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**CRITICAL PERSPECTIVES ON RECONCILIATION AND STRUCTURAL  
OBLIVION: Is political reconciliation possible without forgiveness? An analysis of the South  
African Truth and Reconciliation Commission.**

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**ABSTRACT**

Is forgiveness a necessary precondition for reconciliation in transitional processes? By exploring the relationship between forgiveness, defined as a moral attitude and a metaphysical impossibility, and reconciliation -an empty signifier- this presentation will reveal the paradoxes intrinsic to the restorative model of justice. Standing from a critical perspective on the global industry of transitional justice, it will interrogate the basic principles over which the restorative model is built; namely, the cathartic value attributed to testimony, the extend of the possibilities of enunciation within the space of truth commissions as technologies of truth, the epistemological value attributed to testimony and the commodification of archived memory; lastly, the intricate relationship between forgiving, forgetting and reconciling. By analyzing the operation of the South African Truth and Reconciliation Commission, this presentation will argue that transitional policies contribute in very particular contexts to the orchestration of forms of structural oblivion.

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I will like to start with Jean Amery's reflection when is presented the ethical dilemma that occupied Simon Wiesenthal's mind and lead to the publication of *The Sunflower; on the possibilities and limits of forgiveness* (1969). Simon Wiesenthal was captive in a Nazi labour camp, one day he is called to the Nazi Hospital; a nurse asks him if he is Jew and then he is led to the bedside of a dying SS member. The young soldier wants to be absolved *by a Jew* for his multiple and horrifying crimes. Wiesenthal acted sympathetically but could not pronounce words of forgiveness and remained silent. However, the question whether he acted rightly remained for him a dilemma. *The Sunflower; on the possibilities and limits of forgiveness* compiles the answers of important figures who have thought about the question of forgiveness, including among others Archbishop Desmond Tutu, Primo Levi and Jean Amery. The response of Amery based on a rejection of "any metaphysical morality" (1969:106), is that the dilemma is a theological one, and therefore for him is meaningless. If Wiesenthal had been magnanimous and had forgiven the SS soldier or had he refused to do so, either ways the decision was politically irrelevant. However, he emphasizes: "(P)olitically, I do not want to hear anything of forgiveness!" (1997:108; my emphasis). The reluctance of Amery to attend to the question of forgiveness and to its insertion into the political sphere is to be understood as a result of his primordial concern with *Justice* and the remembrance of the affront. This position will become clearer along the presentation; however, it leads us to the centre of the argument I will be advancing: there is a confusion between reconciliation and forgiveness in transitional politics which potentially contributes oblivion and new ways of victimization.

The Restorative model of justice has become a privileged way of dealing with past atrocities in the last decades. Within this new approach there is a renewed concern with the memory of suffering, consistent with a major paradigmatic change in the historiographic production, now dominated by the study of memory (Ricoeur, 2004, Huyssen, 2003 Young, 1993). The representation of the past in the realm of memory implies a series of significant changes. To start with, it results in a growing concern for narratives and testimonies (Ricoeur, 2004 White,1992; Trouillot, 1995) so sharp that academics have started to discuss the potentialities and dangers of an "era of the witness" (Wieviorka, 2006) and its characteristic "culture of victimization" (Huyssen, 2003). Secondly, deeply influenced by the psychoanalytical notion of trauma, it places particular attention to memory of suffering (Huyssen, 2003). Lastly, it draws attention to the selective nature of memory, which cannot be understood without its counterpart, forgetting.

Within this episteme, formed in the intersection of the neo-enlightened humanism of Human Rights Discourse and the Politics of Memory, Restorative justice appears as a commendable model, focused on the victim and its suffering. As opposed to looking for punishment (as supports of the approach would have retributive justice), it seeks to restore the damage that was inflicted: firstly, it publicly acknowledges the victim's suffering -an act considered to be precondition for reconciliation; secondly, seeks to amend past injustices – through apologies, restitutions and reparations. Finally, it envisages the restoration of individual dignity, in as it publicly acknowledges the wrongness of perpetrated crimes (Kellenback, 2001). This combination of testimonial, acknowledgment and apologies is considered to have a significant therapeutic value, in as it is held

to restore individual dignity. It is likewise considered to “heal” the nation and to hence yield into national reconciliation.

In this line of thought, truth commissions have been implemented along the globe as early as the 1990’s - in various distinct historical contexts - in order to disclose the “truth” about past human rights violations, provide spaces for victims to regain their lost dignity and ultimately achieve reconciliation in what are referred to as –post-conflict societies. They are the best-suited institutions to help countries in transition to *leave their past behind and move on to the future*, in as they offer spaces in which individuals are able to narrate their experiences of violence and brutality, which according to the restorative principle, results in personal healing. As technologies of truth, these commissions attempt to establish a victim-centred representation of the past and to hence uncover the truths of past human rights violations based on the value of testimony.

### **South African Truth and Reconciliation Commission (TRC)**

Subsequent to the dismantlement of the apartheid, the notion of *reconciliation* came to occupy a prominent role in South-African transitional justice, mainly through the operations of the Truth and Reconciliation Commission (TRC). The TRC became a paradigm for the application of the restorative approach to justice. As stated by the Chair of the South African Truth Commission, Archbishop Desmond Tutu in his Final Report, the commission believed that *“there is another kind of justice - a restorative justice which is concerned not so much with punishment as with correcting imbalances, restoring broken relationships – with healing, harmony and reconciliation. Such justice focuses on the experience of victims; hence the importance of reparation.”* (Tutu, 1998) In view of this, the TRC was grounded on a restorative conception of justice, focused primarily on alleviating the suffering of victims by healing and testimony and restoring the broken relationship between victims and perpetrators for the sake of social reconciliation. The TRC's definition of reconciliation was a complex one, consistent of three different elements: reconciliation with “painful truths”, reconciliation between victims and perpetrators, and reconciliation at a social level which referred to overcoming racial differences (Moon, 2008:39). With regard to reconciliation at the individual level, both victims and perpetrators were encouraged to adapt to the major political goal which was national reconciliation. Former should do so by forgiving and leaving their grudges behind, and latter by expressing regret and manifesting a change of moral (Kellenback, 2001: Reagan 2008). Perpetrators were exhorted to recognize the wrongness of their deeds and to both manifest contrition and a willingness to repair. In these order ideas, the public hearings became a scenario for the performance of contrition. Because of the influence of Christian ethics in the “new enlightened moralities” (Barkans, 2000:308-09), truth commissions generally, and the TRC particularity, are thus spaces for the *theatrical* performance of forgiveness (Sontag, 1966). This was particularly true for the Truth and Reconciliation Commission in South Africa, which had a massive media impact (Cole, 2007).

### **Reconciliation and Forgiveness in the TRC**

*“The oppression was bad, but what is much worse, what makes me even more angry, is that they are trying to dictate my forgiveness”* (Personal Interview to Kalukwe Mawila In Verwoerd, 2003: 264).

*“No government can forgive. Pause. Only I can forgive. Pause. And I am not ready to forgive”* (Interview in Garton Ash, 1997: 36).

The religious and moralist discourse of the TRC was grounded on a consecration of the virtue of forgiveness. The main booster of forgiveness and reconciliation in South Africa was the Archbishop Desmond Tutu, chair of the TRC. Tutu considered acts of forgiveness to be “gifts of generosity”

which in the face of evil would show the good nature of people (Tutu Ed. Helmick, R & Petersen R, 2001: xii). For Tutu forgiveness was a precondition to Reconciliation. In fact, he would frequently affirm that “*without forgiveness there was no future*” (Tutu, 1999), and argue that forgiveness shows the goodness of which humans are capable of. For this reason, he would think about forgiveness as a manifestation of magnanimity, and hence belonging to the realm of the sacred. “Exhilarated” by forgiveness, he would express his celebrated phrase: “*Please let us keep quiet because we are in the presence of something holy*” (Tutu Ed. Helmick, R & Petersen R, 2001: xii). Forgiveness in Tutu’s rhetoric is informed by a common definition of the concept opposed to anger, bitterness and desire of revenge (Tutu Ed. Helmick, R & Petersen R, 2001: xii). The exaltation of forgiveness as an almost divine virtue was parallel with the dismissal of resentment as a valid moral sentiment:

*God has given us a great gift, ubuntu ... Ubuntu says I am human only because you are human. If I undermine your humanity, I dehumanize myself. You must do what you can to maintain this great harmony, which is perpetually undermined by resentment, anger, desire for vengeance. That’s why African Jurisprudence is restorative rather than retributive (Tutu, D Mail and Guardian, 17 March 1996 In Wilson, 2001:9).*

Many have argued that the TRC did not induce forgiveness, but that it provided the opportunity for victims to forgive, if they were willing to do so: “It was not the intention of the commission to demand forgiveness and pressurize people to forgive, but to create an opportunity where this could take place for those who were able and ready to do so” (Audrey, 2001: 356). This claim, however, contrasts with the praxis of the TRC and the politics of memory of post-apartheid South Africa:

*“Personal bitterness is irrelevant. It is a luxury that we, as individuals and as country, simply cannot afford” (Nelson Mandela In Graibill, 2002:21).*

The discourse on Reconciliation promoted by the TRC made alternative narratives to forgiveness difficult, if not impossible. The South-African TRC was blatantly promoting forgiveness and directly encouraging victims to reconcile with the perpetrators. The image of the unforgiving person came to be vilified, whereas those who were inclined to renounce anger and achieve reconciliation were held in high esteem, as “forgiving brothers and sisters” (Tutu, 1966); commissioners would pressurize victims, reaffirming that the main objective of the TRC experience was to ultimately achieve reconciliation through forgiveness: reconciliation and forgiveness were evoked in the vast majority of hearings, 70% according to the manual counting of the HRV (Verdoolaege, 2006: 74). Forgiveness was encouraged by tacitly praising someone every time he or she would express signs of such inclination. For instance, by statements such as: “*I have been particularly touched by your last paragraph where you say that you are not driven by vengeance and a desire of revenge, but you are gladdened to coming before the commission, because you have got this quest to real reconciliation*” (HRV hearing, East London, June 11, 1997 in Brudholm, 2008; my emphasis).

Contrary to this, testimonies that expressed the refusal to reconcile and the desire to punish were condemned. Thomas Brudholm's analysis of resentment in the TRC is one of the few academic researches which engage with an analysis of the value of negative sentiments and particularly the virtue of resentment. He provides striking evidence of how during the hearings the primordial aim of nation-building was imposed to victims which manifested reluctance to accept the Amnesty Law. It is evident from the way in which the commissioners led the questions that a refusal to accept amnesty would be detrimental to the process of reconciliation, and therefore would cause a major harm to the country.

*Commissioner: Let me put it this way; do you read newspapers and watch TV, not so?*

*Answer: Yes I do read newspapers and I do watch television.*

*Question: I assume that you know about this Truth and Reconciliation Commission that is going on, of which Amnesty is part thereof?*

*Answer: Yes I heard*

*Question: (...) "Do you know this is done by the Government to foster or to promote reconciliation in the country?"*

*Answer: Yes I do know that*

*Question: What is your attitude about this reconciliation process?*

*Answer: I don't have any comment on that one.*

*Question: Do you believe in reconciliation?*

*Answer: Yes I do believe (Brudholm, 2008:31).*

The TRC in South Africa as the institution leading and embodying the restorative notion of Reconciliation, ultimately served to silence the claims of justice of victims that did not accept the model and rejected the amnesty law. The notion of Reconciliation served as a moral dispositive to legitimize the teleology of transition. When analysing the complex negotiations of justice implied in transitional justice the voice of the academic Mahmood Mamdani still echoes when questioning from a moral perspective the effect of the TRC: "If truth has replaced justice in South Africa, has reconciliation then turned into an embrace of evil?" (Mamdani, 2002: 146).

### **Critical Perspectives on Reconciliation**

Is there an intrinsic relationship between forgiveness and Reconciliation? There are innumerable criticisms to the shortcomings of the restorative Justice approach. Mainly, they point out to the subordination of the notion of Justice to a meta-narrative of Reconciliation and Truth. I will argue that the imposition of Forgiveness is a form in which rightful claims of justice from victims who are not willing to reconcile are de-legitimized. For this reason it is important to deconstruct the notion of Forgiveness in order to understand in a more comprehensive way victim's testimonies and claims for Justice. If restorative justice is an approach to Justice as it claims that is mainly concerned with the damaged inflicted and the experience of suffering of the victim, the boosting of forgiveness is a way of imposing the weight of reconciliation on the shoulders of the victims so that they become "victims of reconciliation" (Moon, 2009). It is not within the scope of this paper to analyse the antagonism between retributive and the restorative model to Justice. Nonetheless, I will argue that the commission dismissed the claims of individuals who demanded retribution, by imposing a moral narrative in which forgiveness was exalted as a humane virtue and desires for retribution were associated with a limited notion of resentment and vengeance. In the last chapter it will become evident how in the TRC hearings the testimonies of victims who were not willing to forgive were excluded and how they were pressured to overcome their feelings for the sake of "social harmony".

Todorov distinction between Justice, politics, morality and heroism is enlightening to interpret the relationship between forgiveness and politics of Reconciliation in South Africa. According to Todorov moral action is directed towards other individuals, is fundamentally inter-subjective. When the action ceases to be directed to an individual and has as its object an abstraction, then it is a form of *heroism* (Todorov, 2000:288) The abstraction being liberty, communism, even humanity, or why not reconciliation. The thesis I am advancing in this paper is that effectively, Reconciliation as it was promulgated by the TRC is a meta-narrative grounded wrongly in a notion of forgiveness which is informed by Christian ethics, and asks from victims to become heroes, leaves the weight of the future of South Africa in the capacity of the victims to

overcome their negative sentiments, to forego their claims of justice, in order to achieve a major political objective. In the process, the notion of Justice is subordinated to the primordial political goal of national reconciliation.

The TRC failed to acknowledge and incorporate the victim's claims to justice. Since, not all victims seek health and reconciliation, those who didn't accept the official rethoric were left out and had their claims ignored or dismissed as erratic desires of vengeance. This denial was largely a consequence of the above exposed notions of forgiveness and resentment practiced by the TRC. By condemning claims of retributive justice and sublimating forgiveness, victims were left with a bitter taste of injustice, exerted by a system which promoted amnesty and failed to provide justice to the victims: . As a matter of fact, the pressure to forgive and encounter directly the perpetrator, produced more psychological damage to victims that were not willing to forgive. The following apart of a speech by a father whose young daughter had died in the massacre of Heidelberg Tavern, addressed to amnesty seekers in an amnesty hearing in Cape Town in 1997 reflects a feeling that was common to many victims (Bruhdolm, 2008: 187): *"I have not been able to, despite extensive therapy and counselling, shed the anger, rage, guilt, feelings of revenge and helpless desperation art the system that allows murderers to escape punishment"* (Graybill, 2002: 45 In Bruhdolm, 2008:21). However, these claims were dismissed and stigmatized as deriving from lust for revenge. "The hearings were structured in such a way that any expression of a desire of revenge would have been seen out of place" (Wilson, 2001:120). Negative sentiments were seen as obstacles to the healing process, since forgiveness was considered as being liberating for the victim. For Tutu forgiveness was actually the victim's duty, unconditional and independent of manifestations of regret by the perpetrator, although the latter were permanently encouraged (Wilson, 2001, Tutu, 2004).

Among the four types of truth defined by the TRC, the fourth one was concerned with *Healing and restorative truth*. This corresponds to the main premise of restorative justice which thought of healing the victim by giving it back the dignity that it had lost. This premise is founded on a conception of testimony as therapeutic. The claim that testimonies serve to provide "healing" is a position that Ricoeur defended in *Memory, History and Remembering* (2004). Therein he argued that the TRC was successful in providing a space for victims, who undeniably achieved "*catharsis*" as a result of their accounts of suffering and of the public acknowledgement of latter (Ricoeur, 2004:483). However, the therapeutic value of testimony proved to be a wrong generalization. Firstly, the premise was overarching and did not recognize individual differences, neither in the reactions towards suffering nor in the private forms of grieving and mourning. The literature shows that some effectively thanked the commission and manifested relief. Nonetheless, statistically this was not true for the majority of cases: the Trauma Centre for Victims of Violence and Torture in Cape Town calculates that approximately 60 % of the victims expressed an increased sense of unease after having given testimony (Hayner, 2001:144). As most of the victims testified, rendering public testimony reawakened painful and overpowering memories that, in the aftermath of the hearings, would sometimes result in the reappearance of physical symptoms of distress (Hayner, 2001). The therapeutic discourse of restorative justice served to marginalizes those who demanded justice instead of reconciliation by fetishizing their positions as weak and unhealthy for themselves and for the social body (Nagy, 2008: 336)

The pressure to forgive actually caused more distressed in those who were reluctant to accept the therapeutic discourse on reconciliation. The psychologist Herman refers to forgiveness as a *fantasy* which becomes an obstacle for mourning: it can be a "cruel torture since it remains out of reach of most individual human beings" (Herman, 1992: In Brudholm, 2008). As opposed to being a condition for "healing", imposing forgiveness is a cause of more anger in the face of the dismissal of individual opinions. In addition to this, the discourse of restorative justice, according to which victims need to achieve healing, results in a reduction of the experiences of victims to a

pathological and ambiguous notion of “Trauma” (Humphrey, 2002). As the psychologist Brandon Hamber stated in a personal interview by Wilson in 1996: “the word catharsis gets used too often in the TRC. There is a perception that as long as a person is crying then healing must be taking place” (Wilson, 2001:121). The hearings were designed as rituals of healing based on the performance of forgiveness. In opposition, anger and resentment were interpreted as signs of an ill psyche and a weak morality.

## **Dislocating Forgiveness from Reconciliation**

*“Forgiveness is mad, and it should remain in the madness of the impossible” (Derrida, 2001:39)  
You know, you say you are sorry, but on the other hand, it is also empty words (Paul Van Vuuren In  
Krog, 2000:117)*

Derrida’s philosophical deconstruction of the notion of Forgiveness as an Aporia, which is an intrinsic impossibility, is suggestive to the need to analyze the way it is co-opted by political, moral and juridical discourses. It provides a basis to de-naturalize and deconstruct the social and political uses of *Forgiveness* in projects of national reconstruction and nation-building, task of particular importance in the current political sphere, in which Forgiveness and official apologies are the way of re-establishing diplomatic relationships and the basis of political reconciliation. What is the meaning of the response of a mother who is asked if she forgives the killer of his daughter or the torturer of his son? The response of Jacques Derrida is as follows: “Whether she says ‘I forgive you’ or ‘I don’t forgive’ in either case I am not sure of understanding. I am even sure of not understanding and in any case I have nothing to say” (2001: 55). Through this example he is alluding to the inaccessible realm of experience to which the issue of forgiveness belongs. I strongly endorse this definition of “Pure Forgiveness” as an Aporia (2001) since it focuses our attention to the fact that as soon as forgiveness is performed and used as a means of restoration and “normalization” it ceases to be forgiveness. This is because forgiveness belongs to the realm of the impossible since one can only forgive what is unforgivable<sup>2</sup>. Therefore it “should remain exceptional and extraordinary (...) as if it interrupted the historical course of historical temporality” (Derrida, 2001:32). Furthermore, since it is unconditional it follows that it cannot be demanded or interchanged; it does not obey to an instrumental or economic logic, on the contrary, it operates under the logic of the *gift* (Mauss, 1954). Derrida’s emphasis on the pure notion of forgiveness, which “forgives only the unforgivable” (Derrida, 2001:32-33) points out to an important issue to be considered in the rising field of what has been denominated “the politics memory”. Namely, that forgiveness should be divorced from sovereignty (2001: 59)

## **Reconciliation: An encounter**

The equation of retributive justice and legal punishment with vengeance and retaliation is nowhere particular to the South African interpretation. On the contrary, it is one of the main fallacies and weaknesses of the restorative model as it was theoretically conceived. The restorative model of Justice was born as an alternative model of criminal law (Uprimny, 2006) critical to the model of retributive justice which proposers of the alternative considered repressive and inoperative. Bringing judicial punishment to the level of retaliation, defenders of the notion of

<sup>2</sup> Paul Ricoeur devoted his entire work to the analysis of the relationship between memory, history and forgetting (2004). He agrees with Derrida on the impossibility of forgiveness and its unconditional nature, since “the fault is in its essence unforgivable” (Ricoeur, 2004:466).

restoration argued for a model oriented towards reconciliation and social harmony rather than individual punishment (Minow, 1998; Teitel, 2003). This at turn requires a morality of forgiveness, in which the parts involved declare a willingness to come to terms, forgive and ask for forgiveness for the benefit of society as a whole. However, the problem arises when this model, virtuous in its local application, is co-opted as a Transitional Justice mechanism in its own. Whereas the model concerns criminal Law, Transitional Justice is by definition a normative model for *exceptional spaces* characterized by the commission of crimes against humanity. When, as in South Africa, the differences between transitional justice and restorative justice are confounded, a very particular and dangerous ethic emerges, one that demands forgiveness in the face of brutality and conditions political to individual reconciliation.

*I am against the reconciliation as seen from The Hague perspective. I never wronged anyone. I did nothing wrong. Reconciliation means that we have to meet half way, but that's offensive. I was wronged and almost my entire family was killed. I care about justice and truth” (Tim Judah, 2004: 25 In Brudholm, 2008: 198)*

The quest for forgiveness, and the subsequent rejection of resentment, is a highly problematic approach in transitional contexts. Unlike suggested by religious and psychological discourses, it does not necessarily engender relief and absolution from the shadows of the past. On the contrary, efforts to overcome resentment can at times represent an enormous burden. Consider the anxieties that the humanist Primo Levi faced at the possibility of meeting former Nazi High commanders. His empathic approach - based on the recognition of a common humanity-, his profound knowledge on human morality and clarity on the nuances of the relationship between so-called “victims” and “perpetrators”, could not dissipate the anxiety caused in the face of such an encounter. Albeit his rejection of all sort of Manichaeism, Levi experiments a profound confusion and unease when confronted with the possibility of meeting Albert Speer and Müller (Todorov, 2000; Levi, 1988) readily admitting his relief after the cancellation of the meeting with Speer. We thus see, overcoming distance in an effort to understand, might be a profoundly disturbing ambition, even though a very legitimate one. Tzvetan Todorov in his beautiful book “*Facing the extreme*” (2000) suggests provocatively that Levi’s suicide could have been a manifestation of vicarious guilt, the result of the internalization of the desire to annihilate by the recognition of the common humanity of the victim and the tormentor (Todorov, 2000). Furthermore, he interprets Levi’s intellectual dialogue with Jean Amery (1912-1978) as a sign of an intimate struggle.

In the same line, authors like Vetlesen (1994) would argue that Primo Levi's rejection of Amery’s defence of Resentment was a fight that Levi was having with himself, since he had forbidden himself to hold to resentments. Certainly, there are cases in which relationships are better not restored; distances better kept, and resentments rather maintained. Amery, who on this point was radically opposed to Levi, recognized the value of this distance, a distance he never wanted to bridge as “ it was filled with death corpses” (Amery, 1980). The holocaust survivor and intellectual Jean Amery was driven by the felt responsibility as a witness to bear testimony. Hence his philosophical exploration of the victim's subjective experience, most prominent in his collection of Essays entitled “*At the Mind's Limits*” (1980). His writing moves beyond a mere testimony of suffering. Speaking as a victim that examines its resentments (Amery 1980: 63), Amery in fact sets out to defend a psychic state and justify it against the main corpus of psychological and philosophical literature.

*“I rebel: against my past, against history, and against a present that places the incomprehensible in the cold storage of history and thus falsifies it in a revolting way” (Amery, 1980:VI)*



Amery's stance was deeply influenced by the memory politics of the young German democracy of the 50's and 60's. By the time he had published his essays in 1966, the German people was growing ever more reluctant to engage with the past of Nazi Germany, while the deeds of the Third Reich seemed to increasingly lose their ability to affect and interest the public. The time for the "*pathos of reconciliation*" had dawned (Amery 1980: 65). In a collective will to overcome the past, and encouraged by the wealth of the German "Wirtschaftswunder", the German people longed to embrace a glorious future in an unison chorus of hope and oblivion. Faced with both the memory of national-socialist crimes and the public desire to bury them in the annals of history, Amery was outraged by what he considered an inadmissible foreclosure of the past. According to him, the person with resentment is not allowed to look towards the future and easily "join the unison peace chorus all around him" (1980:69). Instead of lifting the gaze towards a brighter future, Amery defends resentment as a legitimate moral sentiment.

His writing hence not only surges from a reaction to past deeds; it simultaneously represents a response to a society that in the aftermath of a destructive war is excessively concerned with "coming to terms with the past" and reconfiguring imperialist and nationalist sentiments. It is against this excessive will to leave the past behind that resentment blows its horns. Analogically, the research on post- TRC South Africa evidences that even though this institution had a major impact in South African's re-making of History, as an institution, as an archive, it never revealed The Apartheid as the oppressive system of segregation it actually was (Grunebaum, 2010). Transitional Justice when confounded with restorative Justice, obscures structural violence by its medico-juridical interpretation of history. Albeit the call for memory and recognition of past crimes in transitional contexts, the archivization of history that results from the praxis of this Commissions as technologies of truth objectifies the past, and separates it from the present and the future (Grunebaum, 2010; Feldman, 2004).

It is relevant and pertinent to review Amery's moral philosophy and his defence of negative sentiments in the contemporary world characterized by this "urge for memory" (Derrida, 2011). Resentment, which in Aristotelian Philosophy was conceived as a sentiment that shows people self-respect and esteem, echoes in Amery's philosophy, the voice of those who fight against oblivion and comfortable forgetting; of those who rebel against a society which accepts with remarkable facility the horrors it engendered (Amery, 1980:70). In this view, resentment acquires value and virtue as a moral sentiment which asserts one's inconformity with evil and victim's dignity:

*Whoever lazily and cheaply forgives, subjugates himself to the social and biological time-sense which is also called the "natural one" (...) Man has the privilege to declare himself to be in disagreement with every natural occurrence, including the biological healing that time brings about (1980:72).*

Amery is conscious about the difficulties of legitimating resentment. His is a position that largely contrasts with dominant ideas, notably those advanced by Nietzsche. According to latter (Nietzsche, 1987), resentment evidences a slave morality. It is the position of an individual, who in the past was unable to act and defend himself, and the feeling of those who "are denied genuine reaction, that of the deed, and who compensate for it through an imaginary revenge" (Nietzsche, 1987). Resentment, thus, offers nothing but an illusion of agency. Its passivity and its grudge against the tormentors are what Nietzsche conceives as a sick, bitter and narcissistic anchoring in the past. This grudge should be superseded by the virtues of forgetting. For it is through forgetting, through its ability to disregard past misdeeds and weaknesses, that man restores its strength and that man signals a "superabundance of power which is flexible, formative, healing and can make one forget (Nietzsche, 1994: 23-24). Nietzsche thus does not condition healing to forgiveness, but to forgetting.

Amery contrasts this view of resentment, yet agreeing on both the points that resentment is a translocation of time and that the victim is captive of its tormented past. Being captured in the painful memory of the past is, however, not in the least reprehensible. On the contrary, it would be immoral to condition morality to the natural pass of time and let this dissipate the urgency of memory (Amery, 1980). Resentment “*proposes an inversion of the social conception of the biological time as healing*”, notably because this conception is “*not only extra-moral, but also anti-moral in character*” (Amery 1980: 72). Hence Amery's declaration that forgetting and forgiveness are inadmissible and blatantly immoral, and his rejection of the healing properties attributed to the pass of time. Pain stays present in the victim, since what happened “cannot be so easily accepted. Nothing has healed, and what perhaps was already on the point of healing in 1964 is bursting open again as an infected wound”. In view of this, to forgive and to forget is inadmissible and blatantly immoral (Amery, 2008).

## **Conclusive Remarks**

The main purpose of this paper was to investigate to what extent truth commissions assist in acknowledging the experience of suffering. This was analysed in the case of South Africa and the role of the Truth and Reconciliation Commission (TRC). The reason for choosing this particular commission is that it is considered to be an exemplary model of an institution which deals with past atrocities, since it focuses on the victims and their experience of pain. The commission put forward a complex notion of truth; one which was particularly concerned with the experience of the victim and the narrative dimension of testimony.

This model is promising since it offers the possibility of an official recognition of the victims' suffering, and a promise of archiving victims' truth as part of the national collective memory. However, the result of the research shows that victims attended the hearings as representatives of a community and not as individuals. Hence, the phenomenological experience of the victims in the TRC hearings was not acknowledged. In fact, the testimonies were conditioned to a major political project of national reconciliation. As a conclusion, national reconciliation was made dependant on individual reconciliation, that is, on the reconciliation between "victims" and "perpetrators". In view of this, forgiveness was formulated as precondition for the establishment of a new South-African nation. The TRC hearings, consequently, became the theatre in which apologies and expressions of regret were performed.

All in all, the research evidenced that the conditioning of reconciliation to forgiveness imposes a civic and moral duty on victims. They thus become victims of the reconciliatory discourse. Furthermore, the therapeutic approach towards the experience of suffering and the metaphors of reconciliation depict resentment as an impediment to "social harmony". Combined with the confusion between reconciliation and forgiveness, this rhetoric limited the discursive space in which the experience could be recounted.

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