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Kimberly Lanegran
Coe College

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Abstract

A review of:

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Keywords

South Africa, Human rights, Post apartheid, Reform, Restitution

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Justice and Reconciliation in Post-Apartheid South Africa edited by François Du Bois and Antje Du Bois-Pedain. Cambridge, UK: Cambridge University Press, 2008. 311pp.

This collection, edited by François Du Bois and Antje Du Bois-Pedain, employs a broad scope to examine the challenges, achievements, failings, and unfinished business of South Africa's reconciliation project. While South Africa's Truth and Reconciliation Commission (TRC) features prominently throughout the chapters, the volume convincingly demonstrates the inadequacy of evaluating South Africa's transition through one isolated institution. The editors note that the book, "contextualises the TRC by looking at the steps towards transformation which preceded and accompanied its work, such as criminal prosecutions, land restitution and institutional reforms, and the measures taken to deal with the 'unfinished business' (reparations and – still – prosecutions) after its dissolution" (3).

The result is an eclectic set of chapters held together in some cases by a tenuous link. Two of the chapters, Theunis Roux's on the land restitution process and Carrol Clarkson's on contemporary South African artists, engage in theoretical discussions of Robert Nozick's "entitlement theory of property" (144) and Jacques Derrida's considerations of force and law, respectively. Both discussions are too specialized to be accessible to most readers interested in this volume. Furthermore, James L. Gibson's excellent chapter presenting empirical data on South Africans' attitudes concerning the South African Constitutional Court does not directly address reconciliation.

Yet, three compelling themes weave through the chapters and challenge existing understandings of reconciliation projects in South Africa and beyond. The first theme concerns the importance of seriously debating the merits of reconciliation. Emiliios Christodoulidis and Scott Veitch powerfully argue that the question "Why reconcile?" should be raised and addressed throughout a transformation process in order to determine "*whether* certain conflicts and consequences are, or *can be*, recognised and addressed within a reconciliatory politics" (10; emphasis added). They suggest that sidestepping this question has allowed the priorities of a capitalist democracy to shape "what is remembered as forgotten" (10). In contrast, editors Du Bois and Du Bois-Pedain commend South Africa's progression "towards an increasingly *uncontested* normative centre of 'reconciliation'" (292; emphasis added). They assert, "Reconciliation is fundamentally about citizenship, belonging, and while it is true that in presupposing the political community that it is meant to bring into being, it certainly removes the question whether 'we really all belong together' from view, this is perhaps not the worst elision on which to found a polity" (7).

Second, many of the authors confront the challenges of amnesty and forgiveness. Antje Du Bois-Pedain provocatively asserts that the inherent injustice of the truth commission's amnesty process facilitated broader justice because it allowed people to see that the crimes committed by those receiving amnesty "took place in a social context which legitimated these acts of violence; that they were done in (many of) our names" (66). In contrast, Volker Nerlich condemns the TRC amnesty process for "indirectly reaffirming the legality of the undemocratic legal order [of apartheid]" (93). Stéphane Leman-Langlois and Clifford Shearing document how, in hearings, commissioners "hailed out" witnesses' expressions of, and requests for, forgiveness. Thus, in the TRC's narrative, "Forgiving is . . . *doing being South African*" (227; emphasis in original). In her

chapter, Pumla Gobodo-Madikizela takes on Hannah Arendt and rejects the notion of “the unforgivable” (40) and applauds the truth commission for creating the “ethical space” (60) for forgiveness to occur.

Finally, some chapters demonstrate that culpability for the crime(s) of apartheid needs to be distributed far more widely than it has been by the TRC and criminal trials. Specifically, the lack of accountability for socio-economic crimes is condemned in this volume. Jaco Barnard-Naudé characterizes the TRC’s treatment of South Africa’s business sector’s role in apartheid “as an exercise in archiving that represents forgetting ahead of itself . . . forgetting largely without remembering” (173). Christodoulidis and Veitch note that “the economic struggle is removed from the political register of transitional politics, thereby allowing a still deeply racialised economic exploitation that survives the transition to remain in place” (18). Du Bois and Du Bois-Pedain concur and note, “[I]t is the failure of white South Africans to *acknowledge* responsibility for the past that lies behind their failure to *take* responsibility in the present” (309; emphasis in original).

This book is for readers knowledgeable about transitional justice theory and South Africa’s political transformation. They will find it useful for case studies of linkages among the TRC and other institutions, as well as the authors’ analyses of reconciliation, amnesty and forgiveness.

Kimberly Lanegran
Coe College