

Respecting revenge: The road to reconciliation

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1 INTRODUCTION

In her book *A circle of love around death*, Mathide Mellibovsky writes of the anguish felt by the many mothers of the “disappeared”; those Argentinian dissidents who, at one point, slept in bed, or went to work, or travelled to the market, and were never heard from again. As told by Mellibovsky, one mother described the torture of her quest to find out what happened to her son:

“I do not imagine hell as beds with shackles where the condemned must lie, but rather as a couple of easy chairs in which one can sit comfortably and wait for the postman to bring news – which will never come” (quoted in Bronkhorst 1995).

People often talk of ‘justice’ as if it is a self-defining word. The term is pervasive, but it is malleable, and tends to take on new meanings each time it leaves one’s lips. It is as hackneyed as any cliché, but people do not dismiss it as such. Instead, they cherish it as sacrosanct. Although it rolls from the tongue with ease, it is so widely interpreted that it tends to obfuscate the true sentiments behind our thoughts. For the mothers of the “disappeared”, the word justice might mean the truth about what happened to their sons and daughters. For others, it may mean reparations for inhumane suffering. Some might call justice a trial, a conviction, and incarceration, or even the death penalty. Still others want to remove power from the hands of the government and mete out their own forms of justice.

In its quest to overcome the potentially debilitating legacy of apartheid, South Africa tried to accommodate these varying calls for justice without losing focus of its ultimate goal: peaceful nation-building. This effort produced the Truth and Reconciliation Commission (TRC), a product of negotiation and compromise itself, which aimed to promote the reparation and regeneration of relations between enemies. This attempt at what has been called restorative (rather than retributive) justice demanded the “truth” about what happened during the period of apartheid, and in return, offered the prospect of immunity from criminal and civil legal

1 Portions of this paper are published in Hamber B Nageng D & O'Malley G 1999. Telling it like it is . . . survivors' perceptions of the Truth and Reconciliation Commission. *Psychology in Society* 25.

claims through the granting of amnesty for certain political acts. Furthermore, it offered the opportunity for victims to share their stories with the country, and the rest of the world, through written statements and public hearings.

In 1997 and 1998, the Centre for the Study of Violence and Reconciliation (CSVr) conducted eleven workshops with a sample of victims² who belong to the Khulumani Victim Support Group.³ The aim of the workshops was to elicit the views of victims on recommendations to be made by the TRC in its final report.⁴ While thoughts on reconciliation tended to vary somewhat in the different workshops, CSVr was able to make four main findings concerning the views of the 560 victims who participated in the workshops:

- (1) Reconciliation was largely conditional on truth-telling and perpetrators coming forward to testify to the TRC.
- (2) Despite the possibility of amnesty for perpetrators, reconciliation depended on the perpetrators being held accountable through some form of justice and punishment, through incarceration, or financial contributions towards the reparation and rehabilitation of victims.
- (3) Reconciliation was viewed as a deeply personal experience which must be dealt with directly, with the possibility of direct encounters between victims and perpetrators.
- (4) Reconciliation is inextricably linked with reparation – the slogan “no reconciliation without reparation” was echoed throughout the workshops.

These findings on reconciliation illustrate a resoundingly uniform vision of justice among the victims involved in the workshops. To them, justice creates no room for amnesty; it demands more than truth and public

2 The term ‘victim’ encompasses both victims of direct abuse, and those survivors of indirect abuse.

3 The largely Gauteng-based Khulumani (“speak out”) support group has offered survivors and families of victims support during the TRC process. Several similar groups exist in neighbouring provinces. Khulumani has in some cases introduced the TRC to the victims, found indigenous ways to reconcile with the past, and lobbied the TRC concerning the rights and concerns of survivors and families of victims. For more information on the group see <http://www.wits.ac.za/csvr>.

4 The report details its methodology: “These workshops were conducted in formally black residential areas with a balance between rural and urban areas. Areas where high levels of conflict had occurred were generally chosen. This conflict could have been inter-organisational conflict, state repression or situations where a so-called ‘third force’ was the dominant factor. The communities covered were from four provinces: the Northwest, Mpumalanga, Gauteng and the Northern Province . . . a total of 560 victims participated in the eleven workshops”. The report also acknowledges its limitations: “Experiences in different provinces may have been qualitatively different. In addition, [the report] probably expresses more the views of those who have had interaction with the TRC in one way or another, for example those who have submitted a statement and/or testified at the public hearings or being exposed to the TRC through Khulumani Victim Support Group. It is therefore likely that the views expressed here, in fact, represent those of relatively more informed and politicised victims/survivors.” For a more complete analysis of the methodology and limitations of the report see Hamber et al 1998.

testimony. Those interviewed were adamant that perpetrators should be punished for past wrongs. A number of questions arise. Can truth lead to reconciliation on an individual level in certain situations? Does truth alleviate some of the victim's anger, or does telling one's story and hearing the truth compound the victim's psychic burden of revenge? Those who participated in the CSVR/Khulumani workshops argue the latter. Although the questions asked of these 560 victims were not insulated, and their answers must be examined in light of the individual circumstances which informed them, the response of the group does speak to the strength of the retributive impulse which resides in us all, as well as to the inefficacy of the TRC in creating a platform from which to begin the reconciliation process on an individual level.

When scrutinising the TRC, one must be cognisant of the inevitable shortfall of any legal or institutional response to the pain and suffering engendered by a mass atrocity. The TRC was a construct of compromise, and was implemented by public officials who, despite relatively substantial resources, were inhibited by political and temporal restraints. Its fallibility was guaranteed from the outset. Despite this shortcoming, it was the *process* of the TRC, however flawed, not the product (a five volume report) that acted as a form of catharsis for some. Fear of legal action, coupled with the prospect of amnesty, was at the heart of the TRC's method of fleshing out the truth. There was no requirement for the perpetrators to apologise, and many of them continue to this day to live comfortable lives, as they did in the apartheid years.

There is a famous cartoon which encapsulates the frustrating naïveté of the TRC maxim "truth – the road to reconciliation". In the cartoon, TRC head Archbishop Desmond Tutu is leading a perpetrator, a victim and a delegation of media members on a hike and they are stopped at the edge of a cliff called "truth". Poor Tutu is perplexed, and the entire group, having come to an abrupt, unexpected end to their journey, looks longingly across an uncrossable chasm to another cliff called "reconciliation". One plank which could lead from truth to reconciliation is retribution, but this was not explored by the TRC. The discussion which follows takes an initial step in analysing the TRC's ability to foster reconciliation with respect to individual victim's feelings of revenge.

2 NATIONAL VS. INDIVIDUAL RECONCILIATION

Although trust is a lubricant for social interaction, to a certain extent the government is to be mistrusted, and this is healthy, we say. Our cynicism acts as a check, and ensures that the intoxication of power felt by those in power does not bear down on the individual rights we hold so dear. This mistrust is healthy, however, only if there is a base level of respect for the values embodied in the Constitution, and a belief that, in some way, the government is working towards fulfilling those values. Unbridled mistrust leads to open defiance, rendering a government inoperable, and creating political and social chaos. In this respect, the TRC may have helped to create a base level of trust between the country as a whole and the new government, which seemed to work alongside its citizens to ferret out the

truth. Nevertheless, while the telling of the truth may have been cathartic for some who spoke, and it may have created a belief that the government was working to promote certain social values, it does not seem to have helped many of the victims cope with their tragedies. The question remains for whom was the TRC experience intended to be cathartic? On this point, the TRC itself seemed mired in its own indecision, much like the Act of Parliament which gave birth to it. Was individual reconciliation between perpetrator and victim the goal? Or was the TRC aiming solely for national unity, with individual cases acting as mere stepping stones towards that end? Archbishop Tutu himself acknowledged that the goal of national peace could run counter to the individual psychological healing process:

"If the security forces had thought that they were going to be up for the high jump we would not have had a negotiated settlement, that is the price that had to be paid, and yes, the victims and survivors are probably asked a second time and to be willing – if this high price had not been paid this country would have gone up in flames" (quoted in Hamber & Wilson 1999:15).

Many who extol the success of the TRC do so because of its help in healing what has been termed the "collective national psyche". Truth commissions can provide a frame for public discourse and public memory. While the process may never distill the truth from history, it can work to define the acceptable limits to the argument over *what happened to whom* and reduce the range of possible historical revisionism (Hamber & Wilson 1999:15). Furthermore, the public nature of the process legitimates a range of hitherto disrespected voices, and unifies the nation by way of shared common experience. Despite this success on the national level, the 560 victims in the CSVN study did not demonstrate much faith in the national process of reconciliation as characterised by story telling, truth seeking, and amnesty. Few spoke of a sense of closure, and their disappointment in the process was palpable (Hamber et al 1999:13). Some, like author Michael Ignatieff, have challenged the idea of national psyches:

"We tend to vest our nations with conscience, identities and memories as if they were individuals. It is problematic enough to vest an individual with a single identity; our inner lives are like battlegrounds over which uneasy truces reign; the identity of a nation is additionally fissured by region, ethnicity, class and education" (quoted in Hamber et al 1999:2).

In many ways, it was inevitable that victims would not see the TRC as completely successful. On a purely psychological level, it is impossible to address all the stages of pain and sense of loss experienced by survivors of political violence. This task is further complicated when it is a governmental body, founded within the quagmire of transitional politics, which is expected to address these emotions (Hamber et al 1999:2). Although the process of giving a statement, testifying, or hearing the truth may be a necessary starting point on the road to psychological recovery, it can by its very limited nature, never be sufficient or likely to produce reconciliation (Hamber et al 1999:15). The TRC was founded under the extreme pressures of inter-party negotiation during a period of political transition. (Sarkin 1996; 1997; 1998) Given this context, a trade of justice (formal retributive justice through the courts) for truth (full confession or disclosure from the perpetrator) was seen by those involved as the best hope for reconciliation (Hamber et al 1999:15). While it is difficult to assess the

truth for justice trade in a context where the majority of cases still have numerous unanswered questions, for all of the victims, including those who received some form of the truth, the truth was not enough (Hamber et al 1999:16). They wanted retributive punishment, in the form of incarceration or financial reparation from the perpetrators. It seems counterintuitive to create a system of transitional justice which caters to the psychological needs of everyone but the victims themselves – those who are in most need of support. Yet the TRC, set up to offer victims truth and possible reparations, did not create space for other institutional responses to the perpetrator's actions that would alleviate some of the psychological burden from the victims.

3 INSTITUTIONAL ACKNOWLEDGEMENT OF THE DESIRE FOR VENGEANCE

For some, but not all of the victims, the chance to tell their story helped alleviate the pain of their tragedy. Revealing one's emotions does not automatically lead to healing; the time, place, and manner in which the revealing occurs determines whether it will produce convalescence, or merely open up past wounds that have begun to heal (Hamber & Wilson 1999:3). Still, it was evident that many who spoke of the truth benefited from the process. In its final report, the TRC acknowledged the "healing potential of storytelling, of revealing the truth before a respectful audience and to an official body" (TRC 1998 vol 5:351). This potential is best illustrated by the testimony of Mr Sikwepere, as seen in the TRC's final report on reconciliation. Mr Sikwepere described to the TRC how he had been shot in the face, and lost his sight. He also described the torture he received at the hands of the police. When asked how he felt after having testified, he stated "I feel that what has been making me sick all the time is the fact that I couldn't tell my story. But now it feels like I got my sight back by coming here and telling you the story" (TRC 1998 vol 5 chapter 9:351). While this process was certainly beneficial, the psychological gains of appearing before the TRC may well have been short-term. Although directly after the hearings (and the debriefing sessions offered by the TRC) most of the witnesses appeared psychologically intact, this outer composure often simply masked deeper psychological issues that were sublimated during the adrenaline-filled, cathartic experience of testifying (Hamber et al 1999:14). Trudy de Ridder, a psychologist at the Trauma Centre for Victims of Violence and Torture in Cape Town, argues this is the reason why survivors and families of victims only began to experience a range of psychological problems months after testimony (Hamber et al 1999:14).

There was no similar method of short-term vindication for those who simply heard the truth of what happened to their loved ones. In his case study on the community of the Greater Nigel Area, located in the Gauteng province of South Africa, Hugo van der Merwe describes the feelings of many victims in the area held with regard to truth and reconciliation:

"Victims are not ready to engage in a reconciliation process unless they know more about what happened. They often say they are willing to forgive, but they need to know who to forgive and what they are forgiving them for. A willingness to reconcile is dependent on the people's ability to cope with and process

their knowledge of what had happened. While the past remains hidden, a reconciliation process proceeds on very shaky foundations” (quoted in TRC 1998 vol 5:429).

When the main work of the TRC ended, the 560 victims of the Khulumani support group were not satisfied. This unhappiness was due in part to the TRC’s failure to investigate adequately in all cases, and a general consensus that there was much truth left to be uncovered. A call for forms of retributive justice was made by all, including those who did receive a measure of the truth concerning their case.

Such a desire for revenge is a frequent outgrowth of a moral wrong (Murphy & Hampton 1998:16). After a loss, people often enter into pacts with themselves (Hamber & Wilson 1999:15). These pacts may take the form of a vow to avenge the death, or a vow that nothing else will ever replace the deceased (Hamber & Wilson 1999:15). These covenants with oneself mark a sign of respect for those who have passed away, and act as a tool to make the death more meaningful and memorable (Hamber & Wilson 1999:16). Revenge, or the infliction of harm in righteous response to perceived harm or injustice, is, according to author Michael Ignatieff, commonly regarded as a low and unworthy emotion because its deep moral hold on people is rarely understood (Hamber & Wilson 1999:16). Ignatieff recognises that revenge is a profound moral desire to keep faith with the dead, to honour their memory by taking up their cause where they left off. To this end, revenge maintains a bond between generations and the violence that follows is a ritual form of respect for the community’s dead (Hamber & Wilson 1999:16). These impulses for revenge may manifest themselves in an openly aggressive, self-effacing, or detached manner (Jacoby 1983:166). Some victims may act out aggressively towards perpetrators, or others whom they identify with the perpetrators. This manifestation is most likely to end in violence, and is a righteous expression that one’s dignity will not be insulted with impunity (Jacoby 1983:166). Self-effacing vindictiveness is more likely to be indirect and subversive (Jacoby 1983:166). There is less of a stress on justice; the victim assumes the role of one who is constantly abused by others, and this suffering is used to make others feel guilty (Jacoby 1983:166). Detachment is the third, and least detectable manifestation of the vengeful emotions. It generally manifests itself in sins of omission rather than commission, that is, failing to listen to others, or forgetting simple requests made by others (Jacoby 1983:166). While open aggression obviously serves to disrupt society more than other manifestations of vindictiveness, each imprisons both the victim and society in a paralysing cycle of anger.

In the book *Forgiveness and mercy*, law professor Jeffrey Murphy argues that this desire for revenge is a defensible emotion, in both the Judaic and Christian traditions. Perhaps the classic statement of the Christian acceptance of the legitimacy of revenge, when carried out by the Creator, is seen in Romans 12:19: “Dearly beloved, avenge not yourselves, but rather give place unto wrath: for it is written, vengeance is mine; I will repay, saith the Lord” (King James Bible). Murphy argues that, in the absence of divinity to perform these acts of revenge, the state, despite its fallibility, has stepped in to fill the void “because it is necessary to maintain civilized

life and schemes of just co-operation require that we sometimes act on our best judgment of wrongdoings and responsibility" (Murphy & Hampton 1998:99). While it is certainly possible, and desirable, that a victim's feelings of anger be supplanted by forgiveness, author Susan Jacoby has rejected the quixotic belief that most individuals can overcome the atavistic drive for vengeance. She argues that when there is a breakdown in social mechanisms that carefully exact a proportionate punishment, "a sense of helplessness in the face of unredressed justice, has, throughout history, produced a strong attraction to boundless vengeance" (1983:177). Psychologist Heinz Kohut maintains that "just as it is true with man's sexual desires, so also with his narcissistic needs: neither a contemptuous attitude toward the powerful psychological forces which assert themselves in these two dimensions of human life nor the attempt at their total eradication will lead to genuine progress in man's self-control or adaptation" (quoted in Jacoby 1983:180). Jacoby (1983:181) extends this line of reasoning even further by suggesting that the denial of this forceful drive will not simply fail to engender self-control and adaptation, it will be harmful too:

"To permit vindictive rage to dominate one's existence is assuredly destructive, but vengeful anger is at its most powerful and pervasive when there are no mechanisms for releasing it through legitimate channels. The ability to exact proportional, measured retribution is one way of denying promiscuity to the vindictive drive. Evil and retribution are far too powerful to be treated merely as metaphors".

Many philosophers, theologians, and psychologists reject proportionate revenge as a way of moving out of the cycle of anger, and instead offer forgiveness as the only escape. Hannah Arendt, among others, argues that forgiveness can be used to break the cycle of violence because it is "the only reaction which does not merely re-act, but acts anew and unexpected, unconditioned by the act which provoked it . . . Without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain victims of the consequence forever" (quoted in Hartwell 1999). Nevertheless, as law professor Martha Minow warns (1998:17) that forgiveness is a personal achievement neither to be expected nor depended upon as a boost to the process of reconciliation:

"Forgiveness is a power to be held by the victimized, not a right to be claimed. The ability to dispense, but also to withhold, forgiveness is an ennobling capacity and part of the dignity to be reclaimed by those who survive the wrongdoing. Even an individual survivor who chooses to forgive cannot properly do so in the name of other victims. To expect survivors to forgive is to heap yet another burden on them".

The power of forgiveness of which Minow writes stems from the forgiver's ability to lift the transgressor from the depths of moral opprobrium. If the perpetrator is forgiven, he or she is absolved of the ethical transgression, and victim and perpetrator are morally comparable. If, however, the perpetrator has not been condemned by society's institutions, he or she is not dependent on the victim's grant of forgiveness as a means of re-entering society on an equal moral plain. Therefore, although a grant of

forgiveness does release the victim from a cycle of fear and revenge, a lack of institutional action against a perpetrator eviscerates the power of forgiveness over those who have wronged the victim. This is the only power the victim has over the perpetrator. To choose to exhibit compassion towards a wrongdoer may lift the victim from a state of pain to one of renewed hope, but a lack of institutional support forces the victim to make a choice between forgiveness and insatiable anger. Those who are unable to overcome the anger that flows naturally from victimhood are forsaken, given no support which could keep them from falling headlong into vengeance which may consume them.

3.1 The TRC's denial of vengeance

Generally, retributive justice systems are implemented to promote public safety (through deterrence, rehabilitation, and incapacitation), although they do have ancillary effects on the individual victims of cases (Kadish & Shulhofer 1995:98). These individual psychological effects are often ignored as inconsequential. If a civil society enjoys the support of its constituents, it can afford to bypass expressions of individual compassion for the victim in the name of creating a safe environment for the public. In a stable society, the embodiment of compassionate values in public institutions has little to do with their expression in private lives. Public compassion is, rather, an expression of the social philosophy of "the greatest happiness for the greatest number", rather than the promotion of a maximum satisfaction for the individual (Jacoby 1983:334). In South Africa, there have been too many victims for the government to disregard their feelings as merely a subsidiary product of the quest for public happiness. In a society in transition, unable to use history and public trust as ballast, the goal for public safety, happiness and reconciliation is inextricably linked to the healthy psyche of the victims. The two concepts are enmeshed, and should be dealt with together, on an equal basis, if either is to be attained.

Psychoanalyst Karen Horney argues that social retributive institutions serve a utilitarian function in regulating desires for revenge: "while they explicitly acknowledge the general existence of needs to retaliate, they also take these needs psychologically out of the hands of the individual by rendering them a civic duty" (Jacoby 1983:13). Traumatized people often imagine that revenge will mollify their pain, even though, as Martha Minow (1998:13) points out, often "the fantasy of revenge simply reverses the role of perpetrator and victim, continuing to imprison the victim in horror and degradation". In many cases, the attempt to avenge the self may be too costly to the victim. Psychologist Judith Herman notes that "people who actually commit acts of revenge, such as combat veterans who commit atrocities, do not succeed in getting rid of their post-traumatic symptoms; rather, they seem to suffer the most severe and intractable disturbances" (Minow 1998:13). Therefore, retributive institutions are important to victims because they may remove the psychic burden of vengeance from individuals whose vindictiveness might otherwise endanger them, as well as others (Jacoby 1983:12).

Although a desire for revenge frequently flows from victimhood, the TRC strove to replace this emotion with its own human rights values, and a Christian ethic of forgiveness and redemption. In his paper *Reconciliation and revenge in post-apartheid South Africa: rethinking legal pluralism and human rights*, social anthropologist Richard Wilson (1999:13) observes that the response of the TRC commissioners to victim testimony were “formulaic, predictable, and they regularly contained the following stages: a recognition of suffering, the moral equalising of suffering, the portrayal of suffering as necessary sacrifice for the ‘liberation’ of the nation, and finally the forsaking of revenge by victims”. The commissioners imbued the process with an ethos of expiation and forgiveness; an ethos which was strengthened by Archbishop Tutu, a paragon of morality himself, whose looming presence as the chairperson ensured that the TRC adhered to this course. The hearings were structured in such a way that an expression of anger, or desire for revenge, would have seemed misplaced. Wilson (1999:17) comments that “virtue of forgiveness and reconciliation were so loudly and roundly applauded that emotions of revenge, hatred and bitterness were rendered unacceptable, an ugly intrusion on a peaceful, healing process”. Thus, often those who may have possessed vengeful impulses felt compelled to suppress them when faced with the heavy hand of the commission. These impulses, however, did not die with the closing of the TRC.

Wilson describes a compelling example of how a system which incorporates retributive justice may in fact lead to the reconciliation advocated by the TRC. Examining the Vaal region of South Africa in the aftermath of the human rights violation hearings held there in 1996, he notes that there were few initiatives within the TRC to engage the local bodies which actually exercised political authority in the townships. Consequently, many in the area resented and opposed the TRC, and there were few signs of reconciliation. In the township of Boipatong, however, there was a local court, a *kgotla*, which did seem to have the ability to protect former apartheid councillors and enforce a more lasting peace than in surrounding townships. As Wilson describes it, those found guilty by the *kgotla*, which deals primarily with small cases, and avoids rape and murder cases, are “subjected to both restorative justice, which normally takes the form of monetary payments or free labour and a more punitive justice, which frequently involves a public beating with whips, *sjamboks*, and golf clubs. The convicts usually consent to public flogging in their own townships rather than face being handed over to the police and face possible beatings, torture, and a jail sentence” (Wilson 1999:26). Wilson remarks that this urban trial court has worked well with political violence of the past: “it is no coincidence that two former National Party members and councillors from 1988-90 have remained in their homes in the township, whereas such ‘apartheid collaborators’ have been killed or chased away from their homes in all other townships of the Vaal” (1999:27). To a certain extent then, the existence of a formal retributive justice system that metes out punishment has created an environment in which fewer people feel the need to act on their revenge fantasies. Wilson remarks:

“It is ironic that a neighborhood court which portrays itself as a punitive ‘tribal’ authority and which rejects the TRC’s humanitarian view of human rights for a more retributive view of justice in the end facilitates the kind of solution extolled by the TRC. It is not through notions of reconciliation and restorative

justice derived from Christian ethics and human rights talk, but through expression of traditional male authority and the likelihood of physical sanction against any who flout its decisions" (1999:28).

The tribunal in Boipatong could not be reproduced on a national level, nor, as many would argue, should it, as it forgoes many of the basic legal principles that safeguard individual rights. Its existence, however, and the resulting reconciliation which springs from its marriage of retributive and restorative justice, speak to the importance of respecting natural drives for vengeance, and the ability of institutional forms of revenge to quell some victims' thirst for vengeance. This institutional respect for the natural feelings of the victims is indispensable to a society in transition.

TRC chairperson Desmond Tutu has said of South Africans' ability to forsake revenge, "I believe we all have the ability to become saints" (Wilson 1999:16). This may be true, but it may also ignore the way social cohesion depends upon shared normative ideas about justice. The 560 participants in the CSVR/Khulumani workshops expressed negative feelings about amnesty. The majority advocated retributive punishment. Therefore, while official acknowledgement and reparation may hasten closure on the traumatic events of the apartheid era on a national level, it is still unclear how this will affect society overall, and whether it offers individual victims the support needed so that they may reconcile with perpetrators. The TRC has acknowledged that justice, like reconciliation, is a process rather than an event, and in doing so, it has created both avenues for institutional revenge (trials for those who don't apply for or receive amnesty) and institutional forgiveness (amnesty). The process, however, should not be entirely bifurcated. Theologian Donald Shriver (1995:32) may put it best when he says:

"Simple justice is elusive. . . . Forgiveness thrives in the tension between justice-as-punishment and justice-as-restoration. To take both sides seriously is to ponder how 'due retribution' can play a restorative role in the future relation of wrongdoers and wrong-sufferers, and how forgiveness makes room for punishment while making wider room yet for the repair of damages and renewal of relations between enemies".

Vengeance and forgiveness are two sides of the same coin; they both spring from an initial feeling of anger. Demands for justice in the form of retribution should be viewed as an outgrowth of the same source that spawns forgiveness. If this desire for revenge is legitimised and understood, if it is respected and contained, and if it is given both public and private space for its expression, it will help lead to reconciliation, and even forgiveness. If, however, it goes unaddressed, and is not regulated by society's institutions, it may continue to fester, and plague both victims and society at large. South Africa was forced to come to a negotiated settlement to avoid mass bloodshed. Other countries that are in the midst of solving conflict may have to do the same. While each country must work within its own set of unique constraints to create an acceptable form of transitional justice, each would do well to heed Susan Jacoby's advice (1983:362):

"Dismissing the legitimate aspects of the human need for retribution only makes us more vulnerable to the illegitimate, murderous, wild impulses that always lie beneath the surface of civilization-beneath, but never so deep that they can be safely ignored".

4 CONCLUSION

Now that the TRC has concluded its work (apart from ongoing amnesty hearings), it is no longer able to create the necessary space for feelings of anger. There are a few suggestions that other countries could heed, which might create institutional respect for revenge while still working within the difficult parameters of a negotiated settlement.

First, many of the 560 victims interviewed expressed a desire to meet the perpetrator of the human rights violation in question. In some cases the TRC did facilitate such meetings, but there was no systematic process for doing so. Such a meeting would certainly not be beneficial for all victims, but an optional victim-offender mediation programme could create closure for some. The TRC process demanded no apology, and perpetrators requested amnesty from the TRC itself, not the victims. Subsequently, many of the victims interviewed felt there was not enough space for victims in the amnesty process. Some victims felt that the TRC did not always consult them about the process, and others felt they were left out of the process altogether. Allowing victims to meet perpetrators and vent their emotions might empower them in a way the TRC never did.

Second, a limited form of government lustration would be a formal acknowledgement of past wrongs. Such a policy is controversial; so many have been implicated in past abuses, either seriously or tangentially, and therefore, it is hard to decide who should be punished. The possibility of a confusing witch-hunt does exist. Furthermore, one must be practical – there must be an objective assessment of possible replacements for those officials who are forced out of office. However, the government can highlight certain figureheads who were instrumental in promoting the old regime. To force key officers who have benefited from the amnesty process to step down from office would be a powerful statement by the government on behalf of victims. The CSVR report made findings concerning the removal of certain officers from public office:

“Based on what came out of the workshops the issue of the removal from public office of perpetrators of past abuses (including those who applied for amnesty and were granted amnesty) should be seriously considered. A number of victims/survivors were adamant that this become a reality In fact, it was recommended by many victims/survivors that all people who were granted amnesty for gross violations of human rights should not be employed within the South African Police Service or government at all” (Hamber et al 1998:16).

Thus, a limited government illustration would grant victims some manner of satisfaction that the perpetrators were “punished” for their actions.

Third, the government should set up a reparations fund to which perpetrators and beneficiaries of the old regime may contribute (Hamber et al 1998:16). Economic inequity produced by the system of apartheid still exists. Victims are keenly aware of this disparity in wealth, and the possibility of a donation to a fund for victims embodies the true spirit of restorative justice. Such a contribution can never redress the crime committed, but it would give the victim a sense that the perpetrator is giving up something for the victim’s benefit, and that the government is promoting this transfer of wealth.

Lastly, there must be a continued effort to prosecute those perpetrators who did not qualify for amnesty or who did not apply for amnesty. There is a strong sense amongst victims that justice in the form of retribution is a prerequisite for reconciliation. The South African population may have accepted Archbishop Tutu's explanation of the amnesty process, but by giving an explanation in the first place, the government implicitly accepted the burden of adhering to its plan. Any deviation, in the form of a freeze on prosecutions or unwillingness to press forth on investigations of possible human rights abuses, would be detrimental to the process of reconciliation. On the national level, it would contribute to a culture of impunity, exacerbate current crime problems, undermine the human rights culture the new South Africa has attempted to build itself upon, and eviscerate the integrity and achievements of the TRC. On an individual level, it might ignite flames of revenge amongst those embittered victims whose call for justice will have been spurned and whose trust in the government will have been breached. As such, prosecutions and investigations should continue.

It is impossible to blame the TRC for emphasising how beneficial the act of forgiveness is to a victim. They were correct – it is beneficial. Societies in transition should, however, create space for traditional notions of justice within all aspects of the transition. A gap exists between the national and individual successes of the TRC (Hamber et al 1999:18). The emotions of the victims are still raw and many who participated in the process in good faith feel let down by the government. South Africa must take cognisance of this, as should other countries embarking on similar journeys of transition through negotiation. The line between respecting individual calls for revenge and promoting them is muddled, yet governments should make an effort at creating institutional opportunities for the expression of vengeance, as it is the best way to forge reconciliation on both a national and individual level.

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