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The distributive dimension in transitional justice: reassessing the South African Truth and Reconciliation Commission’s ability to advance interracial reconciliation in South Africa

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ABSTRACT
The South African Truth and Reconciliation Commission (TRC) has played a key role in advancing interracial reconciliation in South Africa, and has become a model to illustrate how transitional justice interventions can be used to heal divided societies and advance reconciliation. While acknowledging its achievements, this article emphasises the importance of socioeconomic justice to the TRC’s objectives, and critically assesses the adequacy of the TRC’s reparation programmes in addressing continuing structural and socioeconomic inequalities in the country. One overall weakness in the Commission’s work was its narrow mandate of investigating gross human rights violations, which meant the TRC contributed to exposing only some ‘truths’ while obscuring others. A detailed exploration of the TRC’s institutional mechanisms reveals that the Commission’s lack of focus on socio-economic justice has served to limit its overall contribution to reconciliation.

In addition to their role in providing accountability for gross human rights violations, transitional justice interventions have gained increased recognition as vital components of broader peacebuilding and reconciliation efforts in deeply divided post-conflict societies (Oduro 2007, 3). In particular, studies have emphasised the importance of these interventions for providing both ‘truth’ and ‘justice’ in response to violence, two elements now broadly considered to be necessary, if not sufficient, conditions for advancing reconciliation and creating the foundations for sustainable peace in societies divided along lines of ethnic, religious, or national identity (Long and Brecke 2003). However, to date considerably less attention has been paid to how transitional justice interventions might best address crucial legacies of socioeconomic inequality or distributive injustice if they are to be successful in advancing processes of reconciliation between former antagonists (for exceptions, see Aiken 2010; Lambourne 2009; and Miller 2008). Often, these instances of what Galtung (1969) termed structural violence are direct corollaries of the physical violence behind human rights violations in divided societies.

This article begins to explore these issues by providing a critical reexamination of the South African Truth and Reconciliation Commission (TRC). The TRC is often looked to as
a model to illustrate how transitional justice interventions can be used to help move a deeply divided society away from the reverberations of past violence and towards a more reconciled future. Indeed, alongside its broader mandate to establish the truth and provide a measure of accountability for apartheid-era abuses, the TRC was also tasked with the broader goal of using its mechanisms to help ‘promote national unity and reconciliation in a spirit of understanding which transcends the conflict and divisions of the past’ (Government of South Africa 2007). However, more than 15 years after the completion of the TRC’s work, How effective has this intervention been in actually advancing reconciliation in the wake of the violence and systematic racial discrimination that characterised apartheid-era South Africa?

Building on a series of 45 expert interviews conducted during the summer of 2008, this article reassesses the contributions the TRC has made to ongoing processes of reconciliation between communities of white and black South Africans – groups that have historically been deeply divided from one another not only by acts of physical violence, but also by the entrenched patterns of political, social, psychological, and economic segregation – markers of structural violence – that characterised the apartheid system.1 More specifically, this essay examines the degree to which the TRC’s institutional mechanisms, which combined public victim hearings, perpetrator amnesties, and a comprehensive reparations programme, have helped to promote improved relationships between racial groups in post-apartheid South Africa. Crucially, this reassessment suggests that severe flaws in the TRC’s reparations programme and a broader failure to adequately address the continued structural and socioeconomic disparities between black and white South Africans may have severely impeded the Commission’s ability to advance truth, justice, and lasting inter-racial reconciliation.

The legacy of apartheid in South Africa

The South African TRC was a product of the negotiated settlement that brought an end to the long history of violence and institutionalised racial discrimination characterising the era of apartheid between 1948 and 1994. Under the highly discriminatory policies of ‘petty’ and ‘grand’ apartheid enacted by the National Party (NP) government during this period of white minority rule, South Africa came to represent the very archetype of a deeply divided society in which racial identity came to circumscribe every aspect of daily life. Under apartheid law, every South African was formally categorised into one of four ‘racial’ identity groups – Black, White, ‘Coloured’, and Asian. One’s categorisation in one of these groups determined one’s deeply unequal access to social, political, and economic rights. Moreover, apartheid policy sought to limit interracial contact and socialisation between racial groups through a strict agenda of geographical and social segregation. Under this system, the greatest disparity existed between the white minority population and the indigenous black African majority population, with gross inequalities along racial lines in access to land, employment opportunities, education, income, healthcare, service provision, basic mobility rights, and political rights. These two racial categories were also the most socially segregated.

These inequalities served as the basis for a significant internal resistance movement centred on the predominantly black African National Congress (ANC), which, beginning in the early 1950s, began organising acts of mass civil disobedience in an escalating
A series of strikes, protests, and boycotts. The government and the police and security forces responded with increasing levels of political repression, violence, and brutality, including the widespread use of tactics such as abductions, torture, killings, and detentions without trial. The ANC and other liberation groups in turn embarked on a campaign of organised ‘anti-apartheid’ violence against the state, carrying out bombing attacks against public areas and government institutions that contributed to the deaths of apartheid officials and civilians alike. However, by the early 1990s, facing pressure both internally and internationally, the position of the NP was rapidly becoming untenable, and under the new leadership of FW de Klerk, the apartheid government undertook a series of reforms and opened negotiations with the ANC to bring the apartheid system to an end. A new Interim Constitution of ‘National Unity and Reconciliation’ was agreed upon in the hopes of creating

a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence and development opportunities for all South Africans.

(Government of South Africa 1993)

Democratic elections were held in April 1994, during which the votes of nearly 20,000,000 South Africans firmly established the ANC as the majority party in a new multi-racial Government of National Unity under the leadership of President Nelson Mandela.

The South African Truth and Reconciliation Commission

To help protect the stability of the nascent peace process, an amnesty clause was included in the post-amble of the new 1993 Interim Constitution. This provision mandated that an amnesty would be ‘granted in respect of acts, omissions and offenses associated with political objectives and committed in the course of the conflicts of the past’ for all those who may have violated human rights during the apartheid era, including members of both the government security forces and liberation movements (Government of South Africa 1993). Following extensive consultation with local and international civil society groups, it was ultimately decided that this conditional amnesty provision would be incorporated into a national ‘truth commission’ framework which was tasked with the overall objective of establishing ‘as complete a picture as possible of the causes, nature and extent of the gross violations of human rights’ committed between ‘March 1960 and May 1994’ (Government of South Africa 1995). The TRC was given a delineated operational timeframe of roughly two and a half years between mid-1995 and 1998. To carry out its ambitious mandate, the Commission was provided with the largest professional staff and greatest financial resources of any truth commission undertaken to date and given substantial powers of search, seizure, and subpoena. Seventeen commissioners were appointed following a public nomination and selection process under the Chairmanship of the charismatic Archbishop Desmond Tutu.

Structurally, the TRC worked by way of three main interconnected committees, each responsible for the fulfilment of a different aspect of the Commission’s twin goals of truth seeking and reconciliation. The first of these, the Human Rights Violations Committee (HRVC), was charged with ‘establishing and making known the fate or whereabouts of victims’ and ‘restoring the human and civil dignity of such victims by granting them an
opportunity to relate their own accounts of the violations of which they are the victims’ (Government of South Africa 1995). This included the collection of nearly 22,000 statements by the HRVC from those who came forward to identify themselves as the victims of past human rights abuses, with slightly fewer than 2000 of these individuals being given the opportunity to provide their testimony publicly in a series of 80 community hearings held in townships, small towns, and urban centres throughout the country.

Second, the TRC’s Amnesty Committee was assigned the task of facilitating the granting of conditional amnesties to those individual perpetrators of gross human rights violations who made ‘full disclosure of all the relevant facts relating to acts associated with a political objective’ between 1960 and 1994 (Government of South Africa 1995). Notably, the overall tone of the Amnesty Commission hearings was far more legalistic than the HRVC, with the majority of the Committee’s members being drawn from the legal community and the hearings themselves being focused on determining individual responsibility for human rights violations. Overall, over 7000 individuals applied for amnesty through the Amnesty Committee; 5143 of these applicants were refused outright for not meeting the ‘conditional’ criteria of the amnesty provision, and 1973 of them were granted a public hearing process. Of those given a public hearing, 1167 of these were granted amnesty while 806 were eventually denied (Chapman and van der Merwe 2008a).

Third, the Reparations and Rehabilitation Committee (RRC) was tasked with making recommendations to the President about the ‘measures that should be taken with regard to the granting of reparations to victims or the taking of other measures aimed at rehabilitating and restoring the human and civil dignity of victims’ (Chapman and van der Merwe 2008a). Notably, in the end it was decided that the reparations and related measures envisioned under the TRC would be limited to a ‘closed list’ of those 22,000 individuals who had registered with the HRVC as ‘official’ victims before December 1997. After much deliberation, the RRC ultimately recommended a financial compensation package of approximately R120,000 (then approximately US$16,000) for each of the registered victims to be paid out over a six-year period, in addition to a wide range of health, educational, housing, and other support services. However, after a series of delays, victims ultimately received only a small interim payment of R3000 (about US$400), and more than five years after the completion of the TRC’s work, a single one-time payment of R30,000 (equivalent to roughly US$4,000 at the time) (Chapman, van der Merwe, and van der Merwe 2008b, 286).

These Committees were supported by the work of a dedicated Investigations Unit and a Research Department. In addition to these structures, the TRC also held a series of six public institutional hearings focused on key sectors of the previous regime – including the legal system, the health sector, business and labour, and the media – to examine their possible involvement in broader patterns of human rights violations under the apartheid system. Additional ‘special hearings’ considered topics deemed of particular importance to understanding key facets of apartheid-era violence. The conclusion of the main work of the various elements of the TRC in October 1998 resulted in the publication of a 3500 page five-volume Final Report of its key findings.

Despite a relatively peaceful transition to democracy, the legacy of racial divisions entrenched for nearly five decades under the apartheid system meant the TRC confronted a society riven by deep societal cleavages. As Chapman and van der Merwe note, the effects of nearly 50 years of institutionalised racism under apartheid were incredibly divisive, because ‘apartheid political policies manipulated and reinforced divisions among and
within various South African racial and political groups … [leaving] a legacy of deep social divisions, psychological scars, and distrust between groups’ (2008a, 6). These divides were further compounded by the continued post-apartheid presence of deep structural and material inequalities between racial groups resulting from decades of discrimination in areas such as income, housing, employment, and education.

Nevertheless, more than twenty years after South Africa’s initial transition to democracy, evidence suggests that some progress has been made in transforming the antagonistic interracial relations that characterised apartheid. While certainly not without critics, numerous national and international observers have correlated many of these reconciliatory gains to the TRC’s efforts to seek both truth and justice for apartheid-era human rights abuses (see Aiken 2008; Chapman and van der Merwe 2008c; Gibson 2004; Minow 1998; Villa-Vicencio and Verwoerd 2000). As a result, the TRC as an institution has now become virtually synonymous with the promotion of interracial reconciliation and the peaceful transition to multi-racial democracy in South Africa and has frequently been looked to as an exemplar for transitional justice interventions in other societies. However, as the following analysis suggests, the ability of the TRC to advance truth, justice, and interracial reconciliation has been severely undermined by a marked failure to address continued legacies of socioeconomic inequality between black and white South Africans.

**Socioeconomic inequality and the TRC**

Structural and material inequalities based on racial identity served as one of the most pervasive points of division under apartheid, so it has been widely recognised that post-transition ‘reconciliation [would] be impossible without economic redistribution, without any material changes in people’s lives’ (Mofokeng 2008). The inherent interrelationship between the alleviation of material inequalities, interracial reconciliation, and national unity were underscored by the TRC in its Final Report, where it was noted that

> [g]ross socio-economic inequalities are the visible legacy of the systematic, institutionalized denial of access to resources and development opportunities on grounds of colour, race and sex … The road to reconciliation, therefore, means both material reconstruction and the restoration of dignity … It implies wide-ranging structural and institutional transformation and the healing of broken human relationships. (TRC 1998a, Ch. 5, Para. 25)

However, the TRC was only given the very narrow mandate of investigating gross human rights violations that led to physical infringement of the ‘bodily integrity’ of victims, including ‘the killing, abduction, torture, or severe ill treatment of any person’, with the result that the more systematic repression and daily suffering that occurred as a result of apartheid’s racial inequalities remained largely beyond its purview (TRC 1998a, Ch. 4, Para. 42). Instead, it was hoped that other initiatives beyond the TRC would ultimately be employed to attend to these issues. Nevertheless, the TRC’s narrow focus on physical violence has received substantial criticism. As former TRC Commissioner Yasmin Sooka contends, the ‘fundamental problem’ of the Commission has been its attempt to separate individual rights violations from the broader structural dynamics in which they occurred, noting that in doing so ‘you’re looking at the political crimes which are manifestations of an unjust system, but you don’t look at the unjust system itself which is structural in nature’ (Sooka 2008).
There is strong evidence to suggest that the narrow view adopted by the TRC may have inadvertently helped to obscure the ‘truth’ about the much more pervasive daily suffering of victims caused by the institutionalised repression and socioeconomic inequalities between racial groups that characterised apartheid. This oversight appears particularly problematic in regard to the perceptions of white South Africans regarding where accountability should rest for the human rights abuses committed during apartheid. Indeed, the emphasis placed by the TRC’s investigations on acts of physical violence has led many white South Africans to assign responsibility for the aberrant acts to a handful of ‘rotten apples’ from the police and security forces who appeared before the Amnesty Committee for their roles in crimes of abduction, murder, and torture (Valji 2004). This attitude is clearly reflected in South Africans’ responses to a 2000 survey, which showed that even after the work of the TRC, only a minority of whites (38%) agreed with the view that ‘in the past whites profited greatly from apartheid and most continue to profit today from the legacy of apartheid’. This belief undermines reconciliation by contributing to a distancing from responsibility among the broader white community who, while they may not have personally committed acts of physical violence, nonetheless supported or indirectly benefitted from the structural and material inequities of apartheid (Gibson and Gouws 1997).

One result of this skewed perception of responsibility for past abuses has been a widespread lack of willingness among many white South Africans to feel a personal compulsion to engage in processes of societal restitution or redistribution, and opposition to redistributive programmes undertaken by the post-apartheid ANC in areas such as land reform and affirmative action. In a 1998 poll, a majority of whites (87%) indicated resistance to any kind of affirmative action programme that would address race-based employment imbalances in either the public service or private companies. Tellingly, a second poll conducted in 1999 showed that only 8% of whites were in favour of redistributive policies, compared to 73% of black respondents (Theissen 2008, 213). Furthermore, a 2001 study by Gibson and Macdonald reveals that only 10% of whites believe they should be personally involved in paying compensation to black South Africans, while 78% of blacks believe they should have a role in doing so (Gibson and Macdonald 2001, 9). These findings are in line with comments made by several expert interviewees who noted that the narrow focus of the TRC on physical violence has led many whites to view redistributive policies in the post-apartheid period as ‘reverse racism’ that unfairly victimises the white community. According to former TRC Commissioner Mary Burton, this sense of victimisation among many whites of their shared responsibility for continued racial inequalities and presents a very real barrier to future interracial reconciliation:

white South Africans do not acknowledge their beneficiary status and do not acknowledge they were part of an unjust system and that they did benefit from it. [Until they do], I have my doubts that we can ever say national reconciliation has happened.

A move towards distributive justice: the TRC’s reparations programme

One aspect of the TRC’s work that did directly address material inequalities was its reparations programme for the victims of apartheid violence. Indeed, from the beginning,
reparations were framed by the TRC as one of the most basic requirements for the promotion of national unity insofar as ‘without adequate reparation and rehabilitation measures, there can be no healing or reconciliation’ (TRC 1998b, Ch. 5, Para. 2). Indeed, a survey conducted in 2000 revealed that 91% of black South Africans supported government compensation for victims, with 70% indicating that ‘national reconciliation requires material compensation for victims of apartheid’ (Theissen 2008, 213). Similarly, many black victims indicated that reparations were the most crucial component required for their own processes of reconciliation, even surpassing demands for the criminal prosecution of perpetrators (Colvin 2006, 191). The singular importance placed by the black community on reparations for victims seems attributable to two factors. First, reparations offered one direct way the government could help address the dire economic conditions in which blacks found themselves post-apartheid. Second, the issue of reparations seems to have become directly bound up with broader questions of the TRC’s ability to advance justice, with many victims indicating that reparations offered a way to counterbalance the potential ‘justice deficit’ caused by the granting of conditional amnesties to perpetrators (Colvin 2006).

To be sure, from its inception it was clear the Commission would not seek primarily criminal retribution against the perpetrators of gross human rights violations but instead would pursue a more ‘restorative’ justice somewhere between legal prosecutions and impunity (Minow 1998). Nevertheless, to a surprising degree, South Africans appeared willing to countenance the provision of a conditional amnesty to perpetrators in exchange for their participation in the TRC’s truth recovery process. A survey conducted towards the end of the Commission’s mandate found 63% of all respondents indicating that they approved of granting conditional amnesties, though most remained adamant that such amnesties needed to be restricted to a small number of politically motivated perpetrators and that all those who failed to meet the ‘conditional’ amnesty criteria or failed to apply should be prosecuted (Theissen 2008, 203). Extensive interviews carried out with a cross-section of victims and members of the Commission staff revealed that for the majority of victims, the achievement of ‘justice’ through the TRC process was less tied to ensuring prosecution for all perpetrators than to the receipt of personal acknowledgement, a truthful account of perpetrator responsibility, and, most importantly, the provision of an adequate programme of reparations to meet their most immediate material needs (Gibson 2002; Phakathi and van der Merwe 2008, 135–136).

Unfortunately, evidence indicates that the initial magnanimity of black South Africans towards the TRC’s amnesty provision quickly deteriorated when it became apparent that the Commission’s avowedly ‘restorative’ reparations programme would not live up to expectations. Indeed, from its outset the reparations programme faced several limitations. First, it was decided that reparations would be open only to the 22,000 ‘official’ victims who had registered to give statements through the HRVC, a decision which left out the millions who had suffered – and often continued to suffer – under the structural and material inequalities entrenched under apartheid (Orr 2000). Under an Urgent Interim Reparations programme recommended by the RRC, approximately 14,000 received a small one-time grant of between R2000 and R7500 (approximately US$250–$1000) designed to help meet immediate medical, emotional, or economic costs. Furthermore, the RRC had also recommended that all official victims should receive larger Interim Reparation Grants of R17,000–R23,000 per year (approximately US$2100 and US$2900,
respectively) over a period of six years. However, after a delay of more than 3 years, in April 2003 the government announced it would only provide victims with a single one-time cash grant of R30,000 (approximately US$4000 at the time), a fraction of the already conservative amount originally recommended by the RRC (Orr 2000). Despite the ‘urgent’ nature of the interim reparations, the government only began distributing funds in June 1998, and largely completed the process by 2001, resulting in a total payment of approximately R44,000,000 (US$5.5 million). The total final reparations payments made to victims cost an estimated R660,000,000 (US$82,500,000).

Many experts have characterised the persistent delays and the perceived inadequacy of the sums ultimately paid by the government as being severely damaging to the ongoing reconciliation process. In particular, the government’s seeming lack of interest and investment in reparations was perceived to be a ‘betrayal of the promise made to victims’ that the ‘sacrifice of justice’ they were asked to make by accepting conditional amnesties for perpetrators would be matched by a commitment by the government to improve the lives of victims through reparations (Walaza 2000, 254). As a number of expert interviewees noted, this disparity left many victims feeling ‘marginalised’, ‘ignored’, or ‘sacrificed’ by a government that appeared to be giving greater value to the needs of perpetrators. The result, as Valji argues, compounded the deep sense of injustice felt by many victims that has subsequently hindered their willingness to reconcile because reparations dragged on for years before it was paid, and yet government was quick to move on things that have benefitted perpetrators … in terms of reconciliation it left a bad taste in the mouth of a lot of the victims who came forward to participate in the Commission. (Valji 2008)

Frustration over reparations appears to have led many victims to reconsider the ‘justness’ of the overall TRC process (Hamber, Nagent, and O’Malley 2000; Van der Merwe 2001, 198). As Meiring (2008), who himself worked on the RRC, has noted, ‘there’s a sense among the victims that they were left in the lurch, that there were many promises made and many expectations in terms of reparations and that all of that did not come true’. Accordingly, even when the final reparations payments were made, there was a consensus that they were simply ‘too little, too late’ and so did little to ease victims’ grievances or advance the potential for meaningful reconciliation (Chapman, van der Merwe, and van der Merwe 2008b, 286). In the end, as Wendy Orr, a TRC Commissioner assigned to the RRC, has contended, the government’s failure to adequately follow through on recommended reparations undermined the TRC’s goals by raising and then frustrating victims’ expectations, thus serving as a major source of grievance for the disadvantaged black community and ultimately doing more harm than good in advancing national unity and interracial reconciliation (Orr 2000, 247–249).

After the TRC: continued socioeconomic inequalities

Perhaps the largest barrier to interracial reconciliation in post-apartheid South Africa comes from the fact that, despite the removal of formal political and legal sources of racial inequality and the enacting of numerous socioeconomic initiatives by the ANC government to improve the lives of the most disadvantaged, the country remains deeply inequitable, with the majority of blacks still severely impoverished in comparison to
their white counterparts. While statistics show a small decrease in the overall numbers living in poverty and improved access to basic service provisions like electricity, water, and housing, the extent of poverty has deepened for many of the most disadvantaged (HSRC 2004, 1). Moreover, the number of unemployed blacks has actually grown since the end of apartheid, as have overall levels of socioeconomic inequality within the country (Van der Berg 2006). Life has improved only for a very small percentage of upwardly mobile middle-class individuals or an even smaller subset of black ‘super-elites’ who have managed to amass sizeable personal fortunes through aggressive affirmative action policies. However, as Stevens (2008) notes, ‘for a large portion of the population, where the majority of the people are still located in townships in South Africa, the majority of those people still remain black, still remain poor’.

The majority of experts interviewed indicate that this lack of real socioeconomic change continues to provide a major barrier to interracial reconciliation. Mofokeng explains that the continued poverty suffered by many blacks reinforces feelings of anger and resentment towards white South Africans who still seem to be benefiting from the inequitable structures of apartheid:

\[f\]or the overwhelming majority of [black South Africans] their lives have not changed. They’re still unemployed, they’re still very marginalized from structures of government and from any kind of decision making forums. So for many there’s been no change at all ... So a lot of them are very bitter at what the new dispensation has meant to them. They feel marginalized, they feel betrayed, their position has not changed at all. (Mofokeng 2008)

Furthermore, while members of different races are increasingly brought together to mix in the workplace, the persistence of severe socioeconomic disparities means that different racial groups continue to live and socialise in the same separate areas that they did under apartheid, with the majority of whites returning to relatively affluent city suburbs and majority of blacks returning to townships and informal settlements often located far outside urban centres. Most of the experts I interviewed stressed that this spatial segregation has presented a crucial barrier to the kinds of positive sustained interaction that might otherwise help to improve interracial relations in post-apartheid South Africa (Du Toit 2008; Pigou 2008; Valji 2008). Indeed, results from a 2007 survey seem to confirm this claim, finding that ‘as material disposition improves, the higher the likelihood for interracial contact becomes’ (Hofmeyr 2007, 42). However, the percentage of blacks that have risen to the level of prosperity of their white counterparts remains very small, meaning the opportunities for contact, dialogue, and socialisation has remained correspondingly restricted. Accordingly, as Stevens (2008) illustrates,

There’s greater levels of integration at the levels of the new middle class, upper class, and the new elites that are emerging in South Africa and at that level I do think you have greater levels of engagement, contact, trust and friendship and I do think things have certainly changed for that particular cohort of the population. But for a large part of the population, where the majority of black people continue to live in the same situations they did prior to 1994, are still located in townships, still remain lacking, still remain poor ... For the majority of black people I have grave doubts they view other racialized communities very differently ... I think there are possibilities [for better relations], but it’s for a very particular group in South Africa.

Similarly, Du Toit (2008) noted that a
big problem for race relations in this country remains the fact that about 30–40% of our [black] population sits outside the formal sector and they have very little contact with anybody else. By far the most isolated section of our population is this group. So they’re not only economically marginalized, they’re also socially marginalized … they live in a sort of parallel universe to mainstream society.

For these reasons, the prevailing consensus among those experts I interviewed was that lasting interracial reconciliation would ultimately only be made possible with a reduction in levels of material inequality. As Marcella Naidoo contends,

it is economic change that needs to happen, and the sharing in the wealth of this country which I think is going to bring about less of an emphasis on white and black. Because as long as we have that inequality we don’t have reconciliation.

This sentiment was echoed by other expert interviewees, including former TRC Commissioner Mary Burton, who said that despite its other strengths, the lasting ability of the TRC to contribute to interracial reconciliation will ultimately remain limited in the face of the severe racial inequalities. Burton (2008) concluded:

In the end it all comes down to the huge inequity, the huge disparity between wealthy and poor. And the fact that the wealthy now includes some black people doesn’t make a difference, it still means that the vast majority, more than 50% of the population, feel themselves to be marginalized, hopeless, and angry. And relations will not get better until we deal with that point.

**Reassessing the TRC’s contribution to interracial reconciliation**

More than fifteen years after the completion of the TRC’s work, South Africa remains a society seeking to overcome the deep racial divisions entrenched under apartheid. Survey data collected through the Institute for Justice and Reconciliation’s ‘Reconciliation Barometer’ in 2007 reveals a remarkable lack of socialisation between racial groups and significant continued fear, prejudice, mistrust, stereotypes, and misunderstanding among them (Hofmeyr 2007, 42–45). To be sure, given the systematic ways in which apartheid enforced racial separation, inequality, and antagonism in nearly all facets of everyday life, it is perhaps unreasonable to expect South Africa to have achieved the goal of racial harmony envisioned in the dream of a ‘Rainbow Nation’ so quickly. Nonetheless, this assessment reveals that the TRC’s capacity to advance reconciliation has been limited by its failure to adequately address the structural and material inequalities that contributed to human rights abuses under apartheid and continue to divide black from white today.

By way of conclusion, I suggest that three key factors have limited the TRC’s contribution to interracial reconciliation. First, by focusing solely on individualised cases of physical rights abuses and largely neglecting the broader suffering caused by socioeconomic inequities, the TRC appears to have inadvertently helped create a ‘truth’ about the past that distances the majority of the white community, who benefitted from the institutionalised racial inequalities of apartheid, from responsibility for the human rights abuses that helped put those inequalities in place. As a result, instead of contributing positively to interracial reconciliation, the TRC’s findings left many whites feeling unfairly victimised by redistributive policies, leaving them consistently opposed to efforts to
promote greater racial equality through compensation, affirmative action, and land reform. Despite the significant gains made in shedding light on individual cases of physical abuse during apartheid, additional efforts may still be required to bring attention to the impact of broader practices of structural violence on the daily lives of blacks, as well as the benefits these inequalities provided – and continue to provide – for the white minority.

Second, it is readily apparent that for many black victims, the perceived failure of the TRC’s reparations programme has become a major impediment to the advancement of interracial reconciliation. Indeed, I showed that reparations became inextricably intertwined with perceptions of the TRC’s ability to advance justice for the abuses suffered by black victims during apartheid. As a result, the delays to, and perceived inadequacies of, the reparations payments ultimately received by victims – particularly when contrasted with the amnesties received by many perpetrators – severely undermined the TRC’s potential to advance broader processes of interracial reconciliation.

Third, this analysis suggests that the high level of socioeconomic inequality between blacks and whites remains the single most crucial obstacle to interracial reconciliation. Unfortunately, the continued existence of severe structural and material divides means these groups still largely live, work, and socialise apart from one another in their daily lives. Accordingly, it remains highly unlikely that reconciliation will be improved unless greater headway is made by the government in addressing the pervasive socioeconomic and structural divides that continue to keep racial groups at arm’s length and reinforce perceptions of difference. That said, given the vast inequalities that need to be overcome and the intransigence of many in the white community regarding redistribution, this objective remains far easier said than done. Moreover, it is clear that previous policies merely created a small subset of black ‘super-elites’, which are not the answer to the challenge of reconciliation. In order to move forward, efforts must be made to bring the majority black population into greater parity with the white minority, and in so doing, to alleviate the sense of injustice and create new opportunities for positive interaction and reconciliation across racial lines.

Taken as a whole, this reassessment underscores the ways the TRC’s failure to sufficiently address socioeconomic issues hampered its ability to achieve its goal of interracial reconciliation in South Africa. To date, existing studies in transitional justice have tended to overlook the importance of these socioeconomic elements, instead focusing almost exclusively on how different interventions might work to advance reconciliation through the provisions of ‘truth’ and ‘justice’. While such provisions remain vitally important, insights provided here suggest they will necessarily need to work in conjunction with attempts to address socioeconomic inequalities if they are to be successful in promoting reconciliation in deeply divided societies. Indeed, the experience of South Africa indicates that truth, justice, and perceptions of socioeconomic equality are often highly interrelated, so future transitional justice interventions aimed at reconciling societies deeply divided by legacies of past intergroup violence must keep all three issues in view.

Notes
1. Expert interviews were selected via a ‘key informant’ purposive sampling of academics, government officials, civil society representatives, and non-governmental community leaders
most familiar with issues of transitional justice and reconciliation surrounding the TRC in South Africa.

2. Notably, this sentiment was not shared by white South Africans, the majority of whom (59%) directly opposed any program of widespread compensation. Only 20% indicated that they agreed with the need for victim compensation to achieve reconciliation (Gibson and Macdonald 2001, 8–9).

Disclosure statement

No potential conflict of interest was reported by the authors.

Notes on contributor

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