the police and security forces (see Krog 2009:5-12).

In 1996 the parents of the Gugulethu seven made statements urging the commission to find out the circumstances surrounding the killing of their children. After investigations, it was revealed that there was an extensive cover-up by the security forces involved in the incident. The investigative Unit of the Western Cape Region commission then commanded nine policemen to appear at the special human rights violations hearings to give evidence in public on the matter in terms of Section 29 of the *Promotion of National Unity and Reconciliation Act (1995)*. It was revealed for the first time that an ANC cell was indeed infiltrated by the Vlakplaas askaris, and that Vlakplaas askaris were sent to Cape Town to counter-act terrorism in Cape Town.

In 1997 Riaan Bellingan and Thapelo Mbelo, applied for amnesty from the TRC of South Africa. They confessed that they were involved in the execution of the seven young men from Gugulethu, however, it was an incident that had gone wrong; the victims were not supposed to have been shot, but rather arrested. Riaan Bellingan accepted full responsibility for the incident, as he was the one in command. He argued that, based on the information that he had about the Gugulethu Seven, they were armed and aggressive, and he knew it would be very difficult to arrest the attackers. He argued that the arrests would not have been easy and therefore, a shootout was possible. The TRC commission granted Riaan Bellingan and Thapelo Mbelo amnesty under full disclosure of all relevant facts in relation to human rights violations committed with a political motivation under apartheid.

The reason why I selected the Gugulethu Seven hearing is because the policemen and the Vlakplaas askaris who were involved took responsibility for the ambush of the Gugulethu Seven. For instance, in a special hearing after the commission, Thapelo Mbelo met with the Gugulethu seven mothers and acknowledged his actions in the past and asked for their forgiveness.

#### **1.4 Statement of Research Problem**

On this basis, the research problem that will be investigated in this project may be formulated in the following way:

What role did visible signs of remorse (or the absence of that) play in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to perpetrators of gross violations of human rights related to four cases studies from the amnesty hearings of the

South African Truth and Reconciliation commission, namely the Pebco Three, the St James Church massacre, and the Gugulethu Seven?

The research problem as stated above includes a number of variables. In each case, there may be a willingness or unwillingness from the victims or their relatives to offer forgiveness to the perpetrators. Likewise, in each case there may or may not have been visible signs of remorse. Thirdly, such remorse (or its absence) may or may not have played a role in the willingness or unwillingness to offer forgiveness.

In the case of the Pebco Three, remorse, regret, guilt and contrition were expressed by the perpetrators, however, forgiveness was not offered and reconciliation did not take place. At the time, the truth only alienated them further from the perpetrators. Some of the reasons why forgiveness did not take place may be because the past could not be undone. In the public sphere, this case study may symbolise that forgiveness and reconciliation is a journey, as the victims expressed how important it was for them to hear the truth about the killing of their husbands.

The St James Church massacre case is a bit different from the first one. Victims asked for signs of remorse and also asked whether perpetrators would like to be reconciled with them. After such signs of remorse became evident, victims immediately offered forgiveness, noting that their offer is unconditional. Scheper-Hughes (1998:120), points out that victims claimed that as Christians, they have to forgive as Jesus had forgiven all sinners. At a special hearing after the commission they reconciled with the perpetrators.

In the Gugulethu seven case, there were visible signs of remorse, which led the perpetrators to ask for forgiveness. Although there may have been visible signs of remorse, victims maintained that to offer forgive is not only important for perpetrators but for them as well. In order to be human again and for reconciliation to take place, they needed to forgive (see Krog 2009:12). Furthermore, these victims were willing to forgive because God expects them to offer forgiveness to those who trespass against them.

The richly textured nature of these case studies calls for the further exploration of the dynamics involved. In each instance, the crucial question is perhaps this: Do the victims or their relatives understand forgiveness as something that is conditional and as part of a longer process of reconciliation, or do they understand it as something that can only be offered unconditionally? How, then, is the relatedness of remorse, offering forgiveness and acts of reparation, restitution, and reconciliation be understood? This invites further theological

reflection, if only because of the Christian convictions of the perpetrators or their victims and their relatives. This study will engage in such theological reflection.

### 1.5 Research Procedure

Against this background the aim of this study is to investigate the relationship between remorse and offering forgiveness with reference to the three selected case studies from the South African Truth and Reconciliation Commission, the Pebco Three, the St James church massacre, and the Gugulethu Seven.

Chapters 2, 3 and 4 will largely be based on sketching in broad parameters the context in which this study is situated, namely the TRC, its proceedings and legacy. I will offer some theological background on three of the core concepts employed in this study, namely reconciliation (with God, within the church as the body of Christ and the ministry of reconciliation in society), forgiveness<sup>5</sup> and remorse.<sup>6</sup> In each case, I will draw on some standard theological literature with specific reference to the literature emerging in the aftermath of the South African TRC. I will offer a very brief survey of such literature in order to capture the state of the debate in this regard.

In chapters 5, 6, and 7 of this thesis I will listen to the recordings,<sup>7</sup> read the transcriptions<sup>8</sup> and consider the available secondary material on each of the case studies.<sup>9</sup> I will use that to establish whether or not visible signs of remorse by perpetrators played a role in the willingness or unwillingness of victims to offer forgiveness to such perpetrators. Furthermore, I will describe and analyse each case in some depth and document the results in each chapter. The focus of this study is on the relatedness of the concepts of “reconciliation”, “remorse” and the “offering of forgiveness”.

Chapter 8 will compare the results of the three selected case studies in order to offer some conclusions as to whether visible signs of remorse played a role in the willingness or

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<sup>5</sup> The literature that will be consulted in this regard includes: Arendt (1958), Jones (1995), Shriver (1995), Tutu (1999), Battle (2000), Godobo-Madikizela (2002, 2008), Govier and Verwoerd (2002), Chapman (2007), Krog (2008, 2009), Conradie (2013).

<sup>6</sup> The literature that will be consulted in this regard includes: Hay (1998), Krog (1998, 2008, 2009), Brand (2002), Moon (2004), Murphy (2007), Conradie (2013),

<sup>7</sup> I will listen to the TRC Recordings available from the Institute for Justice and Reconciliation website, and also from the SABC News: “*Truth Commission’s Special Report*” Max du Preez (1996-1998).

<sup>8</sup> I will further read the transcriptions on the case studies available on the SABC News website “*Truth Commission Special reports*” Max du Preez (1996-1998).

<sup>9</sup> The secondary material that will be consulted includes: TRC Reports, namely Volume Two (1998), Volume 3 (1998), Volume 4 (1998), Volume 5 (1998), and Volume 6 (2003). Scheper-Hughes (1998), Tutu (1999), Krog (2008, 2009), Gobodo (2002), Tutu D and Tutu (2014).

unwillingness of victims to offer forgiveness to such perpetrators.



## **Chapter 2: Reconciliation from a theological perspective**

### **2.1 Introduction**

In theology, the term 'reconciliation' is defined and interpreted by scholars in different ways. There is no single definition that theologians agree upon when discussing the notion of reconciliation. In fact, recent scholars have raised concerns that, despite its significance and use in the biblical texts, reconciliation has been trivialised and sentimentalised. They suggest that this can be attributed to the early church not properly investigating and developing the term reconciliation. The term was primarily discussed in connection with theories of atonement connecting Christ's death and human salvation. Recent studies by Brümmer (2005:391) suggest that the word 'atonement' refers to undertaking a course of action designed to undo the consequences of a wrong act, with a view to restore the relationship broken by this wrong act. This definition, therefore, suggests that the term 'reconciliation' has the same meaning as the word 'atonement'. In languages such as Afrikaans, German and Swedish, the same word is in fact use for both atonement and reconciliation.

In this light, this chapter sketches the context in which the term reconciliation emerged in South Africa. It begins with a brief review of the discourse on reconciliation in the wider Christian tradition. It distinguishes four ways (if not more) in which Christians often talk about reconciliation and how they are related. These are Christian discourses on reconciliation between God and humanity in Jesus Christ, Christian discourses on reconciliation in the church as the body of Christ, and the ministry of reconciliation in a divided society. Lastly, I will draw on the South African Christian discourse on reconciliation in society up to the 1980's, and on national reconciliation in the aftermath of the TRC. Reflections and clarification on what reconciliation actually entails, and whether reconciliation is feasible, is briefly mentioned in this chapter, thus briefly mentioning social cohesion as perhaps a better term that allows reconciliation to be understood as a process. The chapter will then offer the many faces of reconciliation in society. In conclusion, I will analyse different aspects involved in the dynamics of reconciliation. In the rest of the study, I will focus only on two of these aspects, namely, remorse and the offering of forgiveness.

### **2.2 The Use of the term Reconciliation in Christian Soteriology in South Africa**

The TRC was established to address the impact of human rights violations committed during

the apartheid period. The stated aims of the *Promotion of National Unity and Reconciliation Act, No. 34 of 1995* included the promotion of national reconciliation. It is suggested by many scholars that South African discourse on the symbol of national reconciliation cannot be separated from the influence of Christianity. This has to be understood in terms of the allegiance to Christianity in South Africa; the use of the term “reconciliation” in Christian soteriology and the significance of what is described as the church struggle against apartheid. The roles played by Archbishop Desmond Tutu, the several church leaders (such as Alex Borrairie, the deputy chairperson) and theologians (including Charles Villa-Vicencio and Piet Meiring) in the proceedings of the TRC were quite overt and widely recognised. Reconciliation was indeed at the heart of the church struggle against apartheid.

One would argue that the events that transpired between victims and perpetrators during the hearings of the TRC in no way constitute national reconciliation. They only set the stage for public debates on the legacy of the past. Archbishop Desmond Tutu as the chairperson of the TRC recognised the role and need of confession, absolution, penance, and forgiveness in the promotion of national reconciliation (Tutu 1999:220). Following Tutu, Borrairie (2000: 340) questioned whether the TRC accomplished much in terms of national reconciliation; he noted that the commission has certainly told some home truths and uncovered significant knowledge about our past, but it offers very little in the way of national reconciliation. Theologians such as John de Gruchy (2002:15) suggest that the TRC unearthed horrific truths about the apartheid era and so doing helped to reclaim a history that had been suppressed and fragmented. It did not uncover the whole truth, but it opened possibilities for those who have ears to hear. He further suggests that reconciliation is a process rather than a dogma; the TRC opened space for this process to take place.

Other scholars, such as Gobodo-Madikizela (2008:280-182), argue that the public acknowledgement of atrocities and of the suffering and pain endured by victims defined an important restorative step, not only for individual victims and survivors, but also for the broader society. Antjie Krog (2008: 354) hails the TRC of South Africa as the first to individualise amnesty and to allow victims to testify in public. She argues that it was also the first commission to allow both perpetrators and victims of the conflict to testify at the same forum, which was a cause of concern for some critics. Krog counters such critics by emphasising the African roots of the profound understanding of reconciliation (*uxolelwaniso*) embedded in the narratives emerging from the TRC. She notes that this “was the first step towards changing into a more humane self that would include victim and perpetrator”. Krog



and Gobodo suggest that the moment of Mbelo's (a perpetrator) reconciliation with the seven mothers of the young men in the TRC was a moment of transcendence. They further noted that the TRC brought terms such as 'apology', 'forgiveness' and 'reconciliation' after mass atrocity into public focus and scholarly debate.

This debate typically refers to the hearings of the TRC and a number of famous interpersonal interactions that served as catalyst for the discourse on reconciliation at a national level. The media attention that these hearings elicited implied that millions of South African citizens were able to engage with their own life stories through the catalyst that the series of hearings provided. Of course, each listener would engage with different aspects of the hearings: They may have been shocked by knowledge of the atrocities that were committed; been moved to confess guilt over minor violations of human rights; shared in the pain of the victims; been encouraged to articulate their own stories about the past in front of witnesses; been challenged to offer forgiveness for the sake of national reconciliation or to address the task of restitution; or they may have been angered over the granting of amnesty to perpetrators of gross human rights violations. The TRC thus provided an opportunity to ordinary South Africans (who were neither perpetrators nor victims of gross violations of human rights) to reflect on their own past and future through the publicity around the TRC.

From the perspective of Christianity, there were also high expectations for the TRC. At the beginning of the TRC, Dirk Smit reminded those involved of the roots of the message of reconciliation in Christian gospel. He claimed that reconciliation becomes possible when we acknowledge the comprehensive truth of love and mercy, forgiveness, and repentance of God. In addition, Christian groups, institutions, and church leaders made proposals to the TRC, suggesting that the TRC must have a pastoral function. They argued that it must restore people's humanity; including the humanity of both the victims and perpetrators. Thereby, its pastoral aim must make our memories redemptive. Lastly, others, such as Botman and Petersen, agreed that we should measure the TRC by its contribution to the act of remembering and healing for the sake of the nation.

There were also dissonant voices that critiqued the process, however. Many criticised the work and the mandate of the TRC to promote National Reconciliation in South Africa. They further maintained that the fact that it resulted from the negotiations between two political powers in South Africa suggests that the TRC itself was part of a compromise for transitional justice (Maluleke 2001:194-195). Several commentators have pointed out that the significance of the TRC for national reconciliation has to be understood in terms of its own limitations.

Mamdani (1996:183), for example, observes that the focus of the proceedings of the TRC was on the perpetrators and victims of gross violations of human rights. This has far-reaching implications: Firstly, it reduced the injustices of the past to the relationship between the state and certain individuals, whereas national reconciliation would need to involve entire communities traumatised by apartheid. Secondly, the commission defined gross violations of human rights as including the killings, abductions, torture or severe treatment of any person in the period from 21 March 1960 to 10 May 1994. Consequently, the TRC left out minor human rights violations such as detention without trial, the jailing of people for pass law offences and the many forms of racism that characterised ordinary life in South Africa. The commission was more eager to create a picture that made the story of apartheid (a crime against human beings) a lesson of reconciliation than to actually address the violation of human rights. Human rights were denied through oppressive practices, while the exercise of civil rights was limited as a result of prevailing inequalities. These ways in which the potential of life were diminished were not addressed through the TRC processes. Thirdly, instead of addressing structural violence, the TRC mostly focused on repressive violence. The structural violence committed by the state, for example the forced removal of three and a half million people to create racially segregated residential areas, was not addressed. Between 1960 and 1994, 25 000 people died as a result of political, racially motivated violence, but many millions more were condemned to live in anguish and poverty. The TRC thus limited the definition of harm. Instead of addressing the relationship between the state and the entire South Africa, it narrowed its focus to political reconciliation between state agents and political activists. Fourthly, the roles of beneficiaries, bystanders or collaborators regarding the social injustices and systematic inequalities of apartheid were not recognised. Nevertheless, Du Toit (1998) argues that truth commissions tend to give priority to gross human rights violations rather than systematic injustices. Therefore, it could not be expected from the TRC to have addressed the beneficiaries of apartheid, given its limited brief, although national reconciliation clearly cannot be restricted to addressing gross human rights violation.

In the aftermath of the TRC, the possibilities and conditions for national reconciliation invited ongoing reflection. This is hardly surprising given the social divisions, marked especially by race and class, which continue to characterise the South African society. Such divisions are monitored through the annual publications produced by the Institute for Justice and Reconciliation (SA Barometers Survey). It is evident that South Africans continue to

associate strongly with identity groups based on language, ethnicity and race. In the recent Diagnostic Report released by the National Planning Commission, it is acknowledged that South Africa remains a “deeply divided society”. These divisions were ascribed to economic underperformance and deeply entrenched patterns of historic privilege and deprivation (NPC 2011f:412), and are related to high unemployment, low quality of education for black people in particular, inadequate infrastructure, significant spatial development challenges, a resource-intensive and unsustainable growth path, an ailing public health system unable to cope with the national disease burden, uneven public sector performance, and corruption. In response to such divisions, the National Plan and Vision for 2030 recognises the need to prioritise reconciliation, social cohesion and nation-building in order to strengthen the social fabric of the South African society (Reconciliation Barometer 2011:29-34).

### **2.3 Reconciliation as social cohesion in the aftermath of the TRC**

The divisions that are still seen in society invited further discussions and reflections and clarification of what national reconciliation actually entails? Is it feasible? Is the bar set too high? People have attached rather different connotations to the term “national reconciliation”. For instance, in the negotiations former president Nelson Mandela rose above bitterness and advocated national unity and reconciliation. The essence of his philosophy was that the heat of confrontation should not be allowed to cloud our judgment when deciding on the right way forward. Meanwhile, others regarded the policy of domestic reconciliation as a trick to silence political opponents for the sake of “social stability”.

Others, like Gerwel, suggested that the interpretation of the problematic notion of national reconciliation must be defined in terms of viable institutions. According to Gerwel (1999: 315), democratic institutions must serve to mediate relationships between people in a process of national reconciliation. Some have agreed that of course Gerwel’s view on national reconciliation would facilitate an interpersonal approach to reconciliation. However, they also argued that his approach ignores the fact that attitudes, beliefs, and feelings do count for human relationships. On the other side, Villa-Vicencio (2002: 4) pleaded against a paradigm of reconciliation that is entrenched on a sequence of confession, repentance, restitution, and forgiveness. He pointed out that such an understanding of reconciliation leaves a heavy imprint on both theological and secular debates. He argued that it is a notion that is unhelpful in political debate on group and national conflicts. The Christian definition of reconciliation creates a kind of utopian dream that contradicts what mere mortals are capable of doing.

Therefore, he suggested that reconciliation should be seen as a process that enables people to engage with each other in an attempt to overcome enmity. For instance, Du Toit (1998: viii) demonstrates suspicion about the initiatives that the churches promote in the process of reconciliation. He indicates that in South Africa, Sunday services remain the most divided hour of the week in terms of culture and ethnicity. Accordingly, he questions whether Christianity can credibly play any meaningful role in national reconciliation. Meanwhile, Allan Boesak (2012: 109) states that in South Africa, reconciliation will begin when the abuser starts to find redemption and he sees himself in the eyes of his victim.

In order to analyse the role of reconciliation in the proceedings of the TRC, it is necessary then to distinguish between different kinds of relationships in which reconciliation may play a role (see Conradie 2013:22-23):

- Intimate interpersonal relations; this relates to reconciliation that takes place in an intimate interpersonal relationship between two individuals who have known each other in the past (spouse, parents, neighbour and others).
- Relationships between fellow citizens that have contractual obligations to each other; this refers to reconciliation in cases where one party is unable to fulfil such contractual obligations, leading to a breach in the relationship.
- Relationships between fellow citizens where no such contractual obligations existed, except in the form of the rights and obligations of citizens and where two individuals may not have had a close relationship with each other; this relates to reconciliation following an incident that led to animosity (e.g. in the case of road accidents, theft, or rape).
- Relationships between local groups; this relates to reconciliation in larger, but still more or less local communities (rival political parties, racial groups, rival gangs).
- Relationships between organisations; this relates to reconciliation between collectives that are recognised as political constituted organisations, or between their mandated representatives (e.g. states, companies, political organisations, trade unions).
- Relationships between sections of the broader society; this relates to reconciliation between larger sectors within the same society that have come into confrontation with each other as a result of structural injustices and maladjustments in the social order (e.g. form of racism, xenophobia, tensions in terms of language, gender or race, civil war, war, class conflict).
- Relationships between the state and individual citizens; this refers primarily to amnesty

granted in the case of crimes that were politically motivated, so that perpetrators of gross violations of human rights are not prosecuted by the state.

In the proceedings of the Truth and Reconciliation Commission in South Africa, mainly three of these possibilities related to the role of reconciliation (except perhaps intimate interpersonal relationships) were involved, namely with respect to national reconciliation (6 above), amnesty (7 above) and interpersonal relationships between fellow citizens (3 above), who were regarded as the perpetrators or victims of gross violations of human rights.

## **2.4 Reconciliation in the wider Christian tradition**

The notion of reconciliation is quite clearly central to the Christian faith. South African theological debates on reconciliation are clearly shaped by positions on reconciliation in the wider Christian tradition (see Aulén 1931), and especially by Anselmian, Lutheran and Calvinist views in this regard. Given the limitations of this study in terms of scope and length, the history of Christian reflection on reconciliation cannot be described in detail here. In the discussion below, I will briefly comment on the reconciliation of humanity with God in Jesus Christ, the need for reconciliation amidst divisions in the church as the body of Christ, and the ministry of reconciliation in a context divided by race, class and culture.<sup>1</sup> I will add a fourth aspect, namely reconciliation as a process in society.

### **2.4.1 The reconciliation of humanity with God in Jesus Christ**

Theologians are said to use different forms of logic to investigate Christian discourse on reconciliation. There are those who employ an inductive logic, and those who employ a deductive logic. An inductive logic is where the context of a certain church or social conflict forms the starting point for the ministry of reconciliation. Meanwhile, the deductive logic may move from reconciliation with God to the ministry of reconciliation in society. This logic asserts that the deepest roots for social conflicts are entrenched in alienation from God. The ministry of reconciliation in church and society only becomes possible on the basis of reconciliation in Christ who repaired our relationship with God. Hay (1998:92) quotes John Paul II when he suggests that the deductive logic must be understood in terms of reconciliation with God, which leads to other forms of reconciliation that repairs breaches

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<sup>1</sup> Conradie observes that because of different cultures and contexts within the churches, the doctrine of reconciliation is understood and approached in different ways. What is important and necessary is that the three layers of the meaning of the notion of reconciliation bring forth all the three articles of Christian confession in relation to each other (Conradie 2012:16).

caused by sin. The forgiven penitents are reconciled with themselves in their innermost being, where they regain their own true identity. It is reconciliation with their brethren whom they have in some way attacked and wounded. They are reconciled with the church and with all creation. Similarly, Conradie (2013:16-17) asserts that this logic is one of forgiveness; we are all forgiven sinners in the body of Christ. We need to also be reconciled with one another.

#### **2.4.2 The need for reconciliation in the church as the body of Christ**

Still following deductive logic, there are also those who insist that the message of reconciliation has been entrusted to the church as the body of Christ. For example, in this respect, the Belhar confession (1982, 1985) suggests that the church is to embody reconciliation amongst its own members. The Belhar Confession asserts that reconciliation must be understood as a gracious gift from God through the blood of Christ. In addition, the confession calls the church into understanding its own reconciliation and its place in God through the body of Christ. It asserts that the church is called to take up the ministry of reconciliation. In fact, according to Botman (2006:242-245), the people who wrote the Belhar confession believed that reconciliation is the responsibility of the church. Thus, the church needs to act as a reconciled community reflecting love and peace amongst people and establishing visible signs of God's kingdom within the divisions in society.<sup>2</sup>

According to Conradie (2013:17), the focus of the ministry of reconciliation in the church cannot only be based on helping people to get along. The focus of the church must remain on reconciliation with God. Otherwise, too much emphasis on reconciliation in society without reconciliation with God will always remain inauthentic, shallow, misplaced, and vulnerable to renewed conflict. He warns, however, that such a deductive approach runs the risk of usage of abstract theological language that only focuses on church more than social needs.

#### **2.4.3 The ministry of reconciliation in a divided community**

As previously mentioned, others adopt an inductive logic, a logic that is usually adopted by churches or theologians who see the need to address situations of conflict in society. They usually argue that the situations of conflict are rooted in human alienation from God, thus through engagement with such communities they offer contextual and pastoral reflections. For them, the social conflict forms the starting point for the ministry of reconciliation. According to Conradie (2013:18), this view suggests that reconciliation has to be understood in the

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<sup>2</sup> This understanding of reconciliation, suggests that God's work of reconciliation in Jesus Christ cannot accept a social system that assumes the fundamental irreconcilability of people (Conradie 2013:17).

context of both God's work of creation and salvation, given that what is at stake is the tension between Creator and creature, which has emerged because of captivity to the principalities and powers of this world. The inductive view suggests that not only human beings or human society, but the whole of creation is included in God's work of reconciliation in Christ. It is suggested that this approach is significant because through it the Christian message of reconciliation in Christ is rediscovered through engaging with social problems such as social and economic inequality and the need for restitution, especially in places where there is a history of social injustices. Black theologians and liberation theologians in South Africa usually advocate this view.<sup>3</sup> Especially because of the historical narrative of apartheid, they argue that reconciliation between two people is only possible if the whole society is reconciled with itself. However, many observe that the inductive approach may place the church in the dangerous situation that reduces the Christian confession to social relevance, which sometimes does not even change social conflicts.

#### **2.4.4 Reconciliation as a process: Discerning the possibility of reconciliation**

I wish to add a fourth layer to the notion of reconciliation. This notion of reconciliation is unrelated to the Christian beliefs or practices; it is a process in society. Reconciliation is a process driven by an energy that stands at the intersection between theology and experience, in which the biblical invitation to reconcile and the experiences of those who have suffered are taken seriously (Villa-Vicencio 2002:13-15). Villa-Vicencio argues that reconciliation requires sincere and lasting repentance and this invites theological and ethical reflection.

Villa-Vicencio (2002:14-15), identifies the following distinctive features of the process of reconciliation: 1) Reconciliation does not necessarily involve forgiveness. Perpetrators can be ready to confess and repent from their wrongdoings, but that does not necessarily mean that the victim will respond by offering forgiveness to the perpetrator. 2) Reconciliation interrupts an established pattern of events. To engage in reconciliation is to step beyond enmity, in the mist of violence, without any guarantees. To allow for the possibility of reconciliation is to make time for speech. 3) Reconciliation is a process. It is a process that begins with intrigue, curiosity and perhaps morbid fascination as to what it is that makes the alienated person who he or she is. 4) Reconciliation involves understanding. Understanding does not necessarily lead to reconciliation, but when the story of the perpetrator is thoughtfully told, heard and deeply understood by the victim or survivor, it opens a space for the possibility of a new kind

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<sup>3</sup> See Maluleke (1999), Mofokeng and Mosola(1987) and Boesak (1979).

of interaction between adversaries. 5) Reconciliation requires acknowledgement. Acknowledgement of the truth does not necessarily lead to reconciliation, it does not mean forgetting the ghastly deed, and it also does not mean becoming friends with the perpetrator. However, it means a break from unconcealed enmity. Such acknowledgement implies the beginning of a different kind of relationship that is open to new possibilities. 6) Reconciliation takes time. Villa-Vicencio (2002:15) comments that during a talk on reconciliation in Rwanda he was told: “We are still burying the dead and looking for justice. Reconciliation may come later.”

## **2.5 Discourse on reconciliation in South Africa**

Theological reflections on the legacy of the TRC indicate that Christian theologians draw upon a rich heritage of theological resources, some dating back to the period preceding the Commission and especially the struggle against apartheid. Such reconciliation discourses in South Africa are symbolised by a number of publications and significant events, including *The Message to the People of South Africa* (1968). Since *The Message to the people of South Africa*, apartheid was declared a false gospel that contradicted the gospel of reconciliation in Jesus Christ. *The Belhar Draft Confession of Faith* of the DR Mission Church 1982-1985, another example, rejected the theological legitimisation of apartheid as a heresy, stating that because of God’s work of reconciliation in Jesus Christ, Christians cannot accept a social system like apartheid that assumes that human beings are irreconcilable.

In what follows, I would like to draw attention specifically to three documents that elicited much controversy in the struggle of the church against apartheid and the meaning of the notion of reconciliation at that time.

### **2.5.1 National Initiative for Reconciliation (NIR) document**

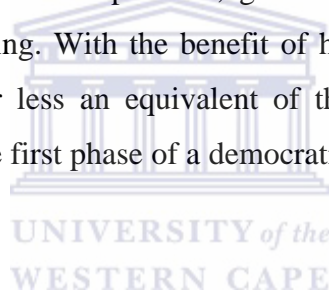
The NIR document is one of the documents that elicited much controversy in the 1980s. At a meeting organised by African Enterprise, various churches, theologians and ministers endorsed a programme of action that called for the necessary steps to be taken towards the elimination of all forms of legislated discrimination in apartheid South Africa.<sup>4</sup> They issued a statement that reads as follows: Release all detainees and political prisoners, withdraw charges against the Treason trialists, and allow exiles to return home. Begin talks immediately

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<sup>4</sup> African Enterprise is an evangelical organisation that attempted to relate evangelism to social witness by including in its programmes Christian churches from across the social-political and theological spectrum. African Enterprise organised black theologians, ministers from the Dutch reformed church, various churches, including SACC members and also Pentecostal denominations, in one place.



with authentic leadership of the various population groups with a view toward equitable power sharing in South Africa. De Gruchy (1986:237) observed that the NIR document did not clearly engage in the social analysis at that time, but evidently, it tried to show that racism was not acceptable and was the major problem in the country at that time. In fact, it suggested setting up programmes of action for Christians and churches as an alternative community or a third force working for reconciliation. In addition, it offered a clear statement that rejected apartheid. In rejecting apartheid, however, the document did not attempt to uncover and judge the ideology that lied behind the state of apartheid. Instead NIR members called for power sharing, thus sending a delegation to the state president to present a vision for change and steps that were needed to achieve it. According to De Gruchy, this program of action by the NIR members elicited much controversy, for it assumed that the apartheid government could change and bring the changes needed to prevent catastrophe in the country at that time. In conclusion, critics of the NIR document argue that the statement appeared to be as conciliatory, balanced, and inclusive as possible, given its rejection of apartheid and the proposals it made of power sharing. With the benefit of hindsight, it can be argued that its power sharing call was more or less an equivalent of the power sharing Government of National Unity, which marked the first phase of a democratically elected government in South Africa in 1994.



### **2.5.2 The Kairos Document**

The second document that elicited much controversy was the Kairos Document. The Kairos Document suggested that there were two irreconcilable causes or interests in South Africa at that time, in which one is just and the other is unjust. The document stated that the primary conflict was between the oppressor and the oppressed, characterised by economic injustices, poverty, racism, and power. Unlike the NIR document, racial reconciliation for the Kairos document was only possible when justice for the oppressed has taken place. In addition, the document attempted to offer a balanced and a sharp criticism of what it regarded as a message of cheap reconciliation from the church at that time. It asserted that any plea from the church for peace and reconciliation before removing present injustices at that time would be a plea that plays at the hands of the oppressors. Such an attempt would place those who were oppressed to accept their oppression and be reconciled to the biased crimes committed by the apartheid government, subsequently asking those who are oppressed to become accomplices in their own oppression. For the drafters of the Kairos document, reconciliation and peace before removing the injustices was committing sin (asking those who are oppressed to

become servants of the devil because) and therefore, not Christian reconciliation. The document criticised cheap reconciliation and argued against it. It pointed out that there was supposed to be repentance, and a clear commitment to fundamental non-racial change that was supposed to precede negotiation and reconciliation. The document is said to have given legitimacy to the use of violence if it becomes necessary in the struggle for liberation at that time,<sup>5</sup> although for some it was a document necessary for liberation and reconciliation to take place in South Africa.<sup>6</sup>

### **2.5.3 The Rustenburg declaration**

It is important to note that unlike the NIR and Kairos documents, the Rustenburg declaration was a document that was aimed at producing a peaceful transition in new South Africa. In December 1989, the government had appealed to the church in South Africa to formulate a strategy that would be conducive for negotiation, reconciliation and change. The church then called all of its church leaders in a conference in November 1990, at Rustenburg. In the Rustenburg declaration, the different understandings of the message of reconciliation were acknowledged.<sup>7</sup> The declaration also acknowledged that there was need to acknowledge guilt and ask for forgiveness and acceptance within the church of Christ. In fact, Willie Jonker at the conference pointed out that an experience of reconciliation is necessary to enable the church to come to a united witness in promoting reconciliation in the anticipated new South Africa.<sup>8</sup> He argued that without acknowledgement of guilt and asking for forgiveness and

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<sup>5</sup> It should be noted that in the 1980s South Africa experienced another wave of violence either between government forces and armed members of organisations like Umkhonto we Sizwe and APLA or the so called 'black on black' violence'.

<sup>6</sup> The Kairos document did not explicitly support violence in the struggle for justice, but it was critical of the way in which non-violence has been absolutised by churches. The members of the Kairos document observed that the calling of non-violence was made into an absolute principle that applied to anything and anyone without regard for who was using it, which side they were on, or what purpose they had in mind. They argued that "violence" was state propaganda. The document claimed that instead of the church engaging in in-depth analysis of the times, it relied upon a few typical ideas from a Christian tradition uncritically and repeatedly applying them to the South African situation (mentioning the notion of reconciliation, peace, justice and non-violence).

<sup>7</sup> Firstly, there were those Christians who were deeply moved by the sinful violent situation in the country; thereby, proclaimed reconciliation with God and our neighbours. Secondly, there were those who argued that the Christian faith had a very clear political function and message, which called people to liberating political action. These Christians read and interpreted the gospel from the perspective of the poor and oppressed, who are seen as God's redemptive activity. They argued that the South African situation at that time was an act of totalitarian oppression, which was idolatrous, and completely under the judgment of God. Traditional theology in this regard would be naïve in its attempt to present the middle way between opposing forces, thereby, asserting the notion of reconciliation was not suitable in the present situation because it could be misused by the oppressors.

<sup>8</sup> In the Declaration document, Jonker said: "I confess before you and before the Lord, not only my own sin and guilt, and my personal responsibility for the political, social, economical and structural wrongs that have been done to many you, and the results of which you and our whole country are still suffering from,

acceptance within the church, mutual trust could not be restored. In addition, the declaration suggested that the Christian churches at that time in South Africa shared the commitment to stand with the poor and the weak. Therefore, the notion of reconciliation that was adopted declared Christian principles that included human rights. In addition, the church leaders agreed that a confession of guilt and restitution on the basis of reconciliation with all people and all churches was essential. They argued that the church needed to embark on the process of restitution, both in their relationship to their own family of churches and to the South African society in general.<sup>9</sup> Therefore, the document suggests that although the church leaders had their own contradictory perspectives on the notion of reconciliation in South Africa, at the conference they agreed on the injustices that were perpetuated by the apartheid government and as such, they saw the need for its complete abolishment. For the first time there was a common denominator within the churches that condemned the policies of apartheid as a sin. In conclusion, the document was an attempt by a representative group of the church leaders at providing God-centred solutions to the problems that were hampering the progress of transition. Despite this declaration and the developments in a new South Africa, the Dutch Reformed Church did not make use of the opportunity to officially acknowledge its role in perpetuating and supporting apartheid and to ask for forgiveness as the church in order to promote reconciliation. Restitution did not take place; instead the church left all responsibilities on national reconciliation in the hands of the new government.

## **2.6 A survey on the aspects involved in the dynamics of reconciliation**

In a recent analysis on reconciliation as a process, Conradie (2013:28-42) identifies and describes 30 complex aspects involved in the dynamics of reconciliation. He explains that these aspects should not be understood as necessary in all cases. In this contribution, I will group these together according to the distinction between the past, present, and future of a relationship. I will use his analysis verbatim where possible and summarise his extensive argument where necessary.

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but vicariously I dare also do that in the name of the DRC of which I am a member of, and for the Afrikaner people as a whole. I have at least liberty to do just that because the DRC at its synod has declared apartheid a sin and confessed its own guilt of negligence in not warning against it and distancing itself from it long ago.”

<sup>9</sup> They proclaimed that they were convicted by the Holy Spirit of God and the Gospel of the Lord and Saviour Jesus Christ that when Jesus looked at Zacheaus, he had no guarantee that Zacheaus would respond to the grace of his forgiveness and love. They claimed that because of the gracious forgiveness shown by the Lord and Saviour Jesus Christ on the cross, the church must be a place for people of grace and open to vulnerability. Thereby, they claimed that Jesus accepted Zacheaus and released him so that he could then say: I will make restitution.

The first group focuses on a prior relationship where conflict leads to a sense of crisis:

1) The nature (or closeness) of the prior relationship (if there is any). This will necessarily influence the desirability and structure of some form of reconciliation where it is appropriate (see p. 27-28). 2) Acts of wrongdoing leading to a breach in the prior relationship, involving specific words, specific deeds, sloth, perceptions, attitudes and personality clashes. Such wrongdoings may over time turn into a form of oppression; both at individual and social levels, where the perpetrator seeks to exercise power and control over the victim (see p. 28). 3) This may result in structural violence, namely imbalances, maladjustments and injustices built into the social order as a result of the abuse of power by some groups, persuading their collective self-interest at the cost of others (see p. 28). 4) The possibility of ensuing conflict through mutual accusations, with an aggravating and/or mitigating impact on the understanding of the seriousness of the breach in the relationship. This may well lead to a spiral of conflict involving animosity; mistrust, hatred, and revenge (see p. 28). 5) The impact of such wrongdoing on the victim: An assessment by the victim of the harm that was done; the realisation of a sense of loss and owning the pain and grief associated with that – which may entail shock, denial, anger (or resentment and frustration), bargaining accepting harm that was experienced as irreversible; the related suffering of those affected by such wrongdoing; and the derived suffering of those who show empathy in solidarity with the victims (see p.28-29). 6) Various responses to such wrongdoing by the victim or on behalf of the victim, including passivity, resentment, righteous indignation, wrath and anger over injustices perpetrated, leading to forms of protest and the naming of evil, demanding compensation or retribution, the impulse for satisfaction and punishment commensurate to the harm that was done, the validation of acts of revenge and vindictiveness, but also acts of retaliation in the form of vindictiveness or a blind destructive fury, even a reign of terror (see p. 29).

The second group focuses on intermediate steps to redress the wrongs of the past: 1) Confronting the perpetrator with the consequences of his or her actions by naming and articulating the harm that was done. This may be done directly or indirectly through the mechanism of society or law. This implies the need for the truth to be told, verified in front of witnesses and recognised as such by the victim/survivor, the perpetrator and other affected parties in order to specify the nature, scope and gravity of the perpetrator's involvement. 2) In this process of confrontation, story-telling and the establishing of common memories are crucial for the sake of the victim/survivor, for the healing of memories and to avoid cultural

amnesia. 3) The need for the perpetrator to recognise and assess the harm that was done to the other, to the quality of the prior relationship (if any) and to the possibility of continuing with mutually beneficial interaction within that relationship. 4) An assessment of the proportionality of damages and guilt. 5) The expectation and anticipation of the victim as to what form of reparation would be needed in order to give back what can be given back or, alternatively, what form of compensation would be commensurate with the harm that was done. 6) The need for the perpetrator to acknowledge some form of involvement in the violation of the rights of the victim/survivor and to offer an account of that involvement. 7) A sense of regret in that the perpetrator may come to an awareness of the negative consequences of past actions for himself or herself. 8) An internal process whereby the perpetrator comes to accept responsibility for wrongdoing, or at least his or her share in the wrongdoing. 9) This sense of responsibility may be experienced in the form of regret, restraint, remorse, contrition, repentance, and penitence. Together, these aspects constitute an internal process entailing a radical change of heart and mind, new ways of thinking and behaving leading to different perceptions, attitudes, words and deeds. 10) This internal process will typically be expressed by showing visible signs of remorse. 11) The response by the public in audience, including the role of the media, should not be underestimated. This may include an expression of sympathy for the victim, willingness to listen to the stories of both the victims and the perpetrators, acts of solidarity to address the needs of the victim, moral indignation over the acts of the perpetrator, shaming (or stigmatising) the person of the perpetrator, scapegoating or disassociating from the perpetrator (Conradie 2013:29-35).

The third group of aspects of the dynamics of reconciliation proposes some form of reconciliation that allows the relationship to flourish again: 1) Acts of reparation and compensation, through which the perpetrator would want to give back to the victim what can be given back, offer compensation for reversible damages, render services where appropriate for the sake of rehabilitation, or engage in a redress of wrongs, where possible. 2) A confirmation from the side of the victim/survivor that the reparation or compensation that was received is indeed satisfactory (or not). 3) A confession of guilt (verbally or in writing) by the perpetrator to the victim/survivor. The perpetrator admits to being responsible for the wrong done and to moral indebtedness to the victim. 4) Such a confession of guilt may be coupled with asking for forgiveness. One may offer an apology, seek condonation, request amnesty or remission, or find absolution. 5) Contemplation of offering forgiveness by the victim: weighing up the harm that was done, the deficit that can never be undone, the importance of a

continued relationship with the perpetrator, the desirability of social harmony and the victim/survivor's own need to get on with life. 6) Offering forgiveness implies the willingness of the victim to bear the suffering associated with the harm that was done for the sake of the relationship. 7) Acceptance that the forgiveness that was offered is genuine and will therefore not lead to acts of retribution so that the perpetrator is not vulnerable to the victim's vengeance. 8) The perpetrator's need to respond to the lasting deficit, namely the forms of harm that cannot be undone through reparation, compensation (see above) or restitution (given the circumstances of the particular case). 9) An indication by the victim that such forms of restitution are indeed satisfactory. 10) A reciprocal response from the victim, namely by offering some gift to the perpetrator in order to indicate a desire to continue with a relationship characterised by mutuality and reciprocity. 11) The willingness of the perpetrator to receive and accept such gifts from the victim and thus to be further indebted. 12) Experiences of reconciliation and fellowship that would include joy, gratitude, mutuality, vulnerability, respect for the other, experiencing the relationship as fruitful and mutually flourishing (Conradie 2013:35-42).

## **2.7 Conclusion**

In conclusion, it is evident that the term reconciliation is used both as a theological term for reconciliation with God in Jesus Christ, and also as a social term to indicate the need for social cohesion and to come to terms with the past in South Africa. The connection between a broken relationship with God and broken relationship between individuals and groups in society invites further theological reflection. Some may argue that social problems cannot be addressed authentically without attending to the deepest underlying problem, understood as alienation from God. A lasting solution can therefore only be found if God takes the initiative (Jones 1995:135-183). This is the doctrine of justification, namely that healing for victims is only possible when perpetrators receive unmerited forgiveness from God, which is not based on a sense of remorse or a change of heart, mind or behaviour, including acts of restoration, but purely on God's grace. Others may suggest that it is precisely through engaging with social problems such as social and economic inequality and the need for in-depth restitution that the significance of the Christian message of reconciliation in Christ is rediscovered. The broken relationships between individuals and groups derived from social life thus provide the vocabulary to engage in theological reflection.

Reconciliation is a highly complex process involving numerous dimensions. As such, it is

impossible to provide a detailed conceptual analysis of the various aspects involved in this thesis. According to Mark Hay (1998:129), the process of reconciliation involves many aspects that can be group together based on the past, the impact on the present, and how to create a clear future. In a recent analysis on reconciliation as a process, Conradie (2013:28-42) identifies and describes 30 complex aspects involved in the dynamics of reconciliation (see the previous discussion). Conradie explains that these aspects should not be understood as necessary in all cases. In the previous section I have grouped the aspects together according to the distinction between the past, present, and the future of a relationship. This is because I have used Conradie's analysis verbatim where possible and summarised his extensive argument where necessary. In the remainder of this thesis, I will focus on two of these 30 aspects, namely remorse and offering forgiveness.



## **Chapter 3: Forgiveness**

### **3.1 Introduction**

The purpose of this chapter is to give a brief background on forgiveness in order to analyse the role of forgiveness in the selected case studies. This chapter will discuss forgiveness within the context of the TRC, particularly in the amnesty hearings. In the discussion I will present different kinds of relationship in which forgiveness can emerge. I will then comment on group forgiveness, namely political forgiveness. It was clearly visible from the group discussion on forgiveness at the TRC that there was a need to reflect on Christian discourses on forgiveness, which is focused on interpersonal forgiveness between God and human beings, and how it is understood in relationships between human beings.

### **3.2 Forgiveness within the context of the TRC**

As indicated above, the mandate of the TRC focused on considering amnesty applications and providing compensation to victims of gross violations of human rights. At the same time, the stated aim of the TRC was to promote national reconciliation in South Africa. What role does forgiveness play in this regard? One may argue that some form of forgiveness is implied in any process of national reconciliation. However, the proceedings of the TRC indicate that this was very much a dimension of the hearings on amnesty applications and the stories of the victims of gross human rights violations. Incidents of offering and accepting forgiveness (or the lack of a willingness to offer forgiveness) typically received considerable media coverage. It is widely agreed that the TRC commissioners, most notably Desmond Tutu as the commission's chairperson, actively promoted the willingness to forgive. This led to considerable controversy.

### **3.3 Amnesty Hearings**

In order to facilitate national reconciliation in South Africa through political forgiveness, the Truth and Reconciliation Commission was declared a victim driven process. The Commission's goal was to strengthen the rule of law, to create a human rights culture in post-apartheid South Africa, and to offer a structure through which perpetrators of human rights violations could apply for amnesty in order to promote national reconciliation. This was a process whereby perpetrators were to tell the truth regarding gross human rights violations and their political objectives in this regard. Granting amnesty to wrongdoers (see the seventh



possibility identified previously) created considerable controversy, not least in the media, as it seemed to fail to acknowledge the suffering of victims. Some described it as a political ploy to hide the truth. For wrongdoers, it was an easy way to get away with “murder”. Perpetrators were safeguarded from prosecution without statements of regret or remorse, or some form of compensation provided to the victims of their deeds. By contrast, the hurt of the victims were not diminished, leaving considerable room for explosive emotions (see Chapman 2007:51-69, Govier & Verwoerd 2002a:67-82, 2002b:178-205).

The hearings of amnesty applications were often attended by victims or their relatives. This created a heightened atmosphere where the relationship between perpetrator and victim moved to the forefront of the attention. This relationship (which is one between fellow citizens) was not strictly speaking at stake in the amnesty hearings or indeed in the way the proceedings of the TRC were structured. Nevertheless, such relationships elicited considerable media attention. This was influenced by the way in which commissioners, most notably with reference to the role played by emeritus Archbishop Desmond Tutu as chairperson of the TRC, officiated over such hearing, namely by encouraging perpetrators not only to tell the truth, but to also show remorse for what they have done and encouraging victims to offer forgiveness where appropriate. Tutu’s approach has been criticised as conflating a legal process with a pastoral process. He was also criticised for inducing a spirit of forgiveness amongst victims without equal emphasis on the need for restorative justice (Govier & Verwoerd 2002b:185). It must be noted that such cases were often highly publicised, primarily because they served as paradigms of national reconciliation. Such cases caught the imagination of ordinary South Africans and thus facilitated a process of coming to terms with the past and to address interpersonal relations far beyond the actual proceedings of the TRC, also with respect to minor violations of human rights. They heightened an awareness of the need for remorse, the willingness to offer forgiveness (or not) and the need for restorative justice. One may say that Tutu intuitively recognised the significance of such cases and used them deliberately as paradigms to address the primary goal of the TRC, namely that of national reconciliation. The TRC therefore achieved more in terms of national reconciliation, albeit in an indirect way through media coverage and the role of spectators and onlookers, than what is sometimes recognised.

Although the amnesty hearings created controversy, several authors have been intrigued about the willingness to offer forgiveness demonstrated by victims or their relatives during such amnesty hearings. They tried to understand the sources of such willingness to offer

forgiveness. Battle (2000:173-175), suggests that the willingness to forgive demonstrated by victims was prompted by the exhortation of Desmond Tutu. Through African expressions such as “Ubuntu”, he created a “utopian community”. According to Krog (2008:27-28), victims (especially black people) unlike some others, were willing to forgive not only because the Nobel Prize winner (Tutu) asked them. She argues that they did not forgive because Jesus forgave them or because they wanted to go to heaven. Their willingness to forgive was rooted in a much deeper understanding of the concept of forgiveness in African Traditional Religion (wholeness of the community). According to Krog (2008:27-28), both the victims and Tutu seemed to have a deeper understanding of how people (e.g. victims and perpetrators in this case) are interconnected to each other. Tutu kept on arguing that to live with hatred and revenge in their hearts would not only be dehumanising to them, but also to the community at large (Tutu 1999:279). Victims and perpetrators need each other in order to become human beings again. During the hearings of gross human right violations, victims insisted that they needed to forgive so that the perpetrators and they themselves would become human again (e.g. one of the Gugulethu Seven mothers, Mrs Ngewe – see Krog 2009:12-13).

As indicated above, there has been considerable interest in the willingness of victims to offer forgiveness to perpetrators of human rights violations during the proceedings at the Truth and Reconciliation Commission of South Africa. Scholars from different fields of study published numerous articles, a few monographs and a number of significant edited volumes to assess why victims would want to offer forgiveness to wrongdoers of the past. I will not offer a survey on this corpus of literature, but will briefly note some reasons why victims may contemplate forgiveness in the context of experiences of the violation of human dignity. These examples will be taken from the Truth and Reconciliation Commission of South Africa.

In her book, *A Human Being Died that Night*, Pumla Gobodo-Madikizela (2003) describes her encounter with Eugene de Kock, and explores how a remorseful apology can contribute to a vocabulary of forgiveness in the context of evil. She then wrestles with the unbearable confusions of whether perpetrators of gruesome human rights violations and atrocities can be forgiven. Drawing from her analysis, she provides four reasons why victims would want to be in dialogue with their perpetrators and how this dialogue influences empathy and forgiveness for perpetrators. She argues that: 1) we are induced to empathy because there is something in the other that is felt to be part of the self and something in the self that is felt to belong to the other. 2) The victim also needs forgiveness as part of the process of becoming human again. The victim needs it in order to complete himself or herself and wrest away from the

perpetrator the power to destroy. Far from being an unnerving proposition and burdensome moral sacrifice, compassion is for many deeply therapeutic and restorative. 3) If remorse and asking for forgiveness emerge, this transforms the image of the victim as object in the eyes of the perpetrator to the victim as human. Remorse recognises the pain of the survivors. If a narrative of truth is coming forwards, this reconstitutes the victim through language to reinstate her or his memory as a living distinct individual being. 4) The victim now becomes the gate keeper to the wrongdoer's desires, namely being accepted again in the human community. Forgiveness does not overlook the deed, but rises above it. What it means to be human is to say "I cannot and will not return the evil you inflicted on me". That is the victim's triumph. 5) To condemn perpetrators simply as monsters is to let them off too easily. The act of humanisation therefore involves at once both punishment and rehabilitation (see Gobodo-Madikizela 2008:169-188).

Moreover, Krog (2008:357) observes that the remarkable willingness of victims to offer forgiveness at the TRC of South Africa was not merely prompted by Desmond Tutu. Krog (2008:357) argues that it may be possible that the willingness of victims to offer forgiveness may have been rooted in a deeper understanding of the wholeness of community in African Traditional Religion. Here I would suggest that the word reconciliation may have played a role. In the IsiXhosa culture, the same word that is used for reconciliation (as used also in the context of the TRC) *uxolelwano*, is also used for forgiveness. Reconciliation and forgiveness are therefore intertwined with each other, so reconciliation implies the need for forgiveness, while forgiveness is aimed at reconciliation and the wholeness of community (Krog 2008:356). The magnanimity of victims to offer forgiveness was therefore not merely influenced by Desmond Tutu, but is rooted in a deeper understanding of *Ubuntu*.

### **3.4 Different kinds of relationships involved in forgiveness**

In order to analyse the role of forgiveness in the proceedings of the TRC, it is necessary to distinguish between different kinds of relationships in which forgiveness may play a role (Conradie 2013:22-23):

- Intimate interpersonal relations; this relates to forgiveness that takes place in an intimate interpersonal relationship between two individuals who have known each other in the past (spouse, parents, neighbour and others).
- Relationships between fellow citizens; who have contractual obligations to each other; this refers to forgiveness in cases where one party is unable to fulfil such contractual

obligations, leading to a breach in the relationship.

- Relationships between fellow citizens where no such contractual obligations existed except in the form of the rights and obligations of citizens and where two individuals may not have had a close relationship with each other; this relates to forgiveness following an incident that led to animosity (e.g. in the case of road accidents, theft, or rape).
- Relationships between local groups; this relates to forgiveness in larger but still more or less local communities (rival political parties, racial groups, rival gangs).
- Relationships between organisations; this relates to forgiveness between collectives that are recognised as political constituted organisations, or between their mandated representatives (e.g. states, companies, political organisations, trade unions).
- Relationships between sections of the broader society; this relates to forgiveness between larger sectors within the same society that have come into confrontation with each other as a result of structural injustices and maladjustments in the social order (e.g. form of racism, xenophobia, tensions in terms of language, gender or race, civil war, war, class conflict).
- Relationships between the state and individual citizens; this refers primarily to amnesty granted in the case of crimes that were politically motivated, so that perpetrators of gross violations of human rights are not prosecuted by the state.

In the proceedings of the Truth and Reconciliation Commission in South Africa, especially three of these possibilities related to the role of forgiveness (except perhaps intimate interpersonal relationships) were involved, namely with respect to national reconciliation (6 above), amnesty (7 above) and interpersonal relationships between fellow citizens (3 above) who were regarded as perpetrators or victims of gross violations of human rights.

### **3.5 Political Forgiveness**

Officially, the TRC was about national reconciliation, requiring political forgiveness in order to address gross human rights violations committed during apartheid in South Africa. Many scholars argue that for healing to take place in societies like South Africa, past human rights violations must be faced, acknowledged, atoned for and carried in the collective memory (De Gruchy 1989:42). This implies the need for some form of political forgiveness in South Africa (i.e. the sixth kind of relationship within which forgiveness may play a role).

According to Shriver (1995:7), a political concept of forgiveness need not be associated with

personal religion and morality, as is traditionally assumed. It must be situated in the secular political arena. Similar to Arendt (1958:236-244), Shriver (1995:47) argues for a concept of forgiveness in politics that suggests the need for political space for verbal instead of violent disputes. Political forgiveness must entail a multidimensional concept of forgiveness. Shriver (1995:47) argues that political forgiveness must involve an act that joins moral truth, forbearance, empathy, and a commitment to repair a fractured human relationship. According to Arendt (1958:243), such an act cannot be based on moral sentiments such as pity. Forgiveness in politics must bear resemblance to metaphors of relief from burden and reduction from debt. Political forgiveness must free people (both the victims and perpetrators) and fix wrongs in the past so that their magnitude is undone. Arendt and Shriver agree that political forgiveness must value the justice that restores political community more than justice that destroys it, however, not forgetting that it cannot offer relief from of actions or accountability.

### 3.6 Christian Forgiveness

Officially, the TRC of South Africa had no room for forgiveness and remorse; it was focused on granting amnesty to perpetrators of gross human rights violations, and offer reparation to victims of such violations. Through one of its stated aims to promote reconciliation, however, the TRC proceedings prompted victims of gross human rights violations to offer forgiveness to perpetrators of gross human rights violations. This led to a high debate within Christian theologians in the aftermath of the TRC. Many criticised the TRC commissioners, particularly Desmond Tutu, for putting pressure on victims (or relatives) to forgive perpetrators of gross human rights violations. Some theologians accused the commission of making forgiveness the right of the perpetrator at the TRC proceedings.<sup>1</sup> Boesak and De Young (2012:107) mentioned that a young woman who testified at the amnesty hearings found herself expected to not show her anger at what was done to her, but rather to offer forgiveness. They quote her when she says:

The oppression was bad... [But] what is much worse what makes me even angrier is that they are trying to dictate my forgiveness.

Christian theologians argued that forgiveness is personal and cannot be forced on victims of gross human rights violations. According to them, forgiveness is too costly and requires sacrifice. In this section, I will comment on the context in which Christian forgiveness is

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<sup>1</sup> This is because the Desmond Tutu did not invest as much effort in seeking statements of repentance or contrition from perpetrators.

understood.

### **3.6.1 The concept of forgiveness from a Christian perspective**

In the Christian faith, many scholars point out that the concept of forgiveness is often approached and interpreted differently by diverse authors. It is suggested that there are those who centre forgiveness on the Trinitarian nature of God, which includes God the Father, the Son, Jesus Christ, and the Holy Spirit. Alternatively, there are others who focus on the concept of forgiveness on God and Jesus Christ the Son. Additionally, there are also other theologians who simply view the relationship between God and humanity as the core. Certainly, there also those who focus on forgiveness purely from the human point of view, while for others the Christian church with its means of grace (Baptism and Eucharist) is the society where forgiveness is learnt. Finally, there are those authors who simply see forgiveness as an act or a process, rather than something that has anything to do with the role of the church and its means of grace. Given that the scope of studies on forgiveness is too vast to cover in this study. I will briefly provide a rough background to the ways in which forgiveness is understood in Christian theology.

### **3.6.2 Divine Forgiveness**

In the Christian tradition, forgiveness is understood in relation to God. It is believed that forgiveness is the unconditional love of God. That comes to believers through Jesus Christ. A clear distinction of this forgiveness in Scripture is shown through the parable of the prodigal son, or the parable of the loving father (see Hay 1998:90), who remains loving and respectful towards his son, even when the son disobeyed the father's will and went against it. In the Bible, to speak about forgiveness is to speak about God's unconditional love for sinful human beings. By definition, only genuine love defines forgiveness in the Christian tradition (Brümmer, Hay, and Jones). It is not based on repentance (see Calvin). God forgives sins, thus paying the price for the forgiveness of sins through the suffering of Jesus Christ. Given that forgiveness is free and undeserved, it can only be offered by God, who suffered at the cross through Jesus Christ. Petersen (1980:4-5) argues that in Christ sinners are called to see God's love for them, thereby experiencing the forgiveness of sins by faith in Christ.

### **3.6.3 Forgiveness in the church**

Historically, forgiveness in the church was practised in relation to penitence, and most of the time privatised as individual religiosity since the medieval period. Until recent decades,

forgiveness was also always spiritualised and removed from the practices of everyday life. Forgiveness was often regarded as between God and individual, and if forgiveness would be practised amongst groups, and persons, it was always some lesser form of condoning, dismissal or forgetfulness of wrongs made possible. Recent scholars on forgiveness have argued that repentance is indeed not a prerequisite to forgiveness. Forgiveness in the church must be understood as the acknowledgement of God's forgiveness. It is argued that God extends his unconditional love and forgiveness into the human family. He enables believers to return to the right relationship with him and others through penitence (Hay 1998:90). Therefore, our penitence does not earn us forgiveness, but when we voice out our sincere grief and contrition for the sins committed we ask God for a new undeserved expression of divine love, which restores us to the right relationship with God.<sup>2</sup> According to Jones (1995:175-183), baptism and the Holy Communion embody this forgiveness in the church. Baptism signifies the new life that is found and lived in the context of a Christian community. It signifies initiation into God's kingdom. To live in communion with God thereby unlearn sin and become holy. He argues that the pursuit of holiness also requires the ability to confess; to confess the praises of God, the truthful acknowledgement of our sins, and the proclamation of faith. In addition, Jones argues that the Eucharist is an eschatological meal that recalls the shameful past, betrayal and enmity to the Trinitarian God. In addition, it recalls the saving sacrificial death of Christ, who reconciles, forgives and restores humans into communion with Trinitarian God, with one another, and with the whole creation. Jones (1995: 175-183) and Jennings (1988:125) both argue that forgiveness is a way of life that is embodied within the church, marked by certain practices that enable human beings to unlearn sin, to repent for specific sins and adopt behaviours of holy living. Jones argues that forgiveness is learnt at church and thereby taken out to the world. It is not for self-healing, but it is rather about being healed. By contrast, Smedes (1983:5) asserts that forgiveness must be internalised and privatised. He argues that forgiveness is about an individual's self-healing. It must have something to do with internal liberation and healing of the victim. On this note, suffice it to say that while there may well be consensus in theological publications on the question of what forgiveness entails, the controversies over forgiveness suggest diverging interpretations of its significance for theological reflection.

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<sup>2</sup> Brümmer (2005:404) suggests that we are called to acknowledge God's forgiveness. Without acknowledgement, the penitent remains an object to God's knowledge. Therefore, when we acknowledge our wrongs, we assume status of a person that God can restore a personal relationship with.

### **3.6.4 Theological Reflection on Interpersonal forgiveness**

In this section, I want to discuss forgiveness between human beings in the face of gross human rights violations. Brümmer (2005:403-404) claims that forgiveness remains undeserved and unmerited between human beings. It cannot be earned; it depends on the free decision to forgive. He argues that just like God pays the price for forgiveness in a divine relationship, the person who forgives pays the price for forgiveness. Thus, no one can force anyone to forgive. It is the freedom of the one who has been sinned against to forgive. This means that in truth commissions such as the South Africa TRC, the states or the officials cannot offer forgiveness on behalf of victims.

Parallel to divine forgiveness, it is argued that reconciliation is impossible without forgiveness and repentance. In a relationship of fellowship, the victims must be willing to offer forgiveness to the perpetrators of gross human rights violations. They must do so, without any desire of repentance from perpetrators. Brümmer (2005: 396) argues that when a victim offers such forgiveness to the perpetrators of gross human rights violations, the victim freely persuades the perpetrator to have a change of heart. Instead of condoning the wrong act, by forgiving the victim actually confirms the perpetrator's role in the abuse experienced by the victim. Furthermore, it shows that despite what the perpetrator has done to the victim, the victim desires to be reconciled again with perpetrator in a relationship of fellowship. It means that the victim would rather bear the injury than abandon the relationship. Brümmer (2005: 395-397) argues that if the perpetrator does not show a change of heart, but continues to undermine the fellowship, however, the perpetrator runs the risk of resentment from the victim, which can be spilt into anger and violence, thereby breaking the relationship of fellowship. He argues that this is the difference between divine and human forgiveness. Unlike God's forgiveness, which is perfect in love, human beings offer forgiveness that is limited by human weakness; human beings may find it hard to forgive again. Therefore, he argues that reconciliation between human beings is only possible when the perpetrators also act on the forgiveness offered by the victim. Through expressed penitential actions, the perpetrators help the victim to forswear resentment. Other scholars have in fact argued that for reconciliation to take place it is necessary to identify two moments between forgiveness; the unilateral and unconditional moment of compassion, and the conditional moments of absolution (see Bigger). Others have taken this further to argue that there are many journeys of forgiveness marked by many moments from the initial offer of forgiveness to the final absolution (Tombs 2004:17). I will not discuss these moments of forgiveness further, but



suffice it to say that the biblical and theological account of forgiveness point to a unilateral account of forgiveness not based on repentance.

In conclusion, it is important to mention that, in a relationship of rights and obligations, Brümmer (2005:395) observes that the only alternative to satisfaction is punishment (retributive justice) or condonation if the act is inconsequential. Conradie (2013:38) adds the possibility of reparation (giving back what can be given back), compensation, and also amnesty in cases where the harm was a lasting deficit. In cases where it is lasting deficit, Conradie argues that other options need to be found. He further argues that although Brümmer focuses on intimate relationships, forgiveness can also be applied in other relationships. In some of the case studies selected from the proceedings of the TRC in this study, it is visible that forgiveness can be used in other relationships, particularly in the relationship between fellow citizens. This contribution will investigate what role visible signs of remorse (or the absence of that) played in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to the perpetrators of gross violations of human rights in these four cases studies.

### **3.7 Offering Forgiveness**

Conradie (2013:59-62) identifies various factors that may play a role for victims to verbally offer forgiveness in the face of violations of human rights. These include the following factors:

- Some victims offer forgiveness when they realise that feelings of anger, resentment and vengeance will obstruct their ability to come to terms with the past. He argues that victims offer forgiveness to forgive and forget, or find closure from the traumatic experience of violence of human rights, in order not to be held hostage by the traumatic pain of the past (Conradie 2013:59). The focus is here on the psychological needs of the victim.
- In other instances, victims offer forgiveness to show that they have consciously decided that they do not want to contemplate the possibility of revenge. After they have considered the serious consequence of acts of revenge, victims offer forgiveness in order to avoid destructive spiral violence. According to Conradie (2013:60), victims take this decision because of the psychological need for healing and the social circumstances of the victim.
- Victims may also be willing to offer forgiveness because they are satisfied with the

punishment that the perpetrator received. They accept that the harm cannot be undone, and they are satisfied with the legal justice (however not necessarily restorative justice). The willingness to offer forgiveness serves as an indication that the balances caused by the violation of human rights have been stabilised in terms of the legal relationship between the two citizens concerned (Conradie 2013: 60).

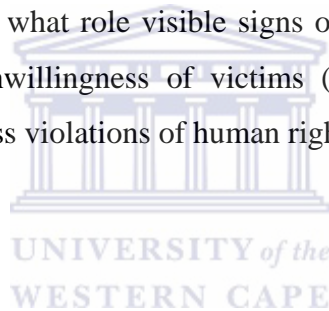
- Sometimes victims show the willingness to forgive perpetrators because they realise that both victims and perpetrators may have been victims of an unjust system. It may well be that victims offer forgiveness because the violations of human rights were politically motivated. Conradie (2013:60) argues, however, that this does not mean that gross human rights violations are condoned. Here the focus is on the larger social and political context of civil society.
- The offer of forgiveness sometimes also relates to the recognition that the perpetrator is a fallible human being. Perpetrators are at times, at least partially, the product of circumstances beyond their control. A victim may be willing to offer forgiveness because she or he realises that the perpetrator is a fellow human being and that the violation of human rights also had a detrimental impact on the life of the perpetrator. The willingness to offer forgiveness is then based on a peculiar sense of empathy or mercy felt by the victim for the perpetrator. The focus here is on the psychological and social circumstances of the perpetrator (Conradie 2013:61).
- Victims may also see the need to restore a broken relationship with the perpetrator, and offer forgiveness. This may be based on the recognition by the victim that the perpetrator may have showed authentic signs of repentance, confession of guilt, remorse, and the willingness to offer appropriate form of restoration, as is evident in the body language, words, and actions of the perpetrator. In this case, some acts of reparation may be expected by the victim from the perpetrator (Conradie 2013:61). The focus here is on reconciliation between fellow citizens.

### **3.8. Conclusion**

Victims may be willing to offer forgiveness on the basis of the repentance, confession of guilt, remorse, and willingness to offer appropriate forms of restoration of the perpetrator. As controversial as this statement may be, in terms of the significance of the concept of forgiveness from a Christian perspective, this study focuses on the relationship between remorse and the offering of forgiveness. The aim is to investigate whether remorse and the

confession of guilt and acts of reparation follow upon recognition of God's forgiveness, or whether forgiveness is offered upon the basis of signs of remorse, a confession of guilt and acts of reparations.

The focus of this research project is not on the notion of political forgiveness. It will not address the relationship between sections of the broader society (i.e. the sixth possibility previously mentioned) or the relationship between the state and individual citizens (i.e. the seventh possibility). Instead, the focus is on the relationships between fellow citizens (i.e. the third possibility), with specific reference to four case studies that formed part of the amnesty hearings of the South African Truth and Reconciliation Commission, namely the "Gugulethu seven", "St James Church massacre", the Orphan: Tshidiso Motasi, and the "Pepco Three". This means that the project will draw on examples situated in the context of the relationship between the state and individual citizens (i.e. the seventh possibility) in order to investigate the relationships between fellow citizens (i.e. the third possibility). More specifically, this project addresses the question of what role visible signs of remorse (or the absence of that) played in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to perpetrators of gross violations of human rights in these four cases studies.



## Chapter 4: Remorse

### 4.1 Introduction

In the previous chapter, the willingness and motivation of victims to offer forgiveness was investigated. This prompts the theological question of whether or not the offering of forgiveness may be understood as conditional. More specifically: Does remorse and the confession of guilt follow upon recognition of (God's) forgiveness (as several theologians have argued), or is forgiveness offered only upon the basis of signs or remorse, a confession of guilt and acts of reparation (as is widely assumed in secular circles)? Accordingly, the focus of this research project is on the role played by the remorse shown by the perpetrator in the willingness or unwillingness of the victim (or the relatives of the victim) to offer forgiveness. In the light of this, this chapter offers a discussion on remorse as prompted by the TRC. The research project will offer a discussion on remorse as understood in psychology. This chapter sketches the need of remorse in truth commissions that are related to transitional justice. The last part of the chapter offers a discussion on the Christian understanding of remorse. The general purpose of this chapter is to offer a background discussion on remorse in order to establish whether or not visible signs of remorse by perpetrators played a role in the willingness or unwillingness of victims to offer forgiveness to such perpetrators.

### 4.2 Remorse at the proceedings of the TRC hearings

The question whether or not forgiveness is conditional came to the forefront in the proceedings of the TRC in South Africa. Officially, the categories employed by the TRC made no reference to confession of guilt or remorse, only to the full disclosure of politically motivated gross violations of human rights or forgiveness and amnesty from further prosecution provided to perpetrators. Nevertheless, given the presence of victims and their relatives during amnesty hearings, there was an unwritten expectation that perpetrators should indeed show remorse and confess their wrongdoing, whether or not this was done in explicitly religious language. This expectation was undoubtedly encouraged by Desmond Tutu's praise for those who expressed forgiveness in the victim hearings. Tutu (1999) encouraged perpetrators to show visible signs of remorse, to express repentance, and to ask for forgiveness from their victims or their relatives. He argued that the refusal of perpetrators to ask for forgiveness denies *ubuntu*. He observed that if a husband beats up his wife, he cannot simply say it is between him and God. The husband also has to go to his wife and try to make

amends in order to rebuild the broken relationship (see Krog 1998:17). On this basis, he also appealed to victims to forgive those who demonstrated remorse.

#### **4.3 Reflection on remorse in the aftermath of the TRC of South Africa**

According to Moon (2004:190), the unwritten code of this expectation was that victims were to agree to give up the right to perpetuate old grievances and accept the material reparations offered to them. They were expected to offer forgiveness, while perpetrators were to accept this forgiveness in order not to repeat violations of the past and to make amends for crimes committed in the past. Such expectations became problematic for several reasons. Firstly, it was not always possible to make a clear distinction between perpetrators and victims.<sup>1</sup> Secondly, given that the amnesty process was not dependent upon the forgiveness offered by victims but upon full disclosure of relevant events, this led to confusion about the role of the TRC. Lastly, it was difficult to establish whether visible signs of remorse were genuine, given the incentive of amnesty for perpetrators, even if such remorse was not required and indeed discouraged. According to Moon (2004:190), the publicity given to making a confession in such an institutionalised context problematised the possibility of a free and genuine remorseful confession. The incentive of amnesty in return for full disclosure disturbed interpersonal relationships and undermined the ideal of forgiveness. The fact that a private process of self-reflection and questioning was brought to the public sphere compromised expressions of visible signs of remorse. Consequently, such remorse could not be trusted as an outward articulation of internal change (see Moon 2004:190-191).

According to Brand (2002:90), Frank Chikane claims that remorse cannot be a precondition for offering forgiveness. Victims may seek wholeness without the perpetrators asking for forgiveness. The recognition of the need for forgiveness is the beginning of the process of reconciliation. Brand points out that according to Frank Chikane, the victim's forgiveness does not yet liberate the perpetrators; until the perpetrators say "I am sorry and want to change and lead a different life", they become prisoners forever, even if forgiveness is granted to them. Forgiveness can only be concluded when the perpetrator seeks to restore his or her own wholeness and through that, restores the wholeness of society.

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<sup>1</sup> For example, in the most evil situation, askaris were former ANC cadres who were turned, frequently through torture, threats and brutality into state agents, and therefore transformed into killers and torturers. Military recruits were also victims of a state system (Moon 2004:190).

#### **4.4 The need for remorseful confession in transitional justice practices**

In secular society, it is widely assumed that forgiveness must be offered only upon the basis of signs or remorse, a confession of guilt and acts of reparation. Many scholars argue that in transitional justice practices forgiveness must be bilateral. Forgiveness can only depend upon the attitude of both victims and perpetrators; hence it should always be conditional. Holmgren (1994:40) and Enright (1994:63-80) claim that without acknowledgement, repentance and accountability, there cannot be any forgiveness in transitional justice. Some other scholars have questioned such an understanding of forgiveness in transitional justice. They point out that accountability, acknowledgement, and repentance are problematic in transitional justice, especially when crimes have been committed by a group.<sup>2</sup> The only thing that groups are able to express so far at the TRC is guilt and taking collective responsibility of what had happened. Govier and Verwoerd (2002a) have argued, however, that there is a possibility for institutional apology. They contend that in truth commissions there could be what is known as collective emotions. A perpetrator of gross human rights violations can express and reflect on his emotion about the crimes that he committed during turmoil, compromising the group and sharing his emotion as an individual apart from the group. Again, they argue that perpetrators as collectives can express their emotions, which they all share, about the crimes they committed in the past. They argue that this can be expressed as guilt and taking responsibility about the crimes committed during the conflict (I want to note that this is already practiced in truth commissions).

Payne (2008) claims that public confessions to acts of gross human rights violation committed during an authoritarian state violence are important for democracy. She argues that when perpetrators remorsefully admit to crimes they committed during the authoritarian state violence, they stir up public debates about the past in their societies. These debates, according to Payne, trigger healthy democratic processes of political participation, freedom of expression, and the contestation of political ideas. Furthermore, she argues that when perpetrators remorsefully admit to past atrocities, their confessions are used to critique the present government, so that it cannot drag its people to committing violence again under a new state. Through engagements between perpetrators and victims or members of community, perpetrators begin to understand what they have done in the past. They begin to hear anew, and they begin to comprehend the harm they had committed to others. Remorseful

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<sup>2</sup> Questions such as who is responsible for the wrongs committed arise, and whether groups can show repentance? A further question is also whether those feelings can be shown in the public sphere and whether groups can have feelings?

confessions in the public offer perpetrators a starting point that enables them to take responsibility for the crimes that they committed in the past. Adolfo Scilingo, an Argentine naval officer, who remorsefully admitted to killing thirty people during the Argentine dirty war, argued that before he confessed publicly about his crimes, he had a secret that he couldn't speak about. He claimed that after his confession, he could talk to everyone about the secret that he had killed people. He said although speaking about the crimes will never make him get over the crimes he committed in the past, it is good for him to speak publicly about it and that it offers him relief (see Payne 2008:43-74).

#### **4.5 Remorse in Psychology**

It is argued that it is only in the last decades that research in psychology has been focused more on seeking forgiveness. At first, it was more focused on granting forgiveness. Enright (1994), Holmgren (1994), and Bassett (2007) observe that seeking forgiveness is multi-dimensional, unlike granting forgiveness, which is one-dimensional (victims granting forgiveness to perpetrators). Seeking forgiveness for past atrocities is focused on asking for forgiveness from victims, asking forgiveness from the self, and sometimes asking for forgiveness from God. In this study, I will not go into depth in discussing the different dimensions of seeking forgiveness. Sandage, Worthington, Hight, and Berry (2000) claim that a significant feature of seeking forgiveness is feelings of remorse and these feelings of remorse may be directed at different people for different reasons. Gaita (1991:47) claims that remorse is the recognition of the reality of others, particularly the person who has been harmed by one's misconduct. In the context of truth commissions, it is argued that people who are usually remorseful are people who are traumatised or unhappy with the wrongdoings that they had committed in the past, and they would like to take responsibility for their actions whether their crimes were politically motivated or justifiable.

#### **4.6 Reflecting on the significance of remorse in the context of gross human rights violations**

Various scholars in psychology argue that remorseful testimonies within truth commissions are more important than gathering many testimonies. This is because remorseful testimonies in the context of gross human rights violations open the door to the possibility of forgiveness. Gobodo (2002:4) states that when perpetrators express their grief over the harm they had caused the victims, they allow victims to recognise their grief. She argues that by expressing

pain towards the harm they have caused the victims or relatives, perpetrators open up a way to empathy from the side of the victim. Although she points out that sometimes visible signs of remorse do not invoke forgiveness, she maintains that in the context of gross human rights violations we need to look beyond that.<sup>3</sup> She argues that in truth commissions there is a need for remorse and forgiveness especially in a relationship between fellow citizens where past enemies will have to live together as neighbours.

Her understanding is that forgiveness alone, whether from the state or an individual, will not restore any relationship between past enemies. She argues that this is because empathy is about feeling with and responding to the pain. It is a process that takes place between two people, one asking for empathy by showing remorse, and the other offering empathy through offering forgiveness. When perpetrators express genuine remorse, it humanises them in the eyes of victims (from being prime evil, to being regarded as a human being with feelings), and thereby transforms the evil they had done from unforgivable into something that can be forgiven.<sup>4</sup> In line with this view, Sandage, Worthington, Hight, and Berry (2000) claim that remorseful confessions need to be seen as statements that can be reconciled with the empathy for victims. These scholars argue that when perpetrators ask for forgiveness, it is the beginning of a relationship where perpetrators start to see victims as human beings that deserve to be treated better as the people that perpetrators relate with.<sup>5</sup> In fact, according to Sandage, visible signs of remorse demonstrate the desire to repair a broken relationship. Other scholars argue that the expression of remorse by perpetrators affirms the victims and gives them some sense of control over their own narratives of trauma. Moreover, remorse allows the victims to start seeing themselves also as human beings who have feelings like any other people.

Furthermore, Enright (1996) contends that asking for forgiveness is not just important for victims, but also for the perpetrators of gross human rights violations. Enright (1996:115)

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<sup>3</sup> This is because people are skeptical, for they do not know how it is possible for perpetrators to offer genuine and meaningful apology other than in self-interest, and how victims in the face of tragedy can forgive.

<sup>4</sup> One of the widows who heard De Kock apologise to them said: "I was profoundly touched by him, especially when he said he wished he could bring our husbands back. I didn't even look at him when he was speaking to us. I don't think I looked at him, at least I don't remember looking at him in that room. Yet I felt the genuineness in his apology. I couldn't control my tears. I could hear him, but I was overwhelmed by emotion, and I was just nodding, as a way of saying yes, I forgive you. I hope that when he sees our tears, he knows that they are not only tears for our husbands, but tears for him as well ... I would like to hold him by the hand, and show him that there is a future, and that he can still change" (Godobo (2002:7-8).

<sup>5</sup> That victims feel and bleed just as others do, especially just like the ones that the perpetrator associates with; therefore remorse from perpetrators transforms the victim from being an object to being a human being as other people. Furthermore, remorse recognises the pain of the living family.



argues that when perpetrators are self-forgiving, they leave any feelings of self-resentment. He/she fosters a sense of compassion, generosity and love towards him/herself. Therefore, perpetrators forgive themselves for the wrongdoings they had committed in the past and take responsibility for their actions. They thus resolve any negative feelings within themselves. Scholars claim that when perpetrators show feelings of remorse, they forgive themselves for the crimes they had committed in the past, thus moving away from being condoners or self-punishers for actions.<sup>6</sup>

In summary, I want to assert that the significance of remorse is found in the ability to repair a broken relationship. It is the ability to repair the damage that perpetrators caused victims, even if it is just to share pain with the wounded victim, and to transform some aspects of the perpetrator's life (this is in the context of self-forgiveness). Visible signs of remorse, whether in the form of guilt, regret, or apology, allow the perpetrators to acknowledge the wrongdoings they had done to victims, and feelings of remorse clarify the deed that was committed by the perpetrator because perpetrators name the deed, own up to their own actions, and thus take responsibility for their actions. Remorse and forgiveness are important in a context where gross human rights violations were committed in the past, especially where victims and perpetrators are fellow citizens who are to live together as neighbours. Remorse and forgiveness are important because they offer victims and perpetrators a way to live together, moreover because remorse and forgiveness stems from a place of empathy. Remorse and forgiveness motivates change in the lives of victims and perpetrators.

#### **4.7 Remorse in the Christian Tradition**

In the previous chapter, the willingness and motivation of victims to offer forgiveness was investigated. Hay (1998:75-90) notes that offering forgiveness is best understood as something to be done by God and the victim and not by the state. The state can pardon perpetrators, but cannot forgive on behalf of victims. Pardon is a legal category that can release a convicted person from punishment or restitution, whereas forgiveness is a moral and personal concept. He argues that victims hold considerable power in offering or withdrawing forgiveness from perpetrators, based on their personal well-being and health.

This does prompt a theological question, namely whether or not the offering of forgiveness

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<sup>6</sup> It is argued that there are three kinds of self-forgiveness in psychology. There are those who are self-forgivers; self-forgivers take responsibility for their actions and resolve their negative feelings. Others are condoners, who resolve their negative feelings by not taking responsibility for their actions, and there are self-punishers, who accept responsibility for their actions while prolonging intense negative feelings.

may be understood as conditional. More specifically: Does remorse and the confession of guilt follow upon the recognition of (God's) forgiveness (as several theologians have argued), or is forgiveness offered only upon the basis of signs or remorse, a confession of guilt and acts of reparation (as is widely assumed in secular circles)?<sup>7</sup> Accordingly, the focus of this research project is on the role played by the remorse shown by the perpetrator in the willingness or unwillingness of the victim (or the relatives of the victim) to offer forgiveness.

The relationship between remorse and the willingness to offer forgiveness as reflected in the proceedings of the TRC invites further theological reflection. It has to be noted that such in reflection it is no longer just focused on the relationship between the state and an individual citizen (as in the amnesty hearings) or between two citizens who had not known each other previously that are at stake. Remorse and forgiveness is also relevant for the relationship between brothers and sisters in the body of Christ and ultimately, in the relationship between a human being and God. Brümmer (2005:404) suggests that in a relationship between human beings, penitence is a condition to restoring a broken fellowship. He argues that penitence is not a condition to forgiveness because forgiveness is undeserved and unmerited. To restore a broken relationship, he argues, penitence, an expression of contrition, and a change of heart is important. In fact, it expresses the desire that the perpetrator would like to restore the relationship.

In Catholic theology, there are rich resources for reflecting on the role of remorse. In *Ukubuyisana: Reconciliation in South Africa* (1998), Mark Hay notes that for reconciliation to take place, the perpetrators of gross human rights violations need to confront the past, confess their actions, and repent of them, so that their attitudes can be converted (1998:133). When dealing with past atrocities, wrongdoers need to show a profound contrition, and expressions of remorse. Hay indicates that this can be expressed by genuine sorrow (a conversion of spirit and attitudes) for crimes committed in the past, and also through confessions of crimes committed in the past (which can be shown sometimes by a simple apology). He argues that in order for reconciliation to take place, especially in South Africa, victims need to hear the truth about actions of the past.

In the Kairos document, it was suggested that no reconciliation is possible in South Africa without repentance. It was argued that for reconciliation to occur, there is a need for an open

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<sup>7</sup> In the case of God's forgiveness, confession and remorse follow; however, this is not the case between ordinary human beings. There are exceptions like Mandel, but this cannot be made normative. In other words, there may well be an asymmetry between God's willingness to forgive us and our willingness to forgive one another.

acknowledgement of the injuries suffered and losses experienced by victims of gross human rights violations. It was argued that one dimension of this would be perpetrators of crimes and beneficiaries of the former regime taking responsibility for inflicting harm to victims of an unjust system that created hierarchies between people.

#### **4.8 Conclusion**

Murphy (2007:437) argues that religious concepts such as ‘remorse’, ‘apology’, and ‘repentance’ have a crucial role to play in transitional justice practices. He argues that in order to address gross human rights violations in the practice of transitional justice, guilt and remorse must be intimately linked, for if there is an absence of remorse and experience of guilt, the well-being of victims is diminished. Murphy (2007:437) argues that when wrongdoers repent and show expressions of remorse, they eliminate obstacles to forgiveness to a degree that the whole community and not just the individual victim are restored. In addition, it is also suggested in psychology that asking forgiveness is important. This is because it is related to taking responsibility for flawed actions and characters with a perception that there is a solution. Through expression of remorse, perpetrators confess that they are fallible human beings; they are not perfect and therefore they also make mistakes (see Rodney & Bassett 2011:51). Expressions of remorse then become a moral and spiritual good, carrying both actual and symbolic significance to make victims feel better.

It is also clear from the above that forgiveness (from the victim) and pardon (from the state) can be offered without visible signs of remorse, confession of guilt, and acts of reparation. The question whether or not remorse (or the absence of remorse) played a role in the willingness (or unwillingness of victims (or their relatives) to offer forgiveness during the proceedings at the TRC of South Africa will be address in more detail in this project and with specific reference to four selected case studies of the TRC of South Africa, namely, the “Pebco Three”, the “St James church massacre”, the “Gugulethu seven”.

## Chapter 5: The Pebco Three

### 5.1 Introduction

This chapter provides a brief background of the Pebco Three case study that has been selected from the Truth Reconciliation Commission amnesty hearings. The focus is on the nine applicants who applied for amnesty through the Truth and Reconciliation Commission of South Africa, namely the security policemen and Vlakplaas askaris. Mainly four testimonies are selected from the applicants because the perpetrators invoked forgiveness and remorse, while others did not show any visible signs of remorse or offer remorseful confession. In this regard, this chapter will outline these four selected testimonies that are given by both the askaris and the security policemen. The question that will then be investigated in this section is whether or not visible signs of remorse (or the absence of remorse) played a role in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to perpetrators of gross violations of human rights during the proceedings at the TRC of South Africa. This will be done in order to address the relationship between remorse and offering forgiveness. Firstly, I will give a brief overview of the Pebco Three case as reflected in the TRC report, then outline the testimonies involved. I draw my analysis, however, using testimonies given by Martin Van Zyl, and Kimpani Mogoai as pointers of the discussion. Lastly, I will analyse the testimonies in terms of reconciliation, remorse and forgiveness.

Before providing an overview of the testimonies of the people involved in this case study, it is important to mention that this and the following chapters draw on case studies that formed part of the amnesty hearings, as mentioned in previous chapters. Accordingly, these case studies were situated in the context of a relationship between the state and individual citizens (the 7<sup>th</sup> possibility as mentioned in Chapter 3.4).<sup>1</sup> It also investigates the relationship between remorse and offering forgiveness between fellow citizens (i.e. the third possibility) in instances where no contractual obligations existed except in the form of the rights and obligations of citizens. Moreover, it also looks at these occurrences where such individuals had no close relationship with each other.

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<sup>1</sup> Relationships between the state and individual citizens; this refers primarily to amnesty granted in the case of crimes that were politically motivated, so that perpetrators of gross violations of human rights are not prosecuted by the state (see chapter 3 in 3.2).

## **5.2 Human Rights Violations**

The name Pebco Three refers to Sipho Hashe, Champion Galela, and Qaqawuli Godolozzi, who were members of the Port Elizabeth Black Civic Organisation (PEBCO), an affiliate of UDF. On 8<sup>th</sup> May 1985, the Pebco Three disappeared, and some people claimed that they last saw them at the airport in Port Elizabeth. Elizabeth Hashe, Nomati Galelo, and Monica Godolozzi (the widows of the Pebco Three) searched for their husbands for 11 years. In 1995, they decided to ask the TRC human rights violations committee to find out what had happened to the Pebco Three since their disappearance in 1985. The widows were then called to the human rights hearings, where they testified that the Pebco Three were active members of Pebco at the time of their disappearance. They urged the TRC to find out what happened to their husbands, arguing that their wish was for the TRC to investigate where, how, and why they were killed, and moreover, to find out who had killed their husbands. In fact, they contended that the killers should come forward to confess that they killed the Pebco Three.

At the TRC of South Africa a self-confessed political killer claimed that he knew about the Pebco Three's disappearance. In his confession, he implicated security policemen Roelf Venter, and other security policemen, including Vlakplaas askaris, in the disappearance of the Pebco Three.

In May 1996, the TRC received eight amnesty applications for the abduction and murders of the Pebco Three from Former Eastern Cape security policemen, and former Vlakplaas askaris.<sup>2</sup> The applicants suggested that the Pebco Three were abducted on 8<sup>th</sup> May 1985 by the members of the Port Elizabeth Security branch policemen with the help of Vlakplaas operation. In the applications, it was further suggested that the Pebco Three were abducted at the airport in Port Elizabeth and taken to Post Chalmers in Cradock, where they were assaulted, murdered, burnt and thrown into the Fish River in the Eastern Cape.

## **5.3. The Pebco Three Amnesty Hearings**

These specific amnesty applicants were heard in November 1997. In their testimonies, the security policemen claimed that the Pebco Three made Port Elizabeth ungovernable. They were politically active, especially, in the struggle against the apartheid state.

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<sup>2</sup> Harold Snyman's application (AM 3918/96), Hermanus Barend Du Plessis (applicant AM 4384 /96), Johannes Martin Van Zyl (applicant AM 5637/97), Gideon Nieuwoudt (applicant AM 3920/96), Gerhardus Johannes Lotz (applicant AM 3921/96), Gerhardus Cornelius Beeslaar (applicant AM 5640/97), Kimani Peter Mogoai (applicant AM 3749/96) and Johannes Koole (applicant AM3748/96).

After reporting the activists to the higher authorities in Port Elizabeth, they were told that they must do everything to calm activists in the townships in Port Elizabeth.<sup>3</sup>

Martin Van Zyl, Gideon Nieuwoudt, Gerhardus Johannes Lotz, Roelf Venter, and Gert Beeslaar confessed to the Commission that the Pebco members were given coffee that had drugs in it, when they were asleep they were then shot dead, burnt, and their bodies were thrown into the Fish River in the Eastern Cape. They stated in their applications that the instruction was to abduct and kill the Pebco Three members.<sup>4</sup>

The security policemen's testimonies, however, contradicted the applications that the amnesty committed received from the two askaris who had applied for amnesty. The contradictions became more obvious when Kimpani Mogoai and Johannes Koole testified that the Pebco Three were abducted, interrogated and tortured. Things got more aggravated when Joe Mamasela, who had not applied for amnesty, confessed that the Pebco Three were abducted, interrogated, assaulted for two days and then murdered.<sup>5</sup> He claimed that he and Kimpani Mogoai were involved in strangling the Pebco Three, while others were beating them up and interrogating them.

The two testimonies from the askaris who had applied for amnesty, and Joe Mamasela's testimony (state witness) became a stumbling block in granting amnesty to the security policemen and the askaris. It was clear that there was a lack of full disclosure from the security policemen and askaris.

As a result, the applications by the security policemen were opposed by the widows of the Pebco Three leaders, on the basis that there was no truth and full disclosure.<sup>6</sup> Only two applicants were granted amnesty, Harold Snyman (AM 3918/96), who had then passed away, and Kimpani Mogoai, who confessed and admitted that he participated in the abduction and torture of the Pebco Three.

What is interesting for me in this case is the report from the Amnesty Committee. The report said that Kimani Peter Mogoai (applicant AM 3749/96), was the only witness who apparently

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<sup>3</sup> Snyman argued that after speaking to Minister Louis Le Grange, there were no other legal options available to calm down the activists in Port Elizabeth; he was of the opinion that they had to eliminate activists, given that the minister said to him that he must do everything to silence activism in Port Elizabeth.

<sup>4</sup> They got such instructions from Hermanus Barend Du Plessis, who claimed that he got the impression to eliminate the Pebco Three from Snyman, who did not object when he suggested elimination.

<sup>5</sup> Joe Mamasela, a political killer who turned into a state witness for the crimes he committed during the struggles against apartheid.

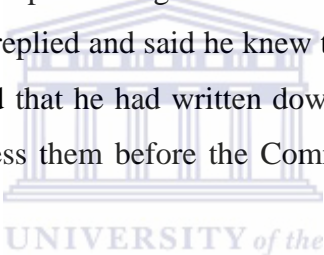
<sup>6</sup> The only senior Security Police Officer who was granted amnesty in respect of conspiring and ordering the abduction and murder of the Pebco Three was Harold Snyman, who failed to attend his amnesty hearing because of health reasons and he since died.

impressed and satisfied the Commission. The report suggested that he answered all questions accordingly and truthfully with neither exaggeration nor hesitation. He confessed that he took part in the interrogation and the assault of the Pebco Three.<sup>7</sup> Apparently, this provided reasons for the amnesty committee and the widows for him to be granted amnesty because he told the truth as to what had happened.

This gives me reason to go back and look at his testimony. What is different about it? What I discovered was that he is the only perpetrator in the case studies I selected who made an emotional plea for forgiveness. I even wept myself as I watched it!

First of all, when he gave his testimony, the victims were very emotional. One of the widows went outside and loudly wept for her husband. As the other widows were sitting, you could sense their emotions, even the victim's lawyer was weeping silently. It was as if, for them, it was a moment of truth of what had taken place in the killing of their husbands.

Secondly, when he was asked at the proceedings of the TRC amnesty hearings if he wanted to say something to the families, he replied and said he knew that they were present, but he does not know them well. He then said that he had written down some words that came from his heart, and he would like to address them before the Commission. He uttered the following words:



I have taken this opportunity to speak the truth and to express my torturing regrets about wasted years and my shame about a mean and petty past. As I regard myself today as a disgrace to my mother, my family and my relatives. My friends and the families of the Pebco Three and the nation as such, it is with my deepest remorse that I ask for forgiveness and hopefully wish to be reconciled with everybody once more and be part of a better and brighter future of South Africa. I say it now here today, as I could not have done so in the earlier days of this realisation for obvious reasons. I thank you.

I would like to note in this discussion that the only time the victims became so emotional was when Peter Mogoai gave his testimony. This says something about how he testified at the TRC. Let us turn to the testimonies of the other perpetrators who were given the opportunity to offer apologies and ask for forgiveness for crimes they committed

Johan Martin Van Zyl testified at the amnesty hearings at the TRC of South Africa on 5th November 1997. His hearing was held in Port Elizabeth, his case no was 5637/96 and he

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<sup>7</sup> Peter Mogoai is said to have been one of the former African National Congress guerrillas who had been turned into askaris by the apartheid state at that time.

confessed on the first day of the hearings. He is one of the policemen who argued that the Pebco Three were not tortured or interrogated; they were only abducted, killed and thrown into the fish river in the Eastern Cape near Cradock.

Van Zyl was asked by Advocate De Villiers to tell the commission why he had applied for amnesty. Van Zyl replied, and said that he had applied for amnesty because he thought that everyone needs forgiveness for all the gross human rights violation committed during the apartheid period. Secondly, he said that he thought that if he could speak about the crimes he committed in the past at the TRC, he will receive forgiveness from God. He argued that to apologise to God for all the atrocities he committed during apartheid was his greatest motivation. He believed that by speaking about the crimes he had committed in the past, God will forgive him. Therefore he applied for amnesty to confess and ask for forgiveness to God.

He was then asked whether if he had applied for amnesty to apologise to God, why he did not do that earlier. Van Zyl argued that he did not apply for amnesty earlier because at the time his knowledge about the TRC was based on false assumptions. He stated that he was ill-informed about the TRC and argued that he was not sure if the new system would really bring reconciliation and forgiveness in South Africa. Additionally, he was of the assumption that the new system would instigate more bitterness and claimed that those were the reasons he applied late for amnesty; he struggled in his mind with these issues. It is only during 1996 towards the end of 1996 that he started having feelings that convinced him that there was no other way to have a future in South Africa but to take part in a process like the TRC. Furthermore, he claimed that if people are not willing to forgive each other and forgive the past, the future is impossible.

Moreover, he stated that one of the reasons he had applied with the group (the other policemen who had applied for amnesty) was because he thought it would have the best impact on all of their family lives, to move together to tell the truth about what happened in the past. Therefore, he argued that he did not apply for amnesty because he was implicated by Venter; he applied because he wanted to be forgiven by the new South African state, by God, and implied that his family needed forgiveness so that they could move on from the past together.

One of the lawyers then said to him: “So now that you have apologised to God, seeing as you claim to have told the truth, don’t you think it is necessary that you must also apologise to the families that you have harmed?” The lawyer pointed out to Van Zyl that he was not seeking amnesty from God, but from people on earth. Why did he not then make use of the



opportunity to apologise to the victims? He asserted that clearly seeking the families so that he can apologise to them would clear his consciousness. Van Zyl replied and said that he had nothing against meeting the family at any time. He argued that the reason why he had not apologised was because he had been advised by his legal counsel that it was not feasible before the amnesty hearings. Furthermore, he said that personally speaking, he would really like to see everybody who was affected by his actions. At this point, the chairperson asked advocate Nyoka if he had any problem with the perpetrator starting first with God in his apology.

Advocate Nyoka replied and indicated that he had a problem with this, because God's decision will be made on judgement day. Here on earth he must apologise for the crimes he had committed to the people he harmed.

This is when the lawyer suggested that Mr Van Zyl must walk out from where he was sitting, come over on the side of the victims and apologise to them. Van Zyl asked if he can apologise privately.

At this point, the perpetrator's lawyer became involved because apparently Van Zyl was ready to apologise, but looked at the lawyer before apologising. The lawyer nodded his head and advocate Nyoka was looking at this. The perpetrator's advocate said that they are in the middle of something important, so he begs him not to turn it into a circus. This disturbed the victim's lawyer, who argued that whilst it is a circus for the perpetrator's lawyer, for the victims it is not a circus but something important.

#### **5.4 Analysing the Testimonies**

Amongst other major arguments against the TRC stated aims, is that the TRC was to promote national reconciliation. As I have mentioned in the introduction of this research study, the institution of the TRC was described in terms of the *Promotion of National Unity and Reconciliation, Act No 4 of 1995*. I have previously mentioned that in scholarly debates the promotion of national reconciliation became controversial. Some of the stated reasons for this debate refer to how lawyers, politicians and the Baruti's spoke about reconciliation (see Piet Meiring, in chapter 2). In fact, it is argued that Desmond Tutu, the chairperson of the TRC, interpreted reconciliation purely in a Christian way with a heavy emphasis on forgiveness and

remorse.<sup>8</sup>

It is said that at the beginning of the Human Rights Violations committee hearings, Desmond Tutu announced that: “Forgiveness will follow confession and healing will happen, and so to contribute to national unity and reconciliation.”<sup>9</sup> According to Graybill (2002:39-40), Desmond Tutu and faith communities expected that perpetrators would prompt forgiveness from victims by showing visible signs of remorse and victims would find it in their hearts to forgive perpetrators of gross human rights violations for the crimes they committed in the past. Tutu repeatedly suggested that the normal procedure during the proceedings at the TRC hearings was that amnesty applicants should express remorse and asked for forgiveness from their victims.<sup>10</sup> This became a debate because perpetrators’ lawyers argued that nothing in the TRC constitution related to perpetrators to express contrition or remorse in order to obtain amnesty nor obliged victims or relatives to offer forgiveness for gross human rights violations. In fact, for applicants to receive amnesty, they were required to provide a truthful and complete account of his/her role, as well as the role of other perpetrators in the execution of a particular gross violation. Failure to do so would result in applicants being denied amnesty. Hence, the rest of the perpetrators did not receive amnesty because there was no full disclosure. In the light of this debate, in the discussion in the next section I would like to provide an analysis of how victims and perpetrators might have perceived offering forgiveness and remorse.

At this point I want to suggest how this story might be analysed to throw light on the issues of offering forgiveness and remorse at the proceedings of the Truth and Reconciliation Commission of South Africa:

#### **5.4.1 Offering forgiveness**

The major argument in favour of the TRC was that it helped to uncover the truth of many killings and disappearances during the apartheid period. As I have pointed out in the previous section, amnesty was granted on the basis of a truthful disclosure about crimes committed under the apartheid system. Desmond Tutu, as the chairperson of the TRC states that “Through the TRC of South Africa we have uncovered much of what we couldn’t uncover

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<sup>8</sup> As it is mentioned above, one of the critics of the TRC, Richard Wilson, called this approach the ‘religious-redemptive’ paradigm, and describes some of the HRVC hearings as “like a born-again Christian revivalist meeting”, and full of miracles.

<sup>9</sup> Tutu, *No Future*, pp. 48, 219 See also TRC Report, vol. 1, chap. 1, Foreword by Tutu, paras 36, 49.

<sup>10</sup> See <http://londongrip.co.uk/2007/08/politics-society-south-africa-the-truth-reconciliation-commission-part-3-by-david-philips/#1> (accessed on the 7th October 2014).

about our past. We know now what had happened to Steve Biko, the Cradock Four and others. We have exhumed the remains of about fifty thousand activists who were abducted and killed and buried secretly” (see TRC Report, Vol. 1, chap. 1, para. 29).<sup>11</sup>

This fits the case of the Pebco Three widows. These widows were searching for their husbands for 11 years. They had been pressing to find out where their husband disappeared to, and they asked the TRC to investigate where, how, and why they were killed, and to know the killers. Mrs Elizabeth Hashe even went further and said that although she does not like asking anyone for assistance, to find out what had happened to her husband right now she needs her enemies to tell her what happened to him. Of course, when Peter Kimpani then answered all the questions, and told them what had happened to their husbands, to a degree what they wanted to know was achieved. They heard what had happen to their husbands, who were abducted, tortured, murdered and their bodies thrown into the Fish River in Eastern Cape. They were given details of what happened when they killed and who might have been responsible for their killing.

Andre du Toit (2000:135) argues that the essence of the TRC may be found in the conception of truth as acknowledgement, informing the victims at the proceedings of the TRC what happened to their relatives and friends. In line with this, the widows were automatically given grounds not to oppose Peter Mogoai’s amnesty applications, while they had every right to oppose the applications of the other applicants, including Van Zyl. The security policemen and some Vlakplaas askaris did not tell the truth about what happened. They even refused to answer questions, and often argued that they did not remember what happened (for example, see the Nieuwoudt, Koole and Lotz testimonies).<sup>12</sup> The clear point when watching the testimonies and listening to them is that the victims wanted to know the truth about what happened to their husbands.

This brings me to the next section, in which I argue that victims wanted to know what happened to their husbands, the Pebco Three. So when they were asked to forgive when the perpetrators showed remorse, it was not really in their capacity at that point. For them, the truth was enough for the perpetrators to be granted amnesty, but not for them to offer forgiveness, even when perpetrators such as Peter Mogoai confessed nothing but the whole

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<sup>11</sup> The testimonies cited from the hearings of the Human Rights Violations Committee (HRVC) and Amnesty Committee (AC). The TRC website: <http://www.doj.gov.za>. (Accessed on the 7<sup>th</sup> of October 2014).

<sup>12</sup> The Report by the Amnesty Committee, Judge B Ngoepe, Advocate de Jager SC, Advocate Sandi. Dealing with application in terms of Section of National Unity and reconciliation Act, No.34 of 1995, signed at Cape Town 1999, where it was declared the widows and the dependents of the diseased were victims in terms of section 22(2) of the act.

truth, expressed their deepest regret, shame, contrition and eventually asked for forgiveness.

However, officially the TRC was about national reconciliation, requiring political forgiveness in order to address gross human rights violations committed during apartheid in South Africa. The TRC was grounded in the relationships between the state and individual citizens, primarily referring to amnesty granted in the case of crimes that were politically motivated so that perpetrators of gross violations of human rights were not prosecuted by the state. It could be argued that the widows of the Pebco Three might have been expected to offer forgiveness to Peter Mogoai, for the sake of reconciliation and peace making.

#### **5.4.2 Remorse**

In my own opinion, Desmond Tutu, as the chair of the TRC, strongly supported the granting of amnesty, not just as a necessary political settlement as mentioned previously, as some kind of incentive for perpetrators to disclose the full truth about atrocities, but also as some kind of goodness, if I may assert.<sup>13</sup> In his book, *No future without forgiveness*, Tutu wrote that the perpetrators that the TRC had to deal with are children of God and that they have the capability to change and repent. In this sense, Tutu (1999:74) argues that if perpetrators at the TRC of South Africa were dismissed as simple monsters, South Africans could not have experienced spontaneous testimonies of perpetrators recognising and acknowledging atrocities they had committed in the past. He claimed that through their stories we experienced confession, contrition and at the very least remorse. In support of his encouragement of amnesty, he stated that in the TRC proceedings it would have been difficult to engage in processes of political forgiveness and reconciliation that simple amnesty be granted to perpetrators for crimes committed in the past. He argued that to contribute to national unity and reconciliation at the TRC seemed to suggest that the normal procedure at the proceedings of the amnesty hearings TRC must be based on applicants showing visible signs of remorse and asked for forgiveness from their victims, and victims to offer forgiveness. He used Ubuntu theology for this, as it was previously discussed.

So what are the implications of this to those who expressed remorse, Van Zyl and Peter Mogoai and others?

Peter Mogoai gave a powerful plea, asking for forgiveness and expressing remorse to

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<sup>13</sup> In my own observation, after a perpetrator disclosed nothing but the truth, he would use amnesty as a positive gesture that will bring together past enemies and reconciles them. This amnesty was not depended on the victim's forgiveness or how remorseful a perpetrator is but to the elders of the community, which was the TRC at this point. For me this is something that is culturally in Ubuntu philosophy.

everyone. He did not just say something to the families as he was requested. He even apologised to his mother and the whole community. He did not see his crimes as something that only affected the Pebco Three widows, but the whole community of South Africa.

Along this same line, Van Zyl understood that there is a need to apologise in order to receive forgiveness. For him, however, he expected such forgiveness from God and not the victims; hence, he did not really seem kin in expressing remorse to them. Remorse for him was something that is private and personal, which takes place between him and God. He said that he applied for amnesty to apologise to God for the crimes that he committed. So what does this mean? According to him when he confessed what had taken place in the Pebco Three killing God forgave him. So he just needed to speak about what had happened and God automatically forgives him.

Indeed, Brümmer (2006:403) argues that in a relationship of fellowship between God and human beings, God is always just to forgive our sins because he is perfect in love. I would like to add that Van Zyl's understanding of forgiveness could have been based on the Catholic understanding of remorse, that when dealing with past atrocities, wrongdoers need to confess crimes committed in the past, and that can also be done even by simple apology (see Hay 1998:133).

My observation when it comes to forgiveness is that at the Pebco Three hearing there were two understandings of forgiveness. This could be based on Christian theology, and on African Traditional Religion. I am saying this because who you ask for forgiveness and expressed remorse to became debatable. Some understood forgiveness as something personal between the perpetrator and God (Van Zyl), while for others it did not matter where asking for forgiveness begins. Desmond Tutu, if I may assert this, seems not to have a problem with Van Zyl apologising to God first before apologising to the family. Others wanted the perpetrators to apologise to the victims publicly after they had apologised to God. The victim's lawyer seemed to believe that after asking for forgiveness from God one should also express remorse to the victims of gross human rights violations in the public. Lastly, the victim's lawyer seemed to view asking for forgiveness from the victims as something personal that must be done privately. He referred to it as a "circus" during the proceedings of the TRC of South Africa. He even advised his clients that they must not apologise before and during the amnesty hearings.

Krog (2008:357) argues that it may be possible that the willingness of victims to offer forgiveness may have been rooted in a deeper understanding of the wholeness of community

in African Traditional Religion than prompted by Tutu as mentioned above.

Along the same line, I would like to assert that the word ‘reconciliation’ may have played a role in the willingness of Peter Mogoai to express remorse, regret, and shame and to ask for forgiveness from the rest of South Africa, including the victims and his mother. In addition, even the lawyer’s asking Van Zyl to apologise to the families of the Pebco Three might have been rooted in African Traditional Religion. To both of them the understanding of forgiveness seems to be grounded in the understanding of restoration, being able to reconcile with the immediate community, which was harmed by the wrongdoing.

Krog (2008:356) observes this and argued that reconciliation and forgiveness are intertwined with each other in the context of African Traditional religion. Reconciliation implies the need for forgiveness, while forgiveness is aimed at reconciliation of the wholeness of community (see chapter 3.3).

I therefore argue that the nobility of Peter Mogoai to express remorse and ask for forgiveness was accordingly not merely influenced by Desmond Tutu, but is rather rooted in a deeper understanding of *Ubuntu* in African Traditional Religion. Furthermore, the emphasis on apologising to victims publicly is something that is also grounded in the African Tradition. In African communities everything is done in the eyes of the community because it is believed that the harm that is performed by an individual is felt by the rest of the community (see Mbithi).

In the discussion below, this brings us to the relationship between remorse and offering forgiveness in this case study.

#### **5.4.3 The Relationship between Offering Forgiveness and Remorse**

As mentioned above, many scholars argue that for healing to take place in societies like South Africa, past human rights violations must be faced, acknowledged, and atoned for and carried in the collective memory (De Gruchy 1989:42). This implies the need for some form of political forgiveness in South Africa. Arendt (1958: 236-244) and Shriver (1995:7-47) agree that political forgiveness must value the justice that restores political community more than justice that destroys it, however, not forgetting that it cannot offer relief from of actions or accountability. In this case it could be argued that these were the reasons why Peter Mogoai was granted forgiveness, as he faced and acknowledged his actions in the past. He was offered amnesty by the state on the grounds of truthful disclosure. My contention is that because he told the truth, it is also the reason why the Pebco Three widows did not oppose his application

for amnesty. He told the truth that they needed. The other perpetrators did not tell the truth and hence, the widows opposed amnesty for them.

What could be the reasons then? In the discussion in chapter 3.5, De Gruchy (1989:42) mentions that gross human rights violations need to be faced, acknowledged, atoned for and carried in the collective memory; one thing was lacking from Peter Mogoai, in my opinion. That is atonement. In theology, atonement involves forgiveness, satisfaction, and reconciliation, which I will not discuss here. What I am trying to point out is that in chapter 2.6, Conradie points out that there are dynamics involved in the process of reconciliation and one of them is “confession of guilt (verbally or in writing) by the perpetrator to the victim/survivor. The perpetrator admits to being responsible for the wrong done and to moral indebtedness to the victim. Such a confession of guilt may be coupled with asking for forgiveness. One may offer an apology, seek condonation, request amnesty or remission, or find absolution”. In this case it was amnesty that the victims did not oppose.

Let us now ask the question what the reasons were for the Pebco Three widows to oppose granting amnesty to Van Zyl and others?

Conradie argues that some form of immediate steps to redress the wrongs of past needs to take place in order for reconciliation to begin:

- 1) Confronting the perpetrator with the consequences of his or her actions by naming and articulating the harm that was done. This may be done directly or indirectly through the mechanism of society or law. This implies the need for the truth to be told, verified in front of witnesses and recognised as such by the victim/survivor, the perpetrator and other affected parties in order to specify the nature, scope and gravity of the perpetrator’s involvement.
- 2) In this process of confrontation, story-telling and the establishing of common memories are crucial for the sake of the victim/survivor, for the healing of memories and to avoid cultural amnesia.
- 3) The need for the perpetrator to recognise and assess the harm that was done to the other, to the quality of the prior relationship (if any) and to the possibility of continuing with mutually beneficial interaction within that relationship.
- 4) An assessment of the proportionality of damages and guilt.
- 5) The expectation and anticipation of the victim as to what form of reparation would be needed in order to give back what can be given back or, alternatively, what form of compensation would be commensurate with the harm that was done.
- 6) The need for the perpetrator to acknowledge some form of involvement in the violation of the rights of the victim/survivor and to offer an account of that involvement.

7) A sense of regret in that the perpetrator may come to an awareness of the negative consequences of past actions for himself or herself.

8) An internal process whereby the perpetrator comes to accept responsibility for wrongdoing or at least his or her share in the wrongdoing.

9) This sense of responsibility may be experienced in the form of regret, restraint, remorse, contrition, repentance and penitence. Together these aspects constitute an internal process entailing a radical change of heart and mind, new ways of thinking and behaving leading to different perceptions, attitudes, words and deeds.

10) This internal process will typically be expressed by showing visible signs of remorse.

11) The response by the public in audience, including the role of the media, should not be underestimated. This may include an expression of sympathy for the victim, willingness to listen to the stories of both the victims and the perpetrators, acts of solidarity to address the needs of the victim, moral indignation over the acts of the perpetrator, shaming (or stigmatising) the person of the perpetrator, scapegoating or disassociating from the perpetrator Conradie (2013-29-35).

In Van Zyl's case, none of the above-mentioned manifested at the proceedings of the TRC of South Africa.

One of the possibilities that took place and is worth mentioning here is that as a perpetrator he seemed to have 'a sense of regret, an awareness of the negative consequences of past actions that was directed to himself and his family'. He argued that one of his greatest motivations for amnesty was that it could change his family life and his life where he works in Angola. He had no sense of feelings that his actions have harmed the victims, this was also clear in the way he answered when asked to apologise to the victims; he said that he has no problem with "seeing them and apologising to them" as if by apologising he would be doing them a favour, not himself. He couldn't be offered forgiveness because he had no sense of remorse whatsoever towards the victims, let alone understand the harm he has caused. He seemed to understand the harm he caused God rather than victims. He argued that his greatest motivation to apply for amnesty was to apologise to God. He seemed to believe that being forgiven was his right. He argued that he had applied for amnesty because he thought that everyone needs forgiveness for all the gross human rights violation he committed during the apartheid period.

In addition, when he was asked why he did not apply for amnesty earlier, he argued that:

He did not apply for amnesty earlier because at the time, his knowledge of the TRC was based on false assumptions. He stated that he was ill-informed about the TRC and argued that he was not sure if the new system would really bring reconciliation and forgiveness in South



Africa. Furthermore, he assumed that the new system would initiate more bitterness in the people. He claimed that those were the reasons he applied late for amnesty, he struggled in his mind with these issues. It was only towards the end of 1996, that he started having feelings that convinced him that there was no other way to have a future in South Africa but to take part in a process like the TRC. He claimed that if people are not willing to forgive each other and forgive the past, the future is impossible (see chapter 5: 5.2)

This is one of the reasons why the TRC commissioners sometimes are accused of not investing as much effort in seeking statements of repentance or contrition from perpetrators, in fact Boesak and De Young (2012:107) accused the commission of making forgiveness the right of the perpetrator.

The question is then why when Peter Mogoai did not make forgiveness his right, as he was not forgiven. He remorsefully confessed and asked for forgiveness from the victims, but they did not offer him forgiveness and reconciled with him as he wished in his confession.

As it was argued in chapter 4, forgiveness is underserved and unmerited, even in the relationship between human beings (see Brümmer 2005: 404). So remorse, contrition from the perpetrators of gross human rights violations does not guarantee forgiveness. In the relationship of contractual obligations between human beings and God, however, forgiveness is only possible when punishment or satisfactory takes place.

Going back to the different kinds of relationships that are presented by Conradie, it could be argued that in a relationship between fellow citizens, where no contractual obligations existed except in the form of the rights and obligations of citizens, and where there was no prior relationship between victims and perpetrators, forgiveness and reconciliation is only possible when perpetrators provide the following to victims:

- 1) Acts of reparation and compensation through which the perpetrator would want to give back to the victim what can be given back, offer compensation for reversible damages, render services where appropriate for the sake of rehabilitation, or engage in a redress of wrongs, where possible.
- 2) A confirmation from the side of the victim/survivor that the reparation or compensation that was received is indeed satisfactory (or not).
- 3) A confession of guilt (verbally or in writing) by the perpetrator to the victim/survivor. The perpetrator admits to being responsible for the wrong done and to moral indebtedness to the victim.
- 4) Such a confession of guilt may be coupled with asking for forgiveness. One may offer an apology, seek condonation, request amnesty or remission, or find absolution.
- 5) Contemplation of offering forgiveness by the victim: weighing up the harm that was done, the deficit that can never be undone, the importance of a continued relationship with the perpetrator, the desirability of social harmony and the victim/survivor's own need

to get on with life (Conradie 2013:35-42; see also chapter 2.6).

Again, it could be argued that some of the reasons that made victims not offer forgiveness to Peter Mogoai is because the following aspects are involved in forgiveness and reconciliation:

6) Offering forgiveness implies the willingness of the victim to bear the suffering associated with the harm that was done for the sake of the relationship. 7) Acceptance that the forgiveness that was offered is genuine and will therefore not lead to acts of retribution so that the perpetrator is not vulnerable to the victim's vengeance. 8) The perpetrator's need to respond to the lasting deficit, namely the forms of harm that cannot be undone through reparation, compensation (see above) or restitution (given the circumstances of the particular case). 9) An indication by the victim that such forms of restitution are indeed satisfactory. 10) A reciprocal response from the victim, namely by offering some gift to the perpetrator in order to indicate a desire to continue with a relationship characterised by mutuality and reciprocity. 11) The willingness of the perpetrator to receive and accept such gifts from the victim and thus to be further indebted. 12) Experiences of reconciliation and fellowship that would include joy, gratitude, mutuality, vulnerability, respect for the other, experiencing the relationship as fruitful and mutually flourishing (Conradie 2013:35-42, see also chapter 2.6).

## **5.5 Conclusion**

In this case study there was no forgiveness and reconciliation by victims, but amnesty was granted by the Commission to at least two of the eight applicants. Although some of the perpetrators confessed their crimes, repented, expressed remorse, guilt and contrition, the victims were not in a state to discuss forgiveness and reconciliation, or they were not willing to offer forgiveness to the perpetrators because of what it entails, and victims were still dealing with the ghastly truth about the killing of their husbands, and at the time, the truth alienated them further from the perpetrators. It was too horrific for them to be able to offer forgiveness to perpetrators of gross human rights violations.

## **Chapter 6: The St James church massacre**

### **6.1 Introduction**

This chapter focuses on the St James church incident. It outlines the human rights violation as reported by the Human Rights Violations (HRV) Committee at the TRC. Following this, the chapter sketches the perpetrators' testimonies with reference to the St James church incident at the TRC amnesty hearings. The last part of the chapter investigates the case study, analysing the role that visible signs of remorse (or the absence of remorse) played in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to perpetrators of gross violations of human rights. The aim is to investigate the relationship between remorse and offering forgiveness related to the St James church incident.

### **6.2 The Human Rights Violation**

On 25<sup>th</sup> July 1993, the Azanian People's Liberation Army (APLA), the armed wing of the Pan Africanist Congress operatives, attacked the St James church in Kenilworth, one of Cape Town's suburbs. This incident took place during the course of a Sunday evening service. In the media it was stated that about one thousand people were inside the church when the attack happened. It was also stated that the attackers used automatic weapons and two grenades, killing 11 and injuring 58 people in the church. Following the incident, Gcinikhaya Makoma was arrested ten days later, and subsequently convicted of 11 murders and sentenced to 23 years in prison.<sup>1</sup> In 1996, Sichumiso Nonxuba, Thobela Mlambisa and Bassie Mkhumbuzi were also arrested and charged.<sup>2</sup>

In the course of their trial, Gcinikhaya Makoma, Bassie Mkhumbuzi, Thobela Mlambisa, and Sichumiso Nonxuba applied for amnesty at the TRC of South Africa for the attack at St James Church, Kenilworth in Cape Town. In their applications, they confessed that they were the ones responsible for the attack that killed 11 worshippers and left 58 wounded. Nonxuba died in a car accident while on bail and before the TRC process was concluded.

### **6.3 The St James Amnesty hearings**

During the proceedings at the TRC, Gcinikhaya Makoma, Bassie Mkhumbuzi, and Thobela

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<sup>1</sup> See <http://www.sahistory.org.za/dated-event/st-james-church-massacre>

<sup>2</sup> See <http://www.sahistory.org.za/dated-event/st-james-church-massacre>

Mlambisa testified that they attacked the church, following orders as APLA/PAC operatives. They claimed that they did not even have any prior knowledge that they will be attacking a church. They argued that as soldiers they were not to ask questions but that when an order was given they were to follow it.

They asserted that they only realised the nature of the operation when they arrived at the church. It was Sichumiso Nonxuba, their commander, who selected the target.<sup>3</sup> They claimed that Sichumiso Nonxuba must have selected the church as a target because he believed that the apartheid government was using churches to oppress black people. They maintained that they also read in the books that white people were the ones who had taken the land from black people using the church and the Bible. They testified that white people were legitimate targets, as they were complicit in the government policy of apartheid. Their stand was that the target was a way of putting pressure on the white government to return the land to black people. They asserted that the target was not some form of revenge on white people for taking the land as many have claimed. It was not a revenge attack on whites; the attack was only aimed at bringing back the land to black people.

During the course of the TRC, the amnesty committee shared with them a few letters from the victims of the attack. One letter said:

I, Dimitri Makogon, will be out of Cape Town on July the 9th and 10th, 1997 and do wish to make known my opinion regarding the amnesty application by those responsible for the St James massacre in which I lost both legs and my right arm. The aim of the TRC is to establish the truth, the truth is that on July the 25th, 1993, the three applicants killed 11 and injured more than 50 civilians, gathered in a church, unarmed and defenceless.

Immediately after hearing this note, they apologised again as they have been doing before, asking for forgiveness from the victims and survivors of the St James church massacre. Mr Mkhumbuzi responded to the note and said:

I really don't know but I would like to meet him and apologise to him. Maybe he would understand because what we did was not right, we do regret that, but I wish we could meet with him, maybe he would like to listen when we try to apologise. But I don't know when you say he is not in Cape Town to show that we are sincerely apologising.

Mr Mlambisa stated: "I would like the people who were in the church, today to forgive us because at the time we were fighting, we wanted to free black people in South Africa." He argued that they thought that in order to contribute to freedom they must attack the white

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<sup>3</sup> Suchumiso Nonxub had passed away at the course of the applications at the TRC of South Africa.

areas so the government would notice that the Africans want their land back. He asserted that along the line, they believed that the government would give us freedom as it is now at the present moment. “We do have democracy. The Truth Reconciliation Commission is the result of that freedom, we have come forward to tell the truth now, and we are no radicals anymore.”

Mr Makoma said:

To those relatives whose loved ones have been killed and those who had injured, and those who were badly hurt, as I was deeply involved in that mess, I threw a hand grenade, I fired shots obeying the instructions from my Commander, that resulted in what we are talking today about, I do regret and please forgive me because it was the situation in South Africa at that time. I am so sorry, please forgive me. To those who had been injured and their loved ones who passed away, I know there is no one who had the right to kill. But the situation in South Africa led us as we were young as we were, to do those things because we grew up in a violent country. We were seeing our fellow Africans being shot and killed by the Whites. We were not involved in the struggle because we wanted to; we were forced by the situations. If you do forgive me, or you don't, it is all up to you. But the information you wanted to know who did this, I as Khaya, I told them what I did and how was I involved.

The perpetrators argued that they were not engaged in the struggle because they hated white people, but because they hated the deeds of the white people. They wanted everyone to be treated better and benefit from the country's resources like everyone else. They were fighting for the freedom of black people and to get the land back that was taken away from the black people. They claimed that they had no problem with white South Africa. They also only wanted to live in respect and peace with them.

The victims and survivors of the massacre disputed the legitimacy of the claim that they attacked the church because it was a white congregation. They argued that there were also Coloured people in the church.

The TRC observed that the act of killing white civilians was a gross violation of human rights and a violation of internal humanitarian law. However, on the basis of truth and full disclosure and that the crime was politically motivated, the commission granted them amnesty. The St James church massacre became one of the cases that became a catalyst for reconciliation in South Africa. From their Christian conviction, victims spoke of their ability to forgive and reconcile, whereas perpetrators asked for forgiveness and showed a willingness to unite in the new South Africa.

## **6.4 Analysis of the case study**

In the field of Christian theology there has been considerable interest in the legacy of the TRC, particularly in its use of reconciliation as a social cohesion mechanism (see chapter 2.5). The divisions that still characterise South African society especially invited further discussion, reflection and clarification of what national reconciliation entails. Others asked if the term reconciliation is feasible in a context such as South Africa, where the past is characterised by atrocities. Yet others claimed that perhaps the bar at the TRC of South Africa was set too high. Suffice it to say that reflections on the promotion of national reconciliation at the TRC has invited and attached rather different connotations to the term.

I will analyse the St James Case study in the light of such discussions, clarifications and reflections.

### **6.4.1 Offering forgiveness**

One of the major criticisms of the TRC is that it followed upon political forgiveness that was intrigued by the former President Nelson Mandela. It is argued that President Nelson Mandela rose above bitterness at the negotiations and advocated for national unity and reconciliation. His belief was that the heat of confrontation should not be allowed to cloud our judgment when deciding on the right way forward (see chapter 2.5). Grasping what Mandela did, it is argued that the TRC of South Africa was established to promote national reconciliation as a consequence compromising transitional justice. Therefore, the TRC resulted from the negotiations between two political powers in South Africa, making the TRC itself part of a compromise for transitional justice (Maluleke 2001:194-195).

In the TRC of South Africa, Archbishop Desmond Tutu followed a similar approach as the chairperson of the TRC and recognised the role of confession, absolution, penance, and forgiveness in the promotion of national reconciliation. According to Tutu (1999:220), South Africans have “no future without forgiveness” (chapter 2.4).

So how does this relate with this case study? One can argue that it influenced victims and survivors to forgive and reconcile with the perpetrators of gross human rights violations as the leader of liberation movements (Nelson Mandela) did.

In this case study, one could argue that the reaction of victims and survivors who were involved in the St James massacre was parallel to Mandela’s reaction. The victims were the first ones to speak about forgiveness and reconciliation immediately after the attack at the

church in 1993. The media was shocked by such a reaction, demanding answers from the church, saying: “Please explain to us what is going on here, why are you forgiving, why are you not filled with rage and bitterness”. It is argued that the bishop of the church answered the media by saying that “the Christian gospel teaches us to forgive.”<sup>4</sup>

Such convictions were fitting to the TRC narrative. The TRC wanted victims to offer forgiveness and reconcile with perpetrators of gross human rights violations. The TRC was about national reconciliation; requiring political forgiveness in order to address gross human rights violations committed during apartheid in South Africa as mentioned at the beginning of this section.

Interestingly, it is argued that when the perpetrators applied for amnesty in 1996 for the atrocities they committed at the St James church in 1993, some of the victims and survivors of the church who argued that they hold no grudge and that they forgive the perpetrators nevertheless opposed their applications at the TRC of South Africa. Dawie Ackerman, the bishop, and others, did not want the victims to go scot free. They wanted justice to take its course for the crimes they committed. It is said that Bishop Retief argued that the APLA operatives were terrorists. His initial response to the massacre was to heroise the South African Police and demonised the PAC youth (APLA operatives) as instruments of evil forces (Kirsch 2014:346). The perpetrators when they applied for amnesty were already arrested, some awaiting trial, while other were already serving their sentences.

Jones (1995:xi) suggests that churches that are supposed to know more about embodying forgiveness, when they are faced with cases of violence, they are the first ones to call for firm punishment and demand justice.

This was the case for some of the victims and survivors of the St James massacre. The fact that they said in the media that they forgave the perpetrators did not mean that they forgave the perpetrators and that they should not to be punished; they wanted retributive justice to take its course.

One can understand such contestations because the TRC was more concerned with restorative justice than retributive justice, it remains a risky delicate business because it is an alternative to the Nuremberg trials.

Vorster (2005:501) argues that the goal of the TRC was reconciliation through truth,

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<sup>4</sup> See [http://www.justice.gov.za/trc/amntrans/capetown/capetown\\_stjames.htm](http://www.justice.gov.za/trc/amntrans/capetown/capetown_stjames.htm) (accessed on the 29 October 2014).

repentance, forgiveness, and restoration of both victims and perpetrators. Its goals were not centred in retributive justice because retributive justice isolated the criminals from society, while restorative justice reintegrates them into society (for victims of gross human rights violations the TRC opted for reparation).

What does this mean then about the victims of the St James church massacre? One could claim that they were isolated from what was happening in the country at that time. It was easy for them to demonise the other without doing critical judgment on them.

Shriver (1995:122) argues that racism in South Africa placed white people at the top of the hierarchy and degraded black people as savages. After all, the St James church was mostly attended by white people although there were few Coloured people in their midst. At the same time, one would argue that black people were at the bottom in the apartheid legislation compared to coloured and Indians.

In this case study, I argue that the forgiveness that was offered by some of the victims and survivors of the St James incident was conditional forgiveness. Dawie Ackerman and Bishop Retief forgave the perpetrators only if it meant that the perpetrators were going to receive punishment for the crimes they committed.

Brümmer (2005:395) observes that in a contractual relationship between human beings, forgiveness is only possible if satisfaction or punishment is made by the wrong doer. After all, this case study is located in a relationship between fellow citizens based on rights and obligations. It is not a relationship characterised by love, as in the relationship of fellowship (see chapter 3 on Christian forgiveness).

In arguing this point, I want to note that reconciliation here calls for justice. The victims and survivors are opting for punishment rather than restorative justice. This means that the victims want justice before reconciliation (see the distinct features of reconciliation in chapter 2.4).

#### **6.4.2 Remorse**

Shriver (1995:7) argues that critical judgement is a central foundation for forgiveness and reconciliation. He states that there must be remembrance of the wrongs, injustices and injuries caused, and there must be a moral action on those injustices. He then contends that critical judgement must work hand in hand with compassion towards wrong doers. The perpetrators who have committed a crime are also children of God, as Tutu argued at the TRC of South Africa. In line with this view, Shriver (1995:128) argues that “we must face the complex of



human decision that produced the wrong act". This implies repentance. Therefore, in the TRC that dealt with gross human rights violations, there was need for visible signs of remorse.

This fits with the testimonies given by the APLA operatives at the TRC. Throughout their testimonies, they apologised and asked for forgiveness. They argued that they did not attack the white people at that time because they wanted to; but it was because they wanted freedom for black people who were oppressed and that they wanted the land back that was taken by the white people. For instance, Makoma said:

It is a new South Africa and I also know that this new South Africa came through struggle by the Africans. So the Whites are also people, we were not fighting them because they were White, we were fighting them because of their deeds as the White nation. If today, as I am listening on television and radio, because I am in prison, they said there is peace amongst the Africans, Whites and Blacks, I am happy to see that. As Whites they are not looking to Black people as animals that were supposed to be killed, armed or not armed, sleeping or alive, young or old, because what they did were not directed to old people, they were directed to the youth as Africans, as part of the African nation, we made a decision that we won't tolerate such a thing. So, when there is peace, I am also prepared to take them as human beings. If they are also taking Africans as human beings, people who have the right to live, to go anywhere, to say anything independently because by the time we were involved in this mess, such things couldn't happen. And as we were young, blood was still very hot, we couldn't tolerate those things. I don't say that gives me the power or the will to go out and kill as I wish. I was obeying the instructions from my Commander. As he couldn't come forward and agree to this because he passed away, because it is clear that we are the ones that have to answer. I am saying to the parents, those who lost their children, injured, we are very sorry. Not because of the St James massacre, but in everything that happened under the name of APLA, because it was the situation in South Africa during those days. We were also forced to do such things. I am finished, thank you.<sup>5</sup>

Gobodo (2002:4) argues that a remorseful confession about gross human rights violations from perpetrators helps them express their grief over the harm they had caused to the victims in the past. In addition, it also helps victims to recognise the sorrowfulness of perpetrators over the harm they had caused (chapter 4 (4.3).

This fits in this case study, where the perpetrators apologised and asked for forgiveness expressing their anguish over the atrocities they committed during apartheid. To quote Makoma: "I am saying to the parents, those who lost their children, injured, we are very sorry. Not because of the St James massacre, but in everything that happened under the name of APLA".

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<sup>5</sup> See [http://www.justice.gov.za/trc/amntrans/capetown/capetown\\_stjames.htm](http://www.justice.gov.za/trc/amntrans/capetown/capetown_stjames.htm) (Accessed on the 29 October 2014).

Furthermore, the visible signs of remorse did not just express their pain but also opened a way for victims to see the root cause of their actions. Perpetrators expressed how the apartheid system treated black people. They named the things that they could not tolerate during the struggle. The killing of white people, whether in the form of black people by white people, taking the land away from them, restriction of movement, the dehumanisation of black people to mere animals and the forced removals. Moreover, they told a story about a system that forced children to become killers; for instance, Makoma was only seventeen when he attacked the St James church, while others were around 20 years of age.

Such testimony opened sympathy from the victims and Danie Ackerman observed that apartheid was an evil system. He said:<sup>6</sup>

In retrospect through the testimonies of the APLA operatives he can see now that the apartheid government was an evil government, that in some respects the opposition to it was legitimate. The expression of remorse opened a door into genuine forgiveness.

Therefore, it could be argued that without a remorseful confession from perpetrators, Ackerman would not have been able to express such words.

Actually, Kirsch (2014:346) argues that after the TRC hearings, Bishop Retief was contrite and mindful of the blindness of his evangelical church to the suffering caused by apartheid and recognised the indirect support of apartheid by wealthy churches. Furthermore, he acknowledged how his church benefited from the oppression. He confessed and said that it took him a while to realise how patronising his church missionary work had been in the black townships in Cape Town, and how their presence contributed to young people's hostility towards the St James church. On the other side, Brian Smart, a St James survivor, also claimed that he identified himself with the APLA youth. He asserted that he was only 18 years also when he himself joined the South African Defence Force and sent out in a mission as soldier (see Kirsch 2014: 354).

This seems to support Gobodo's argument that empathy is about feeling with and responding in pain. It is a process that takes between two people; one asking for empathy by showing remorse and the other asking for empathy through offering forgiveness (see chapter 4.2).

This fits this case study. Danie Ackerman, after demanding apologies from the APLA

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<sup>6</sup> See [http://www.justice.gov.za/trc/amntrans/capetown/capetown\\_stjames.htm](http://www.justice.gov.za/trc/amntrans/capetown/capetown_stjames.htm) (Accessed on the 27 October 2014).

operatives and asking them if they would like to reconcile with him, claimed that:<sup>7</sup>

I want you to know that I forgive you unconditionally. I do that because I am a Christian and I can forgive you for the hurt that you have caused me, but I cannot forgive you the sin that you have done. Only God can forgive you for that and I plead with you, when God saved me, he gave me something that I can't explain and that is love. A love for people, all people to have what I have. I can't explain it; He just gave it to me. When I look at you and I think of your Commander I think it was Vusi that has died in an accident, I can only think that he had died without Christ, you still have a chance and I appeal to you, to return to the faith of your parents. I understand that you were all brought up in Christian homes. I appeal to you to go back to your parents, to ask them for forgiveness too and that you would consider the Christian gospel, Christ as the mediator, the person that can forgive you from eternal sin.

His response to their remorseful confession and claim to want to be reconciled with him was in accordance with Brümmer (2006:405), when he argues that humans can only forgive the wrongdoing, but they cannot forgive sins. It is only God who forgives sins.

Although he first asked the perpetrators if they regretted what they did, I want to observe in this thesis that his forgiveness was not based on remorse. Perhaps his asking for visible signs of remorse was aimed at reconciliation. I shall discuss this point in-depth in the following section.

Nevertheless, Gobodo (2008:169-188) argues that forgiveness alone, whether from the state or individual, will not restore a broken relationship. There is need for both forgiveness and remorse. She argues that when perpetrators express genuine remorse, it humanises them in the eyes of victims (from being prime evil, to being regarded as a human being with feelings). Visible signs of remorse transform the evil they had done from unforgivable into something that can be forgiven.

#### **6.4.3 The relationship between remorse and offering forgiveness**

Although it has been argued that the TRC of South Africa was the result of a compromise between political leaders (Maluleke 2001:194-195). Many scholars have pointed out how the TRC of South Africa was the first one in the world to allow both victims and perpetrators testify of the conflict in the same forum (see Krog 1998).

In the case of the St James church massacre. Perpetrators remorsefully confessed their crimes under the apartheid system, while victims and survivors filled with compassion for the

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<sup>7</sup> See [http://www.justice.gov.za/trc/amntrans/capetown/capetown\\_stjames.htm](http://www.justice.gov.za/trc/amntrans/capetown/capetown_stjames.htm) (Accessed on the 29 October 2014).

perpetrators offered forgiveness.

In the TRC report, the St James massacre was described as one of the cases that became a catalyst for reconciliation in South Africa. From their Christian conviction, victims spoke of their ability to forgive and reconcile, whereas perpetrators asked for forgiveness and showed willingness to unite in the new South Africa.

One may investigate the relationship between remorse and offering forgiveness in the case study (namely the St James church massacre) in this light.

As I have previously indicated some of the victims and survivors did not want the perpetrators to be granted amnesty. After they listened to their testimonies at the amnesty hearings, however, they changed their minds about the TRC, granting them amnesty (section 6.4.2).

Firstly, they offered forgiveness because they could identify with them as human beings. Ackerman argued that when one of the victims, Makoma, indicated that he wanted to kill himself because of the crime he committed, he could not bear to listen to Makoma's cross-examination at the TRC hearings as he identified with him. He claimed that after he lost his wife at the St James church incident he went through an emotional period. He couldn't deal with the loss of his wife, that he lost his job. He could not grieve for his wife and in the house they always quarrelled with his children over small things.<sup>8</sup>

Gobodo (2008:169-188) argues that victims sometimes offer forgiveness because "we are induced to empathy because there is something in the other that is felt to be part of the self and something in the self that is felt to belong to the other" (see chapter 3.3). Conradie (2013:60) argues that victims may be willing to offer forgiveness because she or he realises that the perpetrator is a fellow human being and that the violation of human rights also had a detrimental impact on the life of the perpetrator. The willingness to offer forgiveness is then based on a peculiar sense of empathy or mercy felt by the victim for the perpetrator. The focus here is on the psychological and social circumstances of the perpetrator (see chapter 3.6).

Secondly, victims and survivors offered forgiveness because the perpetrators confessed, apologised, asked for forgiveness, and wished to be reconciled. Throughout their testimonies, the APLA operatives remorsefully confessed their crimes, asking for forgiveness, and wished to be reconciled (see section 6.3 and 6.4.2).

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<sup>8</sup> See [http://www.justice.gov.za/trc/amntrans/capetown/capetown\\_stjames.htm](http://www.justice.gov.za/trc/amntrans/capetown/capetown_stjames.htm) (Accessed on the 29 October 2014).

Conradie (2013:61) argues that victims may see the need to restore a broken relationship with the perpetrator, and offer forgiveness. This may be based on the recognition by the victim that the perpetrator may have showed authentic signs of repentance, confession of guilt, remorse and the willingness to offer an appropriate form of restoration, as is evident in the body language, words and actions of the perpetrator. In this case, some acts of reparation may be expected by the victim from the perpetrator (see chapter 3.6).

Thirdly, victims offered forgiveness because, after the perpetrators remorsefully confessed their actions, they realised that the perpetrators actions could be justified or were legitimate because apartheid was an evil government (see chapter 6.4.1).

Conradie (2013:60) argues that victims sometimes show the willingness to forgive perpetrators because they realise that both victims and perpetrators may have been victims of an unjust system. It may well be that victims offer forgiveness because the violations of human rights were politically motivated. Conradie (2013:60) contends, however, that this does not mean that gross human rights violations are condoned. Here the focus is on the larger social and political context of civil society.

Fourthly, victims offered forgiveness because God forgives sins (6.4.1 and 6.4.3). Hay (1997:78) argues that given that forgiveness is free and undeserved, it can only be offered by God who suffered at the cross through Jesus Christ. Petersen (1980:4-5) argues that in Christ, sinners are called to see God's love for them, thereby experiencing the forgiveness of sins by faith in Christ. Mr Ackerman is a Christian, so he believed it is only God who can forgive sins. Furthermore, Ackerman forgave because as a member of the church, which is the body of Christ, he has to embody forgiveness, as Jones maintained in chapter 3.

Fifthly, victims and survivors offered forgiveness because they realised that, at some point, they played a role in the perpetrators committing gross violations of human rights. Bishop Retief argued that because of the St James church hearing, he came to understand that their presence in the townships with their outreaches to address some of the condition black people were living under contributed to young people's hostility towards the St James church, as they were beneficiaries of the apartheid government (see section 6.4.2).

## **6.5 Conclusion**

The St James Church massacre case is different from the Pebco Three Case. Victims asked for signs of remorse and also asked whether perpetrators would like to be reconciled with them.

After such signs of remorse became evident, victims immediately offered forgiveness, noting that their offer is unconditional. Scheper-Hughes (1998:120) points out that victims claimed that as Christians, they have to forgive as Jesus had forgiven all sinners. On a special hearing after the commission, victims and survivors reconciled with the perpetrators. Ackerman and several survivors were taken to a room where they held a meeting together with perpetrators. In the meeting, the perpetrators walked around the table, and addressed each survivor, whispering individual messages and shaking their hands.



# Chapter 7: The Gugulethu Seven incident

## 7.1 Introduction

The Gugulethu Seven incident is known as one of the most complex cases that appeared before the TRC of South Africa. The Gugulethu Seven incident brought the language of apology, forgiveness, and reconciliation after mass atrocities into the public focus. In the media it captured headlines. In the prize winning document *Long Nights Journey into Day* by Frances Reid and Deborah Hoffmann, the Gugulethu Seven formed part of the four cases that the filmmakers explored. The documentary shows the reconciliation that took place between Thapelo Mbelo (a perpetrator) and the Gugulethu mothers. In addition, the TRC report documented and used the words of the mothers of Gugulethu seven in order to define what reconciliation entails. The Gugulethu seven also symbolised poverty, anger, unemployment, inequalities, change and liberation that were fuelled and manipulated by operations of the police and security forces (see Krog 2009:5-12).

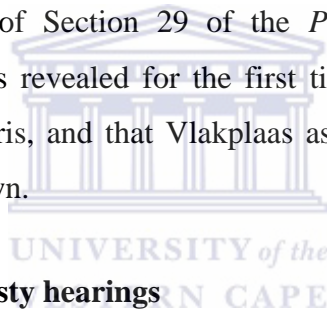
This chapter focuses on the relationship between forgiveness and remorse with respect to the Gugulethu Seven incident. Following the previous chapter, I will outline the human rights violation as reported by the Human Rights Violations (HRV) Committee at the TRC. The chapter sketches the perpetrators' testimonies with reference to the Gugulethu Seven incident. In the last part of the chapter, I will investigate the case study, analyse the role the visible signs of remorse (or the absence of remorse) played in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to perpetrators of gross violations of human rights. The aim is to investigate the relationship between remorse and offering forgiveness in the case of the Gugulethu Seven incident.

## 7.2 The Human Rights Violation

The Gugulethu Seven incident was related to one of Eugene de Kock's (the Vlakplaas commander operatives) operations. Eugene de Kock demanded and selected a group of Vlakplaas askaris operatives to infiltrate a group of young men in Gugulethu. Riaan Bellingan was selected as the leader of the team, which included security policeman Thapelo Mbelo, Vlakplaas askaris Eric Maluleke, and others. Eric Maluleke and Thaphelo Mbelo were the ones who carried out the mission to infiltrate the Gugulethu seven. After infiltrating the Gugulethu Seven, the askaris gave the youth basic training in military combat and provided

them with political education. This mission then resulted in the youth and the askaris planning an attack on a police bus that used to take senior policemen to Gugulethu police station every morning. The youth were killed during the attack, while the two askaris managed to escape. The policemen who were at the scene when the Gugulethu Seven were killed suggested that the young men who were killed were terrorists who were shot dead during a legitimate anti-terrorist operation. The security forces acted pre-emptively to prevent them from attacking a police bus ferrying senior policeman to the nearby Gugulethu Police Station that morning (see Krog 2009:6-8).

In 1996 the parents of the Gugulethu seven made statements urging the commission to establish the circumstances surrounding the killing of their children and after investigations it was revealed that there was an extensive cover-up by the security forces involved in the incident. The investigative Unit of the Western Cape Region commission then commanded nine policemen to appear at the special human rights violations hearings to give evidence in public on the matter in terms of Section 29 of the *Promotion of National Unity and Reconciliation Act (1995)*. It was revealed for the first time that an ANC cell was indeed infiltrated by the Vlakplaas askaris, and that Vlakplaas askaris were sent to Cape Town to counter-act terrorism in Cape Town.



### **7.3 The Gugulethu Seven Amnesty hearings**

In 1997, Riaan Bellingan and Thaphelo Mbelo applied for amnesty through the TRC of South Africa. Thaphelo Mbelo confessed that he and Eric Maluleke (who was a policeman involved in the Gugulethu Seven incident) infiltrated the group and trained the young men. After training them, the youth wanted to attack a police bus ferrying senior policeman to the nearby Gugulethu Police Station. After discussing this with the youth, Thaphelo Mbelo reported to Wilhelm (known also as Riaan) Bellingan that the young men wanted action. Thaphelo Mbelo then led the youth to the location where the incident occurred, in which they encountered the police forces and were killed. They confessed that they were involved in the execution of the seven young men from Gugulethu; however, it was an incident that had gone wrong, the victims were not supposed to have been shot, but rather arrested. Wilhelm Bellingan accepted full responsibility for the incident, as he was in command. He argued that, based on the information he had about the Gugulethu Seven, that they were armed and aggressive, he knew it would be very difficult to arrest the attackers. He contended that the arrests would not have been easy and therefore a shootout was possible. The TRC commission granted Riaan



Bellingan and Thaphelo Mbelo amnesty under the full disclosure of all relevant facts in relation to human rights violations committed with a political motivation under apartheid.

In a special hearing after the TRC proceedings, the black policeman who was involved in the killing of the Gugulethu Seven took responsibility for the ambush of the Gugulethu Seven. He met with the Gugulethu seven mothers and acknowledged his actions in the past and asked for their forgiveness. Thaphelo Mbelo was forgiven by the mothers. They claimed that not offering forgiveness to him would not serve any purpose. Instead, they will lose their own humanity in trying to hold onto the past. In addition, they argued that God expects them to forgive those who trespass against them. In the end, the mothers forgave and reconciled with Thaphelo Mbelo.

#### **7.4 An Analysis**

A distinct feature of the TRC of South Africa was that it allowed victims of gross human rights violation to testify in public. It is argued that this was positive interaction with human rights violations committed in the past. The media attention that these hearings elicited implied that South Africans were able to engage with their own narratives through the human rights violations.

This case study emerges out of this background; the Gugulethu Seven mothers' testimonies in the aftermath of the TRC became a catalyst of reconciliation in South Africa.

##### **7.4.1 Offering Forgiveness**

The TRC was situated in relationships between the state and individual citizens; this primarily refers to amnesty granted in the case of crimes that were politically motivated, so that perpetrators of gross violations of human rights were not prosecuted by the state (see chapter 3.4).

In this case study, one can argue that the Gugulethu Seven mothers did not have a problem with the state granting amnesty to the two policemen who applied for amnesty at the TRC of South Africa, because they wanted to know the truth about the killing of their sons, who were alleged to have been terrorists under the apartheid system.

In their testimonies at the human rights hearings, they argued that they wanted the

perpetrators to confess and tell the truth about the killing of their sons.<sup>1</sup> This is because after the killing of the Gugulethu Seven, the staff at the security police branch of Cape Town argued that their sons were terrorists so they deserved to be killed. This apparently disturbed the mothers. The media said that they were killed with their hands up, showing surrender to the policemen, while others argued that they were ambushed and killed by the policemen.

Mrs Miya said:

What makes me cry now is that these policemen, they were treating our people like animals; that's what makes me cry right now. But even a dog, you don't kill it like that. You even think that the owner of the dog loves it, even an ant a small ant you think you have feelings even for an ant. But now our children, they were not even taken as ants, if I say they are treated like dogs are, that's not how it happened; I am actually honouring them they were treated like ants (see Krog 2009:10).

Mrs Ngewe responded:

Why would they drag my son, was he a dog? Were their hands better than mine, better than my sons? Were their hands so clean that they couldn't even touch my son, why did they have to drag him? (see Krog 2009:10)

Mrs Eunice Mtsingwa and Mrs Konile wanted to know why their sons were not arrested. Mr Mtsingwa asked what the police gained by shooting their sons? Why were their sons killed? Why were they not arrested? I would like to assert that when Mrs Konile couldn't identify her son, that she could only see him by his fit, she must have asked herself these questions as well. In fact, she said to the TRC: "When I met the comrades in Cape Town I was told that our children had their hands up when they were killed" (see Krog 68-69).

Again, it could be argued that the victims did not have a problem with the state granting amnesty to the perpetrators on their behalf. The victims wanted justice, but their justice was not based on punishing or sentencing the perpetrators to prison as one would expect. This is because in their testimonies, the women told the TRC how the killing of their sons affected them and the livelihood of their families. They told the commission that their sons were bread winners; they had no one else to provide for them. So it could be argued that retributive punishment for them would not have contributed to changing their situation of living in poverty (see Krog 2009: 5).

In fact, when Mrs Ngewe was asked about retributive justice for the perpetrators who killed their sons, she said:

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<sup>1</sup> The human rights hearings were concerned with applications for reparation for victims of gross human rights violations.

I do not agree with this view. We do not want to see our people suffer in the same way that we did suffer. We do not want to return the suffering that was imposed on us. So I do not agree with that view at all. We would like to see peace in this country...I think that all South Africans should be committed to the idea of re-accepting these people back into the community. We do not want to return the evil that perpetrators committed to the nation. We want to demonstrate humanness towards them, so that they in turn restore their own humanity (see Krog 2009:11).

In the media, it was argued that the mothers of the Gugulethu Seven, who were killed by the security policemen, came to the TRC to find out the truth about the killing of their sons, and also to publicly request reparations.<sup>2</sup>

#### **7.4.2 Remorse**

It is argued that after the human rights violations hearings, the mothers received a chance to watch and listen to the two policemen confess about the killing of their sons. The policemen who had allegedly killed the Gugulethu Seven applied for amnesty at the TRC of South Africa, as mentioned in 7.3.

It is argued that Riaan Bellingan admitted to his role in the killing of the Gugulethu Seven without remorse.<sup>3</sup> He claimed that he came from a Christian home before working for the South African government as a Vlakplaas commander and argued that the politicians knew what the Vlakplaas operation was about. Furthermore, he contended that when he came to Cape Town he worked for a Counter-Terrorist Unit with the security police of Cape Town. He stated that Minister le Grange knew about the units and what they were doing in order to address the liberation movement in townships. For instance, he said that he would ask them how the situation was in townships, and would ask them what they are doing about the situation.

Moreover, Bellingan stated that he reported to Minister le Grange, who was a politician and a minister at that time, that they had infiltrated the Gugulethu Seven. Bellingan claimed that when they told the minister this, he shook his hand, and after the shooting of the Gugulethu Seven, Bellingan said that:

After the shooting there was also a function held at Maitland to thank us for the good work we had done after the shooting of the Gugulethu 7 and we were also wished everything of the best by Minister le Grange. So, my belief was that our actions carried the approval and the blessing of the Generals and the politicians,

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<sup>2</sup> See <http://www.irisfilms.org/films/long-nights-journey-into-day/gugulethu-7/> (Accessed on the 30 October 2014).

<sup>3</sup> See <http://www.irisfilms.org/films/long-nights-journey-into-day/gugulethu-7/> (Accessed on the 30 October 2014).

because the remark was also made that a silver cross should be, also, given to me for my bravery, but I said I was not interested in that. I would like to place it on record though.

He argued that the primary goal of Vlakplaas (which he was a head of) was the identification of freedom fighters, whether they were ANC or PAC at that time, and the goal was to eliminate them. Bellingan accepted full responsibility for the incident, as he was in command. He reasoned that, based on the information he had about the Gugulethu Seven, that they were armed and aggressive, he knew it would be very difficult to arrest the attackers. The arrests would not have been easy and therefore a shootout was possible (see section 7.3). It is argued that because he was head of the full operation, he took responsibility even for the actions of the askaris and policemen, saying that they were acting under his command.

Following Bellingan's confession, the second applicant, Thaphelo Mbelo, confessed and spoke about his role in the killing of the Gugulethu Seven. He argued that when he was employed as a security policeman he went through indoctrination. They were indoctrinated to kill the ANC, the PAC and other liberation movements' members who were waging war against the apartheid regime. Mbelo contended that when they were being indoctrinated, they were told that the previously mentioned liberation movements wanted to make South Africa ungovernable and thereby create the conditions for the overthrow of the apartheid regime. So he argued that at that time, as a policeman, the ANC was an enemy, and he regarded the liberation activists as terrorists.

However, it is unlike the other policemen, in his confession he showed signs of remorse at the TRC. He said:

I believe what I have done has hurt a lot of people and I request the parents and the family members who lost all their beloved ones to please pardon me and the country at large.<sup>4</sup>

Moreover, after the TRC amnesty proceedings, Thaphelo Mbelo requested the TRC officials to arrange a meeting between him and the Gugulethu Seven mothers so that he could apologise and ask for the mothers' forgiveness for killing their sons. It is reported that when Mbelo met with the mothers, the room was not so easy. This is because the mothers did not only ask him questions, but they also spoke to him with disgust for committing such crimes

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<sup>4</sup> This is captured in Special Report Transcript Episode 75, Section 2, Time 14:07 (Accessed on the 30 October 2014).

against their sons.<sup>5</sup>

Mbelo apologised and asked for forgiveness. He said:

As I am asking for forgiveness some will forgive me, others will not. I know that I will die with a guilty conscience for I have done a terrible thing. I am asking for the parents of those sons, who were there on that day, I ask them for forgiveness from the bottom of my heart.<sup>6</sup>

In response to his apology and asking for forgiveness, Mrs Ngewe said:

I am the mother of Christopher. He was the bread winner at home. Inside of you, you knew that you were going to kill your own brothers. How did you feel about that?

Thaphelo Mbelo replied and said: “Mama, I am still feeling guilty”.

Irene Mnxinwa said:

He says he was forced to do what he did and that he didn't want to do it. But he was working for the system. He did it to his own brother like Cain did it to Abel.<sup>7</sup>

After all the victims have expressed themselves to Thaphelo Mbelo, Mrs Ngewe said again to Thaphelo Mbelo:

I understand that Thaphelo means ‘prayer.’ I hope you live up to your name. I understand you are the same age as Christopher. I forgive you although I know this will not bring my child back from the grave. It will serve no purpose not to forgive you. God will punish me for that. As the Bible says, we should forgive those who sin against us.<sup>8</sup>

At this point some of the victims expressed to him how they are willing to forgive him if he tells the truth, while the mothers hugged Thaphelo Mbelo saying that they forgive him.

According to Krog (1998:109), following this meeting, Mrs Ngewe was afterwards broadcasted on SABC radio saying:

This thing called reconciliation ... if I am understanding it correctly ... if it means this perpetrator, this man who killed Christopher Piet , if it means he becomes human again, this man, so that I, so that all of us, get our humanity back ... then I

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<sup>5</sup> This is captured in Special Report Transcript Episode 75, Section 2, *Time* 14:07 (Accessed on the 30 October 2014).

<sup>6</sup> This is captured in Special Report Transcript Episode 75, Section 2, *Time* 14:07 (Accessed on the 30 October 2014).

<sup>7</sup> One of the victim's sisters said: “We feel sorry for you. You said you were used by the system. And you were saving your own life. We can't forgive you. This was my only brother whom you sold out. We can't forgive you.”

<sup>8</sup> The brother of another victim said: “I'm willing to forgive you my friend, but speak the truth. I'm willing to forgive you. I'm really, really willing.”

agree, then I support it.

### **7.4.3 The relationship between Remorse and Offering Forgiveness**

According to Krog (2008:357), the ability of victims to offer forgiveness and reconcile with the perpetrators of gross human rights violations was rooted in African Traditional Religion (ATR). She argues that although there are no ten commandments to identify sin and contain evil in ATR, evil in ATR is constituted as anything that disrupts the interconnectedness of human beings. In ATR a human being is a human being through other human beings (umuntu ngumuntu ngabantu). Bearing this in mind, Krog observed that in African Traditional Religion, sin is anything that disrupt this interconnectedness of human beings, whether in the form of human's alienation from God or nature, or a social order that is designed to deprive humans of the full humanity, which was intended for them. Therefore, she points out that forgiveness at the TRC of South Africa was rooted in interconnectedness. Krog observed that through this belief forgiving perpetrators at the TRC of South Africa was redefined by many black people who were rooted in this belief. They defined the word 'victim' not only in terms of pain, but also in terms of wholeness.

Considering Krog's argument, in this section I will investigate the relationship between remorse and offering forgiveness in this case study. The question is why victims showed the willingness to offer forgiveness to the perpetrators of gross human rights violations in the Gugulethu Seven Case study.

It could be argued that in this case study, when victims applied at the human rights violation hearings, they knew that they were being asked to offer some sort of forgiveness towards the perpetrators. When they applied at the TRC, they understood that the TRC was about reconciliation requiring political forgiveness between individuals and state. They knew that the TRC was about restorative justice (see section 7.4.1). The victims did not have a problem that the state was forgiving perpetrators on their behalf, but they required reparation for the gross human rights violations committed against them (see section 7.2).

According to Krog (2008:357), in the Isixhosa culture reconciliation and forgiveness are intertwined with each other, and therefore reconciliation in the Isixhosa culture implied the need for forgiveness, while reconciliation is aimed at reconciliation and the wholeness of the community. She argues that when victims came to the TRC, they knew that they were being asked to forgive crimes committed during apartheid.

In this case study, it could be argued that mothers were willing to offer forgiveness because

Thaphelo Mbelo (who was the perpetrator) personally took the initiative to meet with the mothers, apologise and ask for forgiveness, expressing guilt over the harm he caused (see section 7.3 and 7.4.2).<sup>9</sup>

Conradie (2013:60) states that victims may sometimes see the need to restore a broken relationship with the perpetrator, and offer forgiveness. This may be based on the recognition by the victim that the perpetrator may have showed authentic signs of repentance, confession of guilt, remorse and the willingness to offer appropriate form of restoration, as is evident in the body language, words and actions of the perpetrator (see chapter 3.6).

On the other hand, Conradie (2013:60) also argues that sometimes victims show the willingness to forgive perpetrators because they realise that both victims and perpetrators may have been victims of an unjust system. It may well be that victim's offer forgiveness because the violations of human rights were politically motivated, while he argues that the offer of forgiveness sometimes relates to the recognition that the perpetrator is a fallible human being. Perpetrators are sometimes, at least partially, the product of circumstances beyond their control. A victim may be willing to offer forgiveness because she or he realises that the perpetrator is a fellow human being and that the violation of human rights also had a detrimental impact on the life of the perpetrator. The willingness to offer forgiveness is then based on a peculiar sense of empathy or mercy felt by the victim for the perpetrator. The focus here is on the psychological and social circumstances of the perpetrator (Conradie 2013:61).<sup>10</sup>

The victims offered forgiveness because they argued that when they see him, they are also reminded of their sons. They are the same blood as the perpetrator of gross human rights violation (see section 6.4.2.)

Gobodo (2008: 169-188) argues that victims are sometimes induced to empathy, hence they offer forgiveness. They realise that there is something in the other that is felt to be part of the

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<sup>9</sup> I should note here that Gobodo (2008: 169-168) argues that when remorse and asking for forgiveness emerge from the perpetrator of gross human rights violations, it is likely to be because in the eyes of the perpetrator, the image of the victim as object to the victim as human has emerged. So when perpetrators show visible signs of remorse, perpetrators recognise the pain of victims or survivors. In this case study, it could be argued that this is the reason why Thaphelo Mbelo asked to have a special meeting with the mothers of the Gugulethu Seven incident. Moreover, Gobodo contends that when perpetrators show visible signs of remorse and if a narrative of truth is coming forward, this reconstitutes the victim through language to reinstate her or his memory as a living distinct individual being. The victim now becomes the gate keeper to the wrongdoer's desires; namely, being accepted again in the human community. Forgiveness does not overlook the deed, but rises above it. What it means to be human is to say "I cannot and will not return the evil you inflicted on me". That is the victim's triumph (see chapter 3).

<sup>10</sup> See <http://www.youtube.com/watch?v=96xMzz-Ioz4> (accessed on the 9<sup>th</sup> October 2014).

self and something in the self that is felt to belong to the other.

Furthermore, in this case study victims offered forgiveness because they realised that the harm cannot be reversed. In fact, they do not want victims to avenge what was done to them by the perpetrators (see Krog 2009:11). The mothers argued that even if perpetrators are punished for their crimes, it will not bring back their sons (see section 7.4.1). They have been induced to living in poverty without their sons, because their sons were the bread winners (see section 7.4.2).

Conradie states (2013:59) that some victims offer forgiveness when they realise that feelings of anger, resentment and vengeance will obstruct their ability to come to terms with the past. He argues that victims offer forgiveness to forgive and forget, or find closure from the traumatic experience of violence of human rights, in order to not be held hostage by the traumatic pain of the past. In addition, victims sometimes offer forgiveness to show that they have consciously decided that they do not want to contemplate the possibility of revenge. After they have considered the serious consequence of acts of revenge, victims offer forgiveness in order to avoid destructive spiral violence. According to Conradie (2013:60), victims take this decision because of the psychological need for healing and the social circumstances of the victim.

I suggest that they also forgave them because even if the perpetrators were to be punished, they would be still living in poverty. The poverty that they were living in at that time would not disappear; however, reparation instead of retributive justice would take place. Although their sons cannot be brought back, at least they will not be left with the misfortunes that characterised their lives at that time. This is why I argue that the mothers did not have a problem with the TRC adopting restorative justice rather than retributive justice.

Victims offered forgiveness because the Bible requires them to offer forgiveness to people who have wronged them, and not hold any grudge against them.

Hay (1998:90) argues that in Scripture forgiveness is characterised by the parable of the prodigal son. The father who remains loving and respectful towards his son, even when the son disobeyed the father's will and went against it.

Victims offered forgiveness because they wanted to reconcile with the perpetrators (see section 7.4.1). They wanted to restore the relationship with the perpetrators between fellow human beings. This is also expressed by Mrs Ngewe when he speaks about reconciliation (see section 7.4.2).



According to Krog (2008:27-28), both the victims and Tutu seemed to have a deeper understanding of how people (e.g. victims and perpetrators in this case) are interconnected to each other. Tutu kept on arguing that to live with hatred and revenge in their hearts would not only be dehumanising to them, but also to the community at large (Tutu 1999:279). Victims and perpetrators need each other in order to become human beings again (see chapter 3.3).

In conclusion, Gobodo argues that sometimes to simply condemn perpetrators as monsters is to let them off too easily. The act of humanisation therefore at once involves both punishment and rehabilitation (see Gobodo 2008:169-188).

## **7.5 Conclusion**

In this case study, namely the Gugulethu Seven incident, the policemen and the Vlakplaas askaris who were involved took responsibility for the killing of the Gugulethu Seven, and the victims did not have a problem with them being granted amnesty. Victims were hoping that by living retributive justice, the state would make reparation to them for the loss of their sons. In addition, in a special hearing after the commission, Thapelo Mbelo met with the mothers of the Gugulethu seven, acknowledged his actions in the past, and asked for forgiveness. Thapelo Mbelo was forgiven by the mothers. They claimed that not offering forgiveness to him would not serve any purpose. Instead, they will lose their own humanity in trying to hold onto the past. Additionally, addition they argued that God expects them to forgive those who trespass against them. In the end, the mothers forgave and reconciled with Thapelo Mbelo.

## Chapter 8: Comparisons and Conclusions regarding the Three Case Studies

Following the negotiated settlement reached in the period between 1990 and the first democratic elections in 1994, the South African Truth and Reconciliation Commission (TRC) was established in 1995 in order to address the impact of human rights violations during the apartheid period.<sup>1</sup> The proceedings of the South African TRC focused on three aspects, namely applications for amnesty for gross violations of human rights, applications for reparation by victims of such gross violations of human rights and to establish the truth regarding gross violations of human rights and to identify both the victims and the perpetrators. Yet, the aims of the TRC also included the promotion of national reconciliation. This is described in the constitution of the TRC in terms of *the Promotion of National Unity and Reconciliation Act*, No. 34 of 1995. There has been considerable debate on the legacy of the TRC in terms of this stated aim of national reconciliation. This debate typically refers to the hearings of the TRC and a number of famous inter-personal interactions that served as catalysts, but also test cases for the possibilities of reconciliation at a national level.

In this research project I have investigated three case studies from the perspective of ongoing reflections on the nature of reconciliation in the sub-discipline of Systematic Theology. In this context I made a distinction between the reconciliation of God and humanity in Jesus Christ, reconciliation between believers in the body of Christ and the ministry of reconciliation in church and society. Again, as demonstrated by the Archbishop Desmond Tutu, the chairperson of the TRC, I also offered theological reflection on reconciliation at various levels in society, including in the case studies from the TRC. In theological discourse on reconciliation, a whole range of aspects of the process of reconciliation is made. It is shown that reconciliation is impossible without the crucial role of forgiveness. One crucial debate in this regard was whether forgiveness has to be offered unconditionally. More pertinently: Do remorse and the confession of guilt follow upon the recognition of (God's) forgiveness (as several theologians have argued), or is forgiveness offered only upon the basis of signs or remorse, a confession of guilt and acts of reparation (as is widely assumed in secular circles)?

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<sup>1</sup> It is argued that the African National Congress wanted a "Truth Commission" that is similar to the ones I have previously mentioned. On the other side, the National Party wanted a "reconciliation commission". The perpetrators group was concerned about the victims of apartheid, and the victims were looking for an amnesty for the perpetrators and that is how the word "Truth and Reconciliation Commission" came about (see Vorster 2004:497-498).

In this study I investigated the relationship between remorse and the offering of forgiveness with respect to three case studies that formed part of the proceedings at the TRC of South Africa, namely, the “Pepco Three”, the “St James Church massacre”, and the “Gugulethu seven”. In these case studies I have asked the question: What role visible signs of remorse (or the absence of that) played in the willingness or unwillingness of victims (or their close relatives) to offer forgiveness to perpetrators of gross violations of human rights? Following this, I offered a description and critical analysis of the three identified case studies on the basis of recordings and transcriptions, as well as some reflections on these case studies that are available in secondary material.

In this chapter I will compare the results of the three case studies in order to offer some conclusions as to whether visible signs of remorse play a role in the willingness or unwillingness of victims to offer forgiveness to such perpetrators at the TRC of South Africa.

Officially, the TRC was about national reconciliation, requiring political forgiveness in order to address gross human rights violations committed during apartheid in South Africa. In order to facilitate national reconciliation in South Africa through political forgiveness, the Truth and Reconciliation Commission was declared a victim driven process. The Commission’s goal was to strengthen the rule of law, to create a human rights culture in post-apartheid South Africa, and to offer a structure through which perpetrators of human rights violations could apply for amnesty in order to promote national reconciliation. This was a process whereby perpetrators were to tell the truth regarding gross human rights violations and their political objectives in this regard.

The hearings of amnesty applications were often attended by victims or their relatives. This created a heightened atmosphere where the relationship between perpetrator and victim moved to the forefront of the attention.

Nevertheless, such relationships elicited considerable media attention. This was influenced by the way in which commissioners, most notably the role played by emeritus Archbishop Desmond Tutu as chairperson of the TRC, officiated over such hearings, namely by encouraging perpetrators not only to tell the truth, but to also show remorse for what they have done and by encouraging victims to offer forgiveness where appropriate. Such cases caught the imagination of ordinary South Africans and thus facilitated a process of coming to terms with the past and to address interpersonal relations far beyond the actual proceedings of the TRC, also with respect to minor violations of human rights. They heightened an awareness of the need for remorse, the willingness to offer forgiveness (or not) and the need

for restorative justice.

This brings me to this research, to investigate the relationship between remorse and offering forgiveness from selected case studies from the TRC of South Africa. In order to analyse the role of forgiveness in the proceedings of the TRC, it was suggested that it is necessary to distinguish between different kinds of relationships in which forgiveness may play a role. I therefore selected three case studies, namely, the “Pebco Three”, the “St James church massacre”, and the “Gugulethu Seven” situated in a relationship between fellow citizens, where no contractual obligations existed except in the form of the rights and obligations of citizens and where two individuals may not have had a close relationship with each other.

The richly textured nature of these case studies called for further exploration of the dynamics involved. In each, the crucial question was: Do the victims or their relatives understand forgiveness as something that is conditional and part of a longer process of reconciliation or do they understand it as something that can only be offered unconditionally? I then asked how the relatedness of remorse, offering forgiveness and acts of reparation, restitution and reconciliation is then understood. This invited further theological reflection, because of the Christian convictions of the perpetrators or their victims and their relatives. Therefore, I engaged in these theological reflections.

The research problem included a number of variables. In each case, there was willingness or unwillingness by the victims or their relatives to offer forgiveness to the perpetrators. Similarly, in each case there may or may not have been visible signs of remorse. Thirdly, such remorse (or its absence) may or may not have played a role in the willingness or unwillingness to offer forgiveness.

In the case of the Pebco Three, remorse, regret, guilt and contrition were expressed by the perpetrators, but forgiveness was not offered and reconciliation did not take place. At the time, the truth only alienated them further from the perpetrators. One can argue, however, that when the perpetrator expressed remorse there was some sort of response from victims. The fact that victims opposed the applications of those who were not remorseful, and allowed political forgiveness to the one perpetrator who showed visible signs of remorse symbolised a journey to forgiveness and reconciliation as the victim expressed how important it was for them to hear the truth and the admission from perpetrators of their wrongdoing. I think in this case study that if the other policemen told the truth about the killing of the Pebco three, and apologised directly to the victims, at least amnesty would have been granted to all of them. It was just that the case was characterised with lies, and perpetrators refusing to take

responsibility for their actions.

The St James Church massacre case is a bit different. Victims asked for signs of remorse and also asked whether perpetrators would like to be reconciled with them. After such signs of remorse became evident, victims immediately offered forgiveness, noting that their offer is unconditional. The victims claimed that as Christians, they have to forgive as Jesus had forgiven all sinners. On a special hearing after the commission, they reconciled with the perpetrators. Victims offered forgiveness because they realised that perpetrators were also victims of the apartheid government. Some victims and survivors identified with the perpetrators' pain, against an unjust system, while others offered forgiveness because they realised that they themselves were perpetrators in some way or another. This is because they were beneficiaries of an unjust system. The fact that also perpetrators showed remorse played a tremendous role, because victims wanted to hear from perpetrators about the attack and ask them questions so that they can make peace with the past.

In the Gugulethu Seven case, there were visible signs of remorse, which led victims to offer forgiveness. Although there may have been visible signs of remorse, victims maintained that to offer forgiveness is not only important for the perpetrators, but also for themselves, and the whole South African society. In order to be human again and for reconciliation to take place, they argued that there is a need to forgive. Furthermore, these victims were willing to forgive because in the Bible God expects them to offer forgiveness to those who trespass against them. The victims claimed that not offering forgiveness would not serve any purpose; instead, God will punish them for not offering forgiveness to those who have wronged them. They argued that God also forgives them their sins.

In conclusion, it could be argued that victims may be willing to offer forgiveness on the basis of the repentance, confession of guilt, remorse and willingness to offer appropriate forms of restoration of the perpetrator. As controversial as this statement might be, in terms of the significance of the concept of forgiveness from a Christian perspective, this study has proven that in a relationship between fellow citizens, where no contractual obligations existed except in the form of the rights and obligations of citizens and where two individuals may not have had a close relationship with each other, there cannot be reconciliation without forgiveness from victims and remorse from perpetrators. Therefore, this means that there is no forgiveness between fellow citizens without basis of signs of remorse, a confession of guilt, acts of reparations, restitution, and reconciliation. Forgiveness is offered for the sake of national reconciliation, and restoration of relationships between citizens to live together as neighbours

in the new South Africa.

Brümmer (2005:404), argues that when perpetrators express penitence, they show the victims that they remorseful; they want to change their hearts towards the victims, and they desire to restore the broken relationship. Furthermore, he argues that the reason why there must be penitence to restore a broken relationship is because we are human beings; unlike God, we do not know what is inside of another human being's heart, and hence, perpetrators need to express their penitence. On the other side, the Kairos document suggested that the primary problem in South Africa during the struggle was between the oppressor and the oppressed. It suggested that any reconciliation without repentance, and a clear commitment to fundamental non-racial change to precede negotiations and reconciliation, was cheap reconciliation.

Again, it is clear that forgiveness (from the victim) and pardon (from the state) can be offered without visible signs of remorse, confession of guilt, and acts of reparation. The question whether or not remorse (or the absence of remorse) played a role in the willingness (or unwillingness of victims (or their relatives) to offer forgiveness during the proceedings at TRC is a complex question.

According to Krog, the roots of the South African forgiveness and reconciliation at the TRC proceedings are not merely Christian as it may be assumed. Forgiveness and reconciliation in the South African TRC was also rooted in the African sense of interconnectedness. Firstly, she argues that the South African TRC treated all victims the same. The mother who lost her son fighting for apartheid testified next to the mother who lost her son fighting against apartheid; thus, acknowledging that people whose humanity had been affected hurt the same. Secondly, the South African TRC individualised amnesty. Although there were many legal reasons for doing that, Krog argues that one can suggest that there was a desire that perpetrators would use the opportunity to search for ways to restore their own humanity. Thirdly, Krog suggests that although not determined by law, many victims forgave and reconciled in the hope that the perpetrators will regain their humanity. She asserts that some perpetrators responded and came forward to tell the truth and ask for forgiveness (Krog 2005: 8).

Others argue that victims were able to confront perpetrators and offer them forgiveness because of Desmond Tutu, who kept on arguing that there is no future without reconciliation and that the perpetrators are also children of God. He argued that victims and perpetrators need each other as human beings created in the image of God, which was said before the TRC of South Africa, in the Rustenburg declaration. Desmond Tutu argued that the church must

embrace the gracious forgiveness shown by our Lord and Saviour, Jesus Christ, on the cross and become a place for people of grace and open to vulnerability. Jones (1995), states that Christians are called to be people who seek to become holy through embodying practices of forgiveness.



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