LONG NIGHT'S JOURNEY INTO DAY

Facilitator Guide

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"History, Despite its wrenching pain, cannot be unlived, and if faced with courage need not be lived again."
—Maya Angelou

AN OFFERING FROM JUNE JORDAN

Piercing our trivial, regular, and dichotomized habits of un-think, un-feel, this film plunges us into the deepest moral complexities of our lives: Given the pain inflicted, the humiliation, the murder - even the savage slaughtering -of those we love, and of love, itself/our capacities for tenderness, how shall we, nevertheless, live as human beings?

How shall we defy the death of spirit, and the destruction of our humanity, even as we engage horrific histories of evil, past and continuing? South Africa's Truth and Reconciliation Hearings undertake an amazing inquiry into just these soul determining quandaries of heart and conscience.

Indeed, South Africa's Truth and Reconciliation Hearings proceed entirely without precedent in the world.

Long Night's Journey into Day catapults its audience into this cauldron of hatred, violence, grief, and the issues of response/the issues of responsibility. This film is an astonishing moral event of infinite, international, and intimate, confrontation with ourselves - as victims and as enemies - seeking humane redemption from each other.

I cannot imagine a more harrowing, or inspired, examination of the possibilities, and the limits, of our best selves challenged by the truth.

June Jordan
Poet & Activist

A MESSAGE FROM THE FILMMAKERS
by Frances Reid & Deborah Hoffman

When we first heard about South Africa's Truth and Reconciliation Commission (TRC), we were inspired by the idea of an entire nation searching for a way to heal from its violent past by telling and hearing the truth. The TRC's approach was unprecedented in history and we wanted to bear witness.

We are often asked how we chose the four cases followed in **Long Night's Journey into Day** given the thousands of cases presented before the TRC. Each case was chosen for specific reasons; each highlights different aspects of the TRC and each brings up different

moral questions.

First is the case of Amy Biehl. This is obviously the most atypical of the four. Knowing that our primary audience would be American, we wanted a case that had an American connection. The Amy Biehl case was, in fact, the only TRC case involving an American. But more important than that, we found both Amy Biehl's parents, Peter and Linda, and Mongezi Manquina's mother, Evelyn, to be inspiring people, and we were looking for stories that inspired and showed the heights of human behavior - especially since apartheid had been an example of the depths to which people can sink. Peter and Linda Biehl's desire to honor their daughter by supporting the TRC process and by reaching out to the family of her killer, and Evelyn Manquina's profoundly deep empathy for the Biehls, touched us greatly.

Our second case was that of the "Cradock 4." We specifically wanted a story of a white person who had worked (and killed) to uphold the apartheid government and who now had a change of heart and was remorseful for his acts. Our research led us to Eric Taylor, who even before appearing before the TRC had asked his minister to set up a meeting with the families of his victims so he could ask their forgiveness.

The case of Robert McBride, the ANC activist who left a car bomb outside a bar, was chosen because it illustrated what was for many the most controversial aspect of the TRC. The TRC was set up to examine human rights violations committed between the years of 1960 and 1994. Who had committed those violations did not matter. This meant that whether you had killed in the process of upholding the amoral apartheid government (as Eric Taylor did), or had killed while fighting against the apartheid system, in either case you had to apply for amnesty if you wanted to clear your name and be safe from prosecution. Robert McBride's act, which killed civilians, is particularly complex and morally ambiguous. We have heard of many an all night post-film argument about whether Robert McBride was a freedom fighter or a terrorist, and whether expecting activists to confess in the same way apartheid security police were expected to was a brilliant idea that further revealed truth and promoted healing, or was an insult to those who had fought to free their country from oppression.

The final case is the one known as the "Guguletu 7," the story of seven young men who were killed in what now appears to have been a set-up designed to make the apartheid police look as if they had killed a group of dangerous terrorists. This case was suggested to us by a TRC commissioner as a good example of how the TRC was uncovering truths long hidden. One of the underlying precepts of the TRC was that learning the truth was fair compensation for granting amnesty and thereby foregoing traditional justice. The mothers of the "Guguletu 7" had searched for the truth about their sons' deaths for more than 10 years. To have their suspicions finally verified was indeed gratifying.

The statistic that 80% of those who applied for amnesty were black is puzzling to many. There are several reasons for such a skewed number. The most obvious is the sad fact that whites have been less willing to embrace the TRC, and the leadership of the National Party (the white ruling party during apartheid) did not themselves apply for amnesty. Secondly, anyone in jail who received amnesty was immediately released, thereby providing a huge incentive to apply; there were very few whites in jail for apartheid era

crimes. Finally, in the last years of apartheid, there was a tremendous amount of black-on-black violence, initiated by the government of the day. There were many applications for amnesty for such incidents.

Beyond these comments, we hope our film speaks for itself and challenges the viewer to reflect about his/her own life and country.

Frances Reid
Deborah Hoffman

INTRODUCTION

This study guide is a bridge. A bridge to meaningful reflection. A bridge to understanding. A bridge ultimately, we hope, to action. Our goal in presenting this resource for viewers of the film **Long Night's Journey into Day** is to support the use of the film as a tool for progressive change. Though the film depicts events in South Africa, we feel that it has much to say about American society, namely our struggle to recognize and cope with race, history, justice and reconciliation.

This guide is intended to be an interactive beginning place for discussion. The filmmakers, Frances Reid and Deborah Hoffmann, begin the guide with insights into what inspired their making of this prize-winning documentary and how and why they chose to profile the cases included in the film. In the next segments, How to Use this Guide, Discussion Questions, and Facilitation Guidelines group leaders are given more specific instruction on guide use and content as well as tips for facilitating group discussion.

Contributions by David Anthony and Priscilla Hayner give background on historical events in South Africa and the emergence of the TRC. To further encourage viewers to reflect on similarities between the US and South Africa, also included here by David Anthony is a historical survey comparing events in the two countries. At the end of the guide there is another brief piece that follows this thread and explores the case of institutionalized racism through the particular lens of crime, punishment and race. Veteran educator and activist Prexy Nesbitt offers reflections on use of the film as a means to analyze racism in America.

There are four essays included here which investigate the main themes in the film: restorative versus retributive justice, conflict resolution, and forgiveness. Noted legal scholar Martha Minow contributes her reflections on Vengeance, Retribution and Forgiveness. Pumla Gobodo-Madikezela, psychologist and former member of the Human Rights Violations Committee of the TRC Commission, weaves rich experince and insight into her piece On Trauma and Forgiveness. What are the implications, if any, that the concept of restorative justice has for our own criminal justice system? This is the question addressed by Judge Mary C. Morgan in her article. Lynn Walker Huntley's piece, Conflict Resolution, will be of interest to professionals in the field of conflict resolution and lay persons alike.

In addition to these contributors, the voices of direct witnesses to events in South Africa are included: a Black man contemplates the path to forgiveness and a White woman ponders

the meaning of the Amy Biehl hearings.

Long Night's Journey into Day documents South Africa's attempts to recognize and heal the wounds inflicted by apartheid, an institutionalized form of oppression. The materials in this guide are intended to promote dialogue about the concept and practice of reconciliaition in the wake of institutionalized forms of injustice or mass atrocity. In this guide, we have chosen to focus the discussion of oppression on race - Black and White. In doing this we do not deny other forms or manifestations of oppression. You are strongly encouraged to apply the principles and themes here to other forms and situations as appropriate. What we have compiled in these few pages is just the beginning of what we hope will be an exciting, illuminating path of discovery and action for you and your community - a journey toward greater understanding, healing and transformation.

HOW TO USE THIS GUIDE

There are several ways you can use this guide. Among the resources included here are issue-related essays, South African and American history pieces, background details about the Truth and Reconciliation Commission, resources for further study, discussion questions, and direct quotes from the film. It is not necessary to use all of the items presented here in order to have a meaningful post-film viewing experience. Many of the articles may be photocopied in their entirety using just one letter-sized sheet of paper. Review the contents carefully and select and distribute only those items or essays that best advance dialogue on the issues your group wants to explore. One key to a successful dialogue is the "discussion questions" section that you can use to encourage exploration. The types of questions you pose to the group to stimulate discussion will depend largely on your goals. Such goals might include (1) increased participant understanding of restorative justice versus retributive justice, (2) exploration of the concepts of forgiveness, conflict resolution and reconciliation, (3) increased understanding of the complexity of racial/ethnic-based oppression in the United States, (4) coping with and responding to mass atrocity or institutionalized forms of oppression, and/or (5) moving to action for social change. These goals will determine different directions for the discussion and ways of facilitating discussions as well as the selection and ordering of the questions themselves. Some general discussion questions are listed below. Topic-related questions may be found at the conclusion of many of the essays included in this guide.

DISCUSSION QUESTIONS

- What feelings came forward for you while viewing this film?
- What stands out for you most about the film?
- From the cases in the film, how effective has the TRC been?
- Do you think the TRC has satisfied all the people in the film? Why or why not?
- Is there a difference in culpability between the person who commits violence to support an unjust state and the person who commits violence in order to resist state-sponsored human rights violations?

- Do the end always justify the means? Should Blacks have foregone the use of force in response to White violence and apartheid even when it may have meant continuing to suffer grave human rights violations?
- Would you want to know the details behind a violent crime that affected you in the past? Are there some details you would not want to know?
- What is necessary for forgiveness to take place? Is knowing the truth enough? Would you be able to forgive someone after they admitted to a heinous act?
- What kinds of similarities do you see in the film to US racism?
- What kinds of differences do you see in the film from US racism?
- What lessons do you think this film holds for people in this country?
- In what ways do you see similarities between SA and the US?

End the discussion with a move towards action or next steps, on a personal, community, or institutional level:

- What does this film (or discussion) make you want to do? What is the next step you feel ready to take? What will you need to meet that goal? What are steps that you can take as an individual or as a community to learn more or take action? What kind of action?

Before the group adjourns, assess the supports and challenges participants might encounter in taking these next steps. Brainstorm action strategies and encourage participants to build networks for working towards change. Encourage them to set concrete action-based goals. Provide follow-up resources such as bibliographies or videographies.

FACILITATION GUIDELINES

The role of the facilitator is to create an atmosphere where everyone can express their thoughts and feelings, as well as listen to and learn from the different perspectives offered by each participant. Facilitators are also responsible for helping to clarify discussion goals and maintaining safe, respectful group processes. What follows are facilitation recommendations that help create such an atmosphere.

Ask the group to make the following agreements:

- Listen to each other with respect;
- Use "I" statements: Speak about your own thoughts, reactions, feelings, and experiences, not those of others;
- Do not debate someone else's experience. If they say_____happened, do not argue with their statement.

To insure that the person speaking is not interrupted, have those who wish to speak raise their hands. Or use the "talking stick" tradition: using any item available - a marker, paper cup, or rolled up piece of paper - establish the rule that those who wish to speak must have this item in their hand. After one person speaks, the item gets passed to the next person

who wants to share. Watch out for domination of the discussion by any individuals.

At the beginning of the discussion, and at appropriate places throughout, break out into two-person "dyads" so that everyone has an opportunity to say aloud what is on their mind. Often times people will feel more safety in a one-on-one interaction. Dyads should be brief, with time divided between the two participants to talk and to listen. Instruct the group that one person will talk while the other listens; the listener does not interrupt or ask questions; the facilitator keeps time and lets participants know when to switch from speaker to listener.

Gradually move the group from talking about the film to their personal experience with the issues being discussed.

When/if the discussion lags, ask questions about specific sections of the film. Allow for moments of silence.

Do not simply go from one person to the next. When you hear something that is moving to you, something that you think may be a good point for the group to discuss, ask the person speaking to say more (go deeper with their comment).

Plan your agenda. If possible, schedule three to four hours for the film showing and discussion. A sample agenda might be as follows:

- Opening remarks: setting the stage.
- Participant introductions (if the group is small).
- Dyad: "What do you want to have happen today?"
- Have a few people share their answers.
- Give background information on the film.
- Show film.
- To allow participants a low-risk opportunity to share their immediate emotional response, start the discussion with dyads.
- Open discussion in large group.
- End the discussion by going around the group and having participants answer a particular question. (Remind participants that they can pass if they don't wish to answer). You might close with questions such as the following:
    - How could something like the TRC work here?
    - What could we do to make that happen
    - What did you learn today?

To help participants not feel overwhelmed or too discouraged by the magnitude of the issues brought forward, it is important to help them frame the issue in a personal context. Emphasize that any effort at change is meaningful and that what may be easy for one

participant may be risky for another.

Whenever possible, work with at least two facilitators. This allows one co-facilitator to focus upon emotional or group process while another is paying attention to content and activities or is keeping track of the discussion. Working in pairs also helps build a pool of facilitators by partnering novice facilitators with those more experienced.

If your agenda goal is to explore the issue of race, make every effort to have your pairs of facilitators be racially mixed. This will create more safety in mixed groups and help participants speak from their own racial perspective. It also (ideally!) models trust, cooperation, and alliance behaviors between the facilitators, as well as modelling differences of perspective based on different life experiences.

QUOTES FROM THE FILM

"No one has apologized to me yet for either oppressing me directly or indirectly or happily benefitting from my oppression"
-- Robert McBride on apology

*"I saw a film, I think it was about 1990, called **Mississippi Burning**, which was also about apartheid."*
-- Eric Taylor on his changing political ideology

"Killing someone like her exposed both our anger and the conditions under which we lived. If we had been living reasonably, we would not have killed her."
-- Easy Nofemela on the killing of Amy Biehl

"Just because we happen to have a white colored skin, we can't be held accountable for all the atrocities and the horrors that apartheid brought with it. We didn't even support it."
-- Sharon Welgemoed on culpability

"We didn't have feelings. It felt just like a day's work had been done. Going back to your place, you're happy you're finished, you have been longing for people, you long to go back...you felt nothing."
-- Thapelo Mbelo on committing murder as part of the apartheid government's special unit

"The challenge for me now is that I'm a member of the commission, and whatever the findings of the commission are I'm supposed to embrace them. But really at a personal level, I wouldn't appreciate it if Bellingam was granted amnesty. It's the element of humanity isn't it? You want to see that they are not monsters after all. Then once they show in a genuine way that they truly look back and regret and they're full of remorse, then you feel at least there is hope for humanity. But when you don't see that, it pulls your heart just so low that you really worry about these people getting amnesty."
-- Pumla Gobodo-Madikezla on remorse

"There's a problem we have on the side of the ANC with this even-handed approach, the obsession that the Truth Commission has with it. I mean, there's no soldier from the

Second World War, of the allies, who would like to be associated or even compared to the Nazis."
-- Robert McBride on the TRC's policy of equality

"We make the mistake of conflating all justice into Retributive justice, where there is something called Restorative justice. And this is the option that we have chosen. But there is justice. the perpetrators don't get off scot free. They have to confess publicly, in the full glare of television lights, that they did those ghastly things. And that's pretty, pretty tough."
-- Desmond Tutu on restorative versus retributive justice

"A lot of journalists claim that they wer apolitical that they were just doing their job, just being reporters reporting what was happening. And that's just nonsense. There is no way, even if you're reporting sport or theater. I guess you could get away with a cookery column without being political."
-- Tony Weaver on the South African Media

"The problem was at that time everyone could do anything to anyone because of the situation. That is why we are saying now, we cannot believe it, but we believe it. Because there were many people, even myself, who can do that thing at that time."
-- Sizwe Makana on the killing of Amy Biehl

THE TRUTH AND RECONCILIATION COMMISION
by Priscilla B. Hayner
(Excerpted in part from *Unspeakable Truths: Confronting State Terror and Atrocity*)

After 45 years of apartheid in South Africa, and thirty-odd years of some level of armed resistance against the apartheid state by the armed wing of the African National Congress (ANC) and others, the country had suffered massacres, killings, torture, lengthy imprisonment of activists, and severe economic and social discrimination against its majority black, coloured and Indian population. As the transition out of apartheid began to unfold in the early 1990s, many insisted that this horrific past must be addressed.

The idea for a truth commission was proposed as early as 1992, but it was not until after Nelson Mandela was elected president in April 1994 that serious discussions began about what form a national truth commission should take. The most contentious issue during the negotiations toward an interim constitution in late 1993 was whether an amnesty would be granted to wrongdoers, as the government and the military insisted. In the final hours of negotiations, the parties agreed that there would be some form of amnesty, but did not agree on how sweeping the amnesty would be, nor how it would be implemented.

While there had been over fifteen other truth commissions around the world, none had included amnesty-granting powers. Nonetheless, the South Africans learned much from these other models about how a South African truth process might best work. After considerable public discussion and debate throughout 1994 and 1995, the South African Parliament passed the Promotion of National Unity and Reconciliation Act in mid-1995, giving the commission the most complex and sophisticated mandate of any truth commission to date.

In addition to its amnesty-granting power, the commission had the power to search premises and seize evidence, subpoena witnesses, and run a sophisticated witness-protection program. With a staff of three hundred, a budget of some $18 million each year, and four large offices around the country, the commission dwarfed previous truth commissions in its size and reach.

The Truth and Reconciliation Commission was composed of three interconnected committees: the Human Rights Violation Committee was responsible for collecting statements from victims and witnesses and recording the extent of gross human rights violations; the Amnesty Committee processed and decided individual applications for amnesty; and the Reparations and Rehabilitation Committee was tasked with designing and putting forward recommendations for a reparations program.

The commission took testimony from over 21,000 victims and witnesses, 2,000 of whom appeared in public hearings. Media coverage of the commission was intense: most newspapers ran stories on the commission every day, and radio and television news often led with a story on the most recent revelations from the commission's hearings.

The most controversial of the commission's powers was its power to grant amnesty. Amnesty could be granted only to those who fully confessed to their involvement in past crimes and showed them to be politically motivated. The Commission's amnesty committee considered a number of factors in determining whether the applicant satisfied the terms for amnesty. Among them, the committee was directed to consider the relationship between the act, omission, or offense and the political objective pursued, and in particular whether there was "proportionality" between the act and the political objective pursued. Any crimes committed for personal gain, or out of personal malice, ill will, or spite were not eligible for amnesty. Neither an apology nor any sign of remorse was necessary to be granted amnesty. For gross violations of human rights, the applicant was required to appear in a public hearing to answer questions from the commission, from legal counsel representing victims, and directly from victims themselves. Victims could express their opposition to the application for amnesty, and try to persuade the panel that the applicant had not fulfilled the requirements to receive amnesty (that the act was not politically motivated, that it was disproportional to the political ends pursued, or that the person was not telling the whole truth, for example), though the decision on amnesty was ultimately up to the amnesty committee.

Those who were denied amnesty could subsequently be prosecuted in the courts. Information that was revealed in the course of their amnesty hearing could be submitted in court, with the exception of information that they themselves revealed (unless the prosecutors could show that they already had the information before it was disclosed to the truth commission, or obtained it from an independent source).

Despite the important contribution of the TRC in helping to rewrite how South Africans understand their history, removing the possibility of denial about what took place under apartheid and uncovering many previously unknown facts, South Africans have come to understand that quieting the bitterness and pain over these events is a process that requires much longer than three or four years.

Discussion Questions

Can you imagine this kind of hearing or truth-seeking taking place in the United States? If so, pertaining to what periods in our history?

Should people be required to apologize in order to receive amnesty? If so, can the apology always be trusted?

A COMPARATIVE HISTORY OF SOUTH AFRICA AND THE UNITED STATES
by David Anthony

The histories of South Africa and the United States have been linked since the 1600's when sister companies the Dutch East India Company and the Dutch West India Company established settler colonies for Europeans at the Cape of Good Hope, in what would later be known as South Africa, and in New Amsterdam in what would become the United States of America. In the US, those European-born settlers drove westward. In South Africa, White settlers (Afrikaners) drove eastward. In both cases, these migrations brought settlers into conflict with indigenes.

Like the US, South Africa was a slave society. The period of slavery lasted in South Africa from about 1657 through 1834. Throughout the 19th century, frontier wars pitted Afrikaners and their British colonizer allies against indigenous South African peoples. These resembled the frontier wars White settlers undertook against Native Americans.

Between 1867 and 1886, diamonds and gold were discovered in Kimberley in the Northern Cape and in the Transvaal, respectively. This set off a Mineral Revolution (similar to California's 1850's gold rush) which furthered the dispossession process, forcing Africans into a European-dominated cash economy and coercing many into rigidly controlled mining compounds secluded from their family homes.

Although racial segregation is deeply embedded in South African history, the system of apartheid (separateness) dates from 1948. Instituted by the National Party, which won segregated national elections in 1948, this was implemented in stages during the 1950s and 60s. Its premise was that Black, Asian, Mixed and White populations should not and could not live and work together. This resembled racial segregation in the US - the Jim Crow or "separate but equal" system.

Apartheid advocated distinct ethnic or "tribal" communities, each with its own exclusive enclaves and controlled by a pass system regulating movement. It was a method of divide and rule to counteract the svaart gevaar or so-called "black danger" Afrikaner rulers saw Africans as threatening to overrun or engulf them by their sheer numbers.

Like segregation in the US, apartheid kept people of different races and ethnicities from sharing social space. Recognized as a backward-looking measure, it was immediately opposed by African, Asian and mixed race organizations, as well as by progressive Whites. During the 1950s in a series of very public protests resembling the US Civil Rights Movement, these groups showed their opposition to the new system.

South Africa's apartheid government responded to this opposition by "red-baiting," or overemphasizing the influence of communism and communists in the ranks of the "Nonwhite" opposition forces. This approach paved the way for many incarcerations and assassinations of anti-apartheid activists.

THE RISE AND FALL OF APARTHEID: A TIMELINE
by David Anthony

1950 - Population Registration Act divides people into White, Coloured (mixed race) , Indian and African groupings. Group Areas Act separates communities by race. Immorality Act prohibits interracial and/or intergroup sexual relations. ANC calls its first political strike on May Day.

1952 - The pass or "influx control" system is reinforced by new laws restricting movements of Black South Africans. The Defiance Campaign is mounted to oppose these unjust laws led by volunteer-in-chief Nelson Mandela. Like the modern US Civil Rights Movement, the Defiance Campaign draws inspiration from Mahatma Gandhi's theories of passive resistance and nonviolent civil disobedience, ideas shaped when Gandhi lived and worked as a lawyer and organizer in South Africa.

1953 - The Separate Amenities Act segregates bathrooms, libraries, hotels, bars, beaches, parks, hospitals, trains and buses. This is exactly like Jim Crow or segregation in the US (primarily in the South but practiced to varying degrees nationwide). The Bantu Authorities Act establishes puppet structures to replace village councils. The Bantu Education Act institutionalizes separate and unequal education for Africans, spending less on Black schools, paying Black teachers lower salaries, and preparing students for servile dead-end occupations.

1955 - The Federation of South African Women forms. Anti-apartheid activists boycott Bantu Education. Coloured voters are disfranchised. Group Areas Act causes forced removals of 60,000 Africans from Johannesburg's Sophiatown and Western townships. Congress of the People, an ANC allied united front, adopts the Freedom Charter at Kliptown, near Soweto, which sets forth guidelines for non-racial democracy in South Africa. 20,000 women march on Union Buildings in Pretoria, petitioning against racist legislation.

1956 - 156 ANC and other anti-apartheid leaders are arrested and tried for treason, including Nelson Mandela. After four years everyone is acquitted.

March 21, 1960 - The Sharpeville massacre sees the killing of 69 unarmed Africans involved in a nonviolent anti-pass law protest. Most of those murdered are shot in the back.

1961 - ANC founds *Umkhonto we Sizwe*, the "Spear of the Nation," a military wing, to lead an armed freedom struggle.

1961 - ANC head Chief Albert Luthuli wins the Nobel Peace Prize, becoming its first African recipient, for his dedication to nonviolent political struggle.

1962 - The UN encourages member states to break with South Africa. Nelson Mandela is arrested. The Congress of Democrats, White progressive allies of the ANC, are banned.

1963 - In a raid on a Rivonia farm, near Johannesburg, eight ANC leaders are arrested, including Nelson Mandela, Walter Sisulu and Govan Mbeki. The following year they are tried for treason. It is here that Mandela speaks from the dock:

> *I have cherished the ideal of a democratic and free society in which all persons live together in harmony and with equal opportunities. It is an ideal which I hope to live for and achieve. But if need be, it is an ideal for which I am prepared to die. The defendants are given life sentences and are remanded to Robben Island prison.*

June 16, 1976 - Students protesting instruction in Afrikaans lead widespread demonstrations in Soweto and other areas. Police kill scores that day and upwards of 600 over the next six months.

1983 - United Democratic Front (UDF), a coalition of 600 anti-apartheid organizations, emerges to oppose new laws granting Black local authorities semi-autonomy.

1984 - P. W. Botha becomes State President, taking on sweeping new powers. In December, Archbishop Desmond Tutu wins the Nobel Peace Prize for his anti-apartheid campaigning. At the same time, a vigorous Free South Africa Movement grows up in the United States, focusing on local and state divestment.

1985 - P.W. Botha offers to release Mandela if he renounces violence. Mandela responds by answering, "Let him...dismantle apartheid." Growing unrest at home and financial pressures from the outside encourage the South African government gradually to begin implementing limited legal reforms.

1986 - Apartheid reforms continue, but so also does a worldwide divestment campaign. The US passes the pro-sanctions Comprehensive Anti-Apartheid Act, which President Ronald Reagan refuses to sign. Congress overrides him. Unrest in South Africa continues to grow. In May, South African troops raid Botswana, Zambia and Zimbabwe. By June, a nationwide state of emergency is declared. UDF supports alternative structures such as Street Committees, undermining apartheid institutions in townships and in "homelands."

1988 - Botha continues limited reforms. Desegregation of some public facilities, including railways. Schools begin desegregating. ANC publishes Constitutional Guidelines in August. Mandela, stricken by tuberculosis, is hospitalized. Rumors begin circulating that he may soon be released.

January 1989 - P. W. Botha is succeeded by F.W. de Klerk. By September, De Klerk calls for a "new South Africa" and loosens restrictions on demonstrations. More social reforms follow in mixed residential areas. By October, eight resistance leaders, including Walter Sisulu, are released. The Separate Amenities Act is repealed in November.

February 1990 - The ban on the ANC and 60 other organizations is lifted by the South

African government.

February 11, 1990 - Nelson Mandela is freed. By March, however, political violence builds, especially in Natal where Inkatha, a Zulu nationalist organization led by Gatsa Buthelezi, clashes with ANC cadres, almost all of whom are also Zulu.

1991 - Government votes to abolish Group Areas Act and Land Acts of 1913 and 1936. Government, National Party, ANC, Inkatha, PAC (Pan Africa Congress), Democratic Party, SACP (South African Communist Party), Transvaal and Natal Indian Congresses, and other parties form CODESA (Convention for a Democratic South Africa).

July 26, 1993 - Post-apartheid constitution is unveiled.

April 27, 1994 - First all-race national elections held. Nelson Mandela becomes State President-elect and reconfigured ANC wins sweeping victory as political party.

The Truth and Reconciliation Commission (TRC) is based on the final clause of the Interim Constitution of 1993 and passed in Parliament as the Promotion of National Unity and Reconciliation Act No 34 of 1995 in language as follows:

> *...a commission is a necessary exercise to enable South Africans to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation.*
> **--Mr. Dullah Omar, Minister of Justice**

[Source: Rich Mkhondo, Reporting South Africa, "Appendix: The Rise and Fall of Apartheid," pp. 170-189.]

VENGEANCE, RETRIBUTION, AND FORGIVENESS
by Martha Minow

There are no adequate responses to collective violence, yet the failure to respond is unacceptable. Failure to respond lets wrongdoers proceed without a rejoinder and leaves surviving victims with the message that no one cares, and no standards of right and wrong matter. Failure to respond also could mean that no current actions are taken to prevent future acts of mass violence.

But what forms should response take, and with what motive or purpose? One goal could be vengeance: to make sure that wrongdoers get what is coming to them. Although vengeance can spiral out of control and lead to new waves of violence, even against people unconnected with past perpetrators, vengeance actually embodies important ingredients of a moral response to wrongdoing. Through vengeance-and the underlying impulse to retaliate when wrongs are done-we express a basic level of self-respect and a conception of equivalence that animates justice.

Retribution can be understood as vengeance curbed by the intervention of someone other than the victim and victim's immediate kin. Retribution thus can motivate governmental responses; government officials take on the task of denouncing past wrongs and giving persons their just desserts while affirming the dignity of all persons. This affirmation can

then carry the limitation on vengeance and guide the response to stay within bounds set by law, the presumption of innocence, and other practices of fairness toward those who allegedly committed great wrongs. Criminal prosecutions, such as those initiated after World War II in Nuremberg and Tokyo, and those underway at the International Criminal Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda, can channel vengeance into retribution by following the demands of due process.

Responses to collective violence by individuals or by national or international efforts can instead take the path of forgiveness. To forgive is not to ignore. Indeed, to forgive, one must name and specify the wrongs. Through forgiveness, people can renounce resentment while also claiming a position or equality with or even superiority over the wrongdoer. By forgiving, victims and survivors assert power while also acknowledging a kind of relationship with the perpetrators. Forgiveness need not be a substitute for punishment, because it involves a change in the attitude toward the wrongdoer that nonetheless may coexist with the operations of a justice system, complete with prosecutions and punishment. Yet very often, forgiveness involves forgoing punishment. The individual victim forgives and decides not to cooperate with the prosecutor. The societal equivalent is a form of amnesty or pardon, pre-empting prosecution and punishment. This may institutionalize forgetfulness unless coupled with a process of truth-telling and public acknowledgment of the wrongdoing. In addition, governmental forgiveness risks foreclosing a communal response unless some substitute for punishment is developed. No government or group can effectively command people to put aside feelings of revenge or expressable suffering.

Nyameka Goniwe, whose husband was one of the Cradock 4, portrays this vividly in **Long Night's Journey into Day** by refusing to offer her husband's killer absolution; she will not give him that, though she acknowledges that the Truth and Reconciliation Commission may give something in that vein. Yet a collective process can create an armature for individuals' emotions and communal expression: the challenge is to offer room for individuals to come to grips with what happened in their own way. Cynthia Ngewu, mother of one of the young men known as the Guguletu 7, initially says she will not forgive the informant who caused the ambush leading to her son's death, yet after a meeting confronting him, and hearing from him, all in the shadow of the TRC, she does indeed forgive.

Observers of South Africa's TRC note that many who were victimized are prepared to forgive police officers and public officials from the apartheid regime. Nonetheless, survivors recoil when perpetrators greet them with open arms and expectations of forgiveness and acceptance. In these cases, forgiveness is assumed rather than granted. A survivor may think: "Should you not wait for me to stretch out my hand to you, when I'm ready, when I've established what is right?" Forgiveness is a power held by the victimized, not a right claimed by the wrongdoer. 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. To expect survivors to forgive is to heap yet another burden on them.

Future relationships between survivors and perpetrators, and for that matter, between survivor and bystanders, can start on a different footing if reparations are developed for survivors. Reparations can take the form of monetary payments, restitution of wrongfully-

taken land and other property, dedication of new schools, parks, and communal services in the memory of those who were murdered and tortured, and even the return of bones of deceased loved ones. Reparations can also take the form of school scholarships and societal investments in housing and economic development for those most victimized by the prior violence and oppression. Who pays? Who decides? Answering these questions through newly-established democratic processes may be difficult. But the development of stable, democratic processes after conditions of mass violence is yet another vital response to the past collective horrors.

Discussion Questions:

What features of the conflict in South Africa can be understood as vengeance going out of control?

In what ways can the killers of Amy Biehl be understood as acting out of vengeance? Does this understanding make their actions more or less comprehensible, and more or less forgiveable?

Who should be empowered to grant forgiveness when a person is murdered? Can the family members ever forgive on behalf of the lost loved one, or can they only forgive with regard to their own loss? Can a state commission or state official ever forgive in the name of victims?

Is the TRC really engaged in offering forgiveness or only amnesty protection against prosecution? How are these similar, and how are they different?

ON TRAUMA AND FORGIVENESS
by Pumla Gobodo-Madikezela

> *"This thing called reconcilliation...If I am understanding it correctly...it means the perpetrator, this man who killed Christopher Piet, if it means he becomes human again, this man, so that I, so that all of us, get our humanity back...then I agree, then I support it all."*
> **--Cynthia Ngewu, mother of a young man slain in the Guguletu 7 incident, testifying before the TRC. (As quoted in "Truth v. Justice: The Morality of Truth Commission", edited by Robert Rothberg and Dennis Thompson.)**

Long Night's Journey into Day shows what is probably the most remarkable aspect of the TRC's work - the moving stories of forgiveness by families of victims in response to perpetrators' apologies. The story of the mothers of the Guguletu 7 offers the most dramatic illustration of how forgiveness may be offered instead of revenge. It is clear from the scene of the mothers meeting the man responsible for their sons' deaths that they are willfully "letting go" of the anger and rage they had expressed earlier. Their gesture of forgiveness seems to symbolize the release of something that was burdensome.

When someone has kept the rage and resentment against another for a long time, words of apology can release some of those welled up feelings. The embrace offered by one of the

Guguletu 7 mothers, Cynthia Ngewu, to Mbelo, a man who has admitted to being involved in the killing of her son, is a gesture symbolic of a special moment in her life. It is a turning point from rage and hatred to a place where she can begin to seek a new relationship with the past. In other words, Mbelo opens up the possibility of a "fresh start" in the relationship she has with the traumatic past.

The question may be asked, for what does she forgive Mbelo? For bringing about the death of her son? For betraying his own blood (as two other mothers, Mrs. Mjobo and Mrs. Konile, say when they confront Mbelo), for allowing his evil side to prevail, and for contemplating, planning and committing the deed? In offering Mbelo her forgiveness, does she mean to say, "I forgive you for being so malicious, so perverted, so indescribably wicked as to have committed this abhorrent act that has robbed me of my son"?

When forgiveness is offered, the gaze is not cast on the specifics of the deed. Forgiveness, while not disregarding the act, does not begin with it, but with the person. The deed itself must be transcended, which is not to say it must be forgotten. An act of forgiveness is a response not to the deed, but to the doer of the deed. It does not deny the deed. Rather, forgiveness recognizes the deed - its impact having been lived, and continuing to be lived, by the victim's loved ones - and transcends the deed.

People who come to the point of forgiveness have lived with and know pain. That is their reality: living daily with pain and memory of trauma. All these emotions connect them with their departed loved ones, and so they are a force that provides some continuity. Paradoxically, these emotions also tie the individual to the one who caused the traumatic wounds. On the one hand, the perpetrator is the hated one responsible for the family's anguish; on the other hand, the family members of the victim look to the perpetrator to get a glimpse of the final living moments of the loved one. The perpetrator is the bearer of the secrets, the only one who observed that important moment when the loved one breathed their last.

When the perpetrator shows remorse, which is to say when that person knows the pain of the victim with a heartfelt "I'm sorry," the moment becomes his own turning point. When he committed the horrible deed, he denied not only the humanity of his victim - in other words, he "didn't know" the victim's pain - but he denied his own humanity as well. His genuine apology is his way of reclaiming a humanity that was lost in a life of violence, and a crying out to be readmitted in the circle of humanity.

"It is as if you are my son - you are the same age as my son," says Cynthia Ngewu in welcoming Mbelo and opening the door for him to re-enter the moral realm of humanity. The point where she is able to match part of her son's identity with that of the man who murdered him is the high point for Mbelo, for he needed her forgiveness to cleanse him of the blood on his hands and to make him human again. Only the mothers could do that through their empathy for the man who killed their sons. Mbelo's only gift to them was remorse, showing that he knows their and their sons' pain. The perpetrator cannot undo the deed, but his acknowledgment and contrition go a long way in contributing to the healing of family members of victims.

For Linda and Peter Biehl, it seems that healing is not just a personal journey, but one in

which the men who brought about their loss have to be brought along, so that, as Peter Biehl says, "Amy's spirit will be a force in their lives." This is probably also in order to keep Amy alive in their hearts. The choice they have made raises one of the most critical issues concerning the process of dealing with the traumatic past: if memory is kept alive in order to kindle and cultivate old hatreds and resentments, then it is likely to culminate in hateful vengeance. But if memory is kept alive in order to transcend hateful emotions, to free oneself or one's society from the burden of hatred, then remembering has the power to heal, not just people who have suffered, but also those who have inflicted suffering.

Forgiveness is a vital part of healing. But it cannot be prescribed. The burden of forgiveness should not be on the victims, but on perpetrators. They should give victims reasons to forgive. It seems that this is the place where the Cradock 4 widow Nomonde Calata would like to be, but is still not ready to take that step: "I will also want to overcome this thing. I don't want to live with it my whole life."

Discussion Questions:

The gestures of forgiveness in the film are extraordinary in the apparent bonding between the Guguletu 7 mothers and the man responsible for their sons' deaths, and between Linda and Peter Biehl and the mother of the man who delivered the fatal blow that took their daughter's life. To what extent are these bonding experiences coping strategies (i.e., something done in order to reduce stress, lessen anxiety, make life more bearable, or be able to move on with one's life) rather than moral decisions? Does it matter whether it is one instead of the other?

Nomonde Calata's testimony ends with her saying, "I also want to overcome this thing. I don't want to live with it my whole life." What do you think it would take for her to overcome it? Does she need Eric Taylor for this to happen?

In the film, Jann Turner represents a unique, but not uncommon response to atrocities: the desire to face perpetrators not with vengeance and not necessarily with forgiveness, but with questions. She states: "A healthy normal reaction to ... facing the killer of your beloved husband, is that you should want to go and just hit them, hurt them, get revenge. I don't have that reaction and I know a lot of women don't. ... Why is it that we just want to face that person and say, can you explain to me why you did that?" What function does truth (being able to know who, how, and why) help with healing? Does understanding play a role in healing people who suffer trauma?

USING "LONG NIGHT'S JOURNEY INTO DAY" TO CONFRONT ISSUES OF RACE
by Prexy Nesbitt

The film ended and the three hundred-odd teachers and school aides sat for several minutes in the Cleveland school auditorium, silent and motionless. I let them sit, then asked gently, "So what does this film tell you about the United States?"

Long Night's Journey into Day is a film about ending apartheid racism and the process of reconciliation in South Africa. In another sense it is a film about racism and the difficulty of

reconciliation in the United States.

Long Night's Journey into Day is not an easy film. Just as the South African Truth and Reconciliation Commission (TRC) searched for and unearthed painful truths, so, too, does this film portray some stories which are difficult to view, let alone ponder. As a veteran educator and a 30-year activist against racism and apartheid, I believe that precisely because it is a difficult film, it is an invaluable teaching tool.

Long Night's Journey into Day poses particular problems for US audiences. For many white Americans, race is a subject which is avoided whenever possible. One cannot avoid discussing race and racism after seeing this film for it is rooted in the apartheid racial system's inequities and a racially-based conflict. Moreover, for the thoughtful viewer it provides a bridge for examining race and racism, the similarities and the dissimilarities, in the South African and US contexts.

The film is hard for some black Americans because it reveals injustice that is not entirely resolved in the end. The intense frustration and long-simmering anger we feel as black people living in the United States propels us, I think, towards a politic of revenge. It is extremely trying for us to assume the deliberative quest for the restorative justice, discussed by Archbishop Tutu in the film, as opposed to the more natural drive for retributive justice. Viewing the film, most black Americans will identify with the anger of ANC combatant Robert McBride and the four youth who killed Amy Biehl. And it will seem outrageous that anyone who killed activists in the service of apartheid would be given amnesty. But Mandela, Mbeki and the South African experience itself reminds us that rage is not discipline. It does not win wars and develop countries. Further, it should be recalled that retribution has never been the political rationale of the South African liberation struggle.

Some may come away frustrated that the film begins and closes with the Amy Biehl story. I think that this is one of the most positive assets of the film precisely because it compels the audience to reflect about why the struggle is being waged and about how seriously the South African leadership take their commitment to build a non-racist, non-sexist South Africa. I also think that the death of a white American volunteer in the South African struggle is an appropriate way to reach out to American audiences. Finally, to be pre-occupied with the Amy Biehl aspect of the film is to miss the far more poignant and revealing parts such as the coverage of the state sponsored assassination of the Guguletu 7. The confession alone of the black informer-killer, Thapelo Mbelo, to the Guguletu mothers, provides a history that dramatically resonates with US activities such as the assassinations of civil rights workers and the FBI's COINTELPRO operations.

Teachers can use some of the episodes in film as a basis for their students to investigate subjects like:

- Anti-apartheid youth activism.
- What are the ethics of violence versus non-violence when fighting against injustice?
- What might have driven a black person to collaborate with the apartheid era government in South Africa?

Ask students to place themselves in the position of any of the perpetrators in the films and imagine what they would have done in their particular situation.

Role playing and debating these and other topics could help take students into the deep textures of South African history and politics.

The issue of violence and the use of violence in a political struggle provides a rich opportunity for educational dialogue. The actions taken by perpetrators described in the film afford an occasion for mock trials or mock TRC hearings in which fundamental ethical and legal questions can be examined. Though constructs, they can be substantive exercises in which students and others can probe real and ongoing issues within both the South African and US criminal justice systems, concerns such as capital punishment and the treatment of juvenile offenders.

Long Night's Journey into Day exposes some of the mechanisms of repression used by the apartheid system. It also lays bare why and how people resist oppression. While its locale is South Africa, it simultaneously helps explain some of the tensions and conflicts raging today amongst many people in the US.

Long Night's Journey into Day is centered upon South Africa's Truth and Reconciliation Commission. The TRC has been a multi-year process of investigations and hearings that goes toward the heart of race and class matters in apartheid South Africa. The process has included investigating and documenting the stories of more than 22,000 victims and 7,000 perpetrators of the apartheid system. The film depicts four specific sagas from the apartheid system and the struggle opposing apartheid. All are about ordinary people, not famous names like Nelson Mandela, Walter Sisulu or Winnie Mandela. They are representative stories, characteristic of the anguish, pain and suffering which thousands endured, both under apartheid and during the struggle to overthrow it.

No national truth and reconciliation process has yet occurred in the US. With the growth in hate groups and increasing numbers of racial incidents, and, as well, more people protesting the hatred, racial tension in the United States is on the rise. Too often, US racial matters are deceptively cloaked in a plethora of national unity lies, myths and coded language. Together, the lies and myths become a web of ideological obfuscation which, cozily unfurled at deceptive corporate moments like Columbus Day, Dr. Martin Luther King's birthday or Black/Latino/Asian history months, serves to keep the American people from ever reaching for and internalizing hard truths which include our genocidal treatment of American Indians. The United States, as a nation, still hides its painful racial history and avoids long-term, structural solutions to its ongoing racial crises. **Long Night's Journey into Day** is a poignant exclamation point that the US has a long-overdue need for an in-depth process of truth finding, followed, one hopes, by reconciliation. While telling part of the story of South Africa's search, it also makes a great contribution to illuminating some of the pathways for the US journey.

Discussion Questions:

Some have argued for truth commissions around the policies and practices towards Native Americans, or the history and impact of slavery, or on racism and police abuse today. How

might such truth inquiries address these issues, and do you think this would be a positive contribution?

PROFILES

SOUTH AFRICA
After more than 350 years of colonialism and apartheid, the new South Africa guarantees equal rights to all citizens regardless of race or gender. Yet economic conditions in South Africa today remain very difficult for a majority of people, most of whom are Black, and a legacy of vast economic disparities persists.

Total Population: 41 million; 76% Black.

Work: 7.5 million adults are employed in South Africa; 23% of the total work force (outside the home) was officially unemployed in 1998; 26% of the employed earned $100 (US) or less per month.

Poverty: Over 60% of all South Africans were in poverty by national standards in 1996; 95% of the poor were Black; 1% was White.

Economic Disparities: The bottom 20% of the population received less than 3% of the nation's total income while the top 20% received almost 65% of the nation's income. South Africa's income disparities were the fourth largest in the world during the late 1990s.

UNITED STATES
As a British colony and independent nation, the United States maintained slavery for almost 250 years, including more than 90 years after it declared that "all men are created equal." No national laws effectively prohibited racial discrimination or segregation until the 1960s. Today, the United States is the largest, most prosperous economy in the world, although economic prosperity is uneven and economic disparities remain large.

Total Population: 276 million; 13% Black.

Work: Over seven million US adults actively seeking jobs were unemployed in 1996, less than 5% of the eligible population; Black unemployment was nearly 9% while the White rate was barely 4%. In 1995, almost 20% of Black families earned incomes of less than $10,000. 6% of White families had incomes below $10,000.

Poverty: The overall rate of poverty in the USA was approximately 13% in 1996; White poverty stood at little more than 11%. Black poverty was nearly 30%.

Economic Disparities: The bottom 20% of the population in the United States received less than 5% of the nation's total income while the top 20% received over 45% of the nation's income. The United States' income disparities were among the largest in the world in the 1990s.

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THE IMPACT OF RESTORATIVE JUSTICE ON THE CRIMINAL JUSTICE SYSTEM
by the Honorable Mary C. Morgan (Ret.)

The cornerstone of the American criminal justice system is the protection of due process rights of criminal defendants. A person charged with violating the law is presumed innocent until proven guilty. They have a privilege against self-incrimination, which means the state cannot use a coerced confession to prosecute. Only testimony deemed reliable by legal rules of evidence is admissible at trial. The testimony must not appeal to the sympathies of the jurors or inflame their passions. Before a defendant can be convicted, twelve jurors must be convinced that the prosecution has proven the defendant guilty beyond a reasonable doubt. If convicted, the punishment is usually incarceration.

The primary focus of our current system is the defendant: that person's apprehension, prosecution, conviction, and punishment. Much less consideration is given to the impact of crime on the victim, the victim's family, the defendant's family, or on the respective communities from which they come. As a result, the central question asked is "Did they do it?" Of much less concern are the questions: "Why did they do it?" "What can be done to repair the damage to the victim?" "How can the injury or wrong be prevented in the future?"

Unfortunately, this emphasis encourages wrongdoers to deny guilt and rarely accept responsibility for harming others. Confessions are evaluated as to whether they were coerced or obtained in violation of Miranda rights, rather than whether they are honest acknowledgments of culpability. Rules of evidence are used to exclude a defendant's statement of remorse because it is irrelevant to guilt or innocence. Feelings of terror and grief are hidden from jurors because they might inflame passions. Cross-examination picks apart details and seeks to belittle and humiliate victims. There is little opportunity for a victim and defendant to see and have empathy for each other as human beings, each of whom has experienced pain.

The process of the Truth and Reconciliation Commission as depicted in **Long Night's Journey into Day** is a very different approach to criminal justice. The primary focus of the TRC was on the victim as well as the perpetrator of violence. Both were invited to voluntarily tell their stories fully and freely to the Commission. Justice became synonymous with complete disclosure and taking of responsibility. Indeed, no rules of evidence constrained witnesses before the TRC. One Commissioner, for instance, invited the testimony of an elderly woman whose son had been murdered, by saying, "I wonder if you would like to tell us what is on your heart." The point of inviting the victim's story was not merely to punish the perpetrator. As Archbishop Desmond Tutu stated, "This process is not about pillorying anybody. It's not about persecuting anybody. It's ultimately about getting to the truth so that we can help to heal. And also so that we may know what to avoid in the future." The goal of the process is reconciliation - for the victim, perpetrator, and all of society - not merely punishment.

The stories in the film poignantly demonstrate the power of this process. Mongezi

Christopher Manqina, one of the murderers of Amy Biehl, recognizes that Amy Biehl was a human being who did not deserve to die. His mother grieves not only for her son who was incarcerated, but for Amy Biehl's family as well. The importance of the victim's forgiveness in order for the perpetrator of violence to heal is portrayed in the story of Eric Taylor, one of the murderers of the Cradock 4. The pain of a face-to-face meeting between murderer and mothers of those murderered and the process of forgiveness is vividly displayed in the story of the Guguletu 7. The TRC embodied a different paradigm of justice: reconciliation and restoration of all harmed by the violence.

Our criminal justice system is very successful in prosecuting and incarcerating defendants. It is less successful in creating communities in which citizens feel safe, victims of crime are treated with dignity, defendants and victims are reconciled, and defendants are not only held accountable but also reintegrated back into society as productive citizens.

A criminal justice system based on the philosophy of restorative justice, as portrayed in **Long Night's Journey into Day**, would no longer focus exclusively on the defendant. This does not mean that victims' "rights" become more important than defendants' due process rights. But it does mean that protecting and healing individual victims and the larger community are equally important to punishing and/or rehabilitating offenders. Indeed, they are integrally linked, and one cannot be accomplished without the other.

Some jurisdictions have adopted restorative justice programs, such as victim-offender mediation, court-ordered apology, victim impact statements at the time of sentencing, restitution for economic loss, and service to the victim and/or community. But restorative justice requires more than just innovative programs. It requires a reorientation of the criminal justice system so that victim and defendant are seen as part of the same social fabric. Justice is achieved when the victim's loss is publicly acknowledged, the offender is held accountable, the community is involved in healing and reintegrating both back into their common society, and the same commitment is made to healing victims as to punishing defendants.

Discussion Questions:

How portable is the TRC model? Would it work as a substitute for criminal prosecutions of perpetrators of hate crimes in the United States?

CONFLICT RESOLUTION
by Lynn Walker Huntley

Conflict resolution strategies vary with the circumstances that necessitate their use. For example, dialogue and collaborative problem solving, arbitration, mediation, law enforcement, exercise of voting rights, sanctions, public policy, non-violent demonstrations, contracts, treaties and other types of agreements are all in essence ways by which conflicting interests may be resolved. Some conflicts are ended by use of force and imposed peace by the victor over the vanquished.

Although some types of conflict can escalate into senseless violence, not all conflict is bad. In unjust societies, if those who are oppressed and their allies do not resist the oppression,

transformation may not occur. Indeed, in societies where there is little tension manifest and gross disparities in wealth and power, the absence of resistance is a likely measure of the power of the repression. Or as the great abolitionist Frederick Douglas once wrote, "Power concedes nothing without demand. It never has, and it never will." It is important to think of conflict resolution methods, not solely as means for eliminating social conflicts, but rather as a means to channel those conflicts constructively so that lasting and positive outcomes can be achieved.

Of the South Africa Truth and Reconciliation Commission's (TRC's) approach to conflict resolution, TRC Vice Chair Alex Boraine has said:

> *Reconciliation is moral imperative and practical necessity, if we are to live in stability and peace. But reconciliation cannot be insisted upon...To hold out forgiveness as a choice is different...We have people seeking to forego bitterness, renounce resentment, move beyond old pain and hurt, and, in so doing, they have become victors and survivors rather than passive victims... Reconciliation comes at a price. It is never cheap. It is always costly, and it is always painful.*

In South Africa, the same process that generated wealth and a high standard of living for Whites created Black poverty and underdevelopment. Members of the White minority used state force, power and resources to enrich themselves, while systematically denying equal education, employment opportunities, healthcare, housing, land title and other basic democratic rights - even citizenship - to Blacks. Blacks had no rights that White South Africans were bound to respect.

Through the South Africa Truth and Reconciliation Commission, the new majority Black government and its allies of diverse ethnicities/races sought to document the human rights violations that were commonplace during apartheid and make modest financial recompense to identified victims and/or their families. The TRC also sought to promote contrition by perpetrators and spare the nation the expense and protracted antipathy that would flow from mass trials of persons believed to have committed grievous acts. Through truth-telling, the TRC helped to purge South Africans of the ignorance, denial, pain, anger, violence, hatred and division that would rob the fledgling republic of the unity and stability needed to create a shared and workable future for all, irrespective of race. The TRC could not, however, dismantle the institutional practices, inequality and Black poverty that are apartheid's legacy. These gross disparities continue to generate societal conflict at all levels in South Africa. Redress lies ahead.

The film provides Americans with much food for thought. Like the South African neighborhoods shown in the film, rich and poor, separate and unequal, Black and White, in the United States, we continue to have de facto spatial segregation of discrete groups in many places along comparable lines. With distance and segregation come misunderstandings, myths, and the isolation that breeds despair and worse. The docks of courts in the United States are filled with perpetrators of crimes and victims, even as the TRC hearing rooms were filled with people searching for justice and closure. In both countries, there are many Whites who do not seek to make common cause and unification with Blacks and others perceived to be different from themselves. Rather, possessed of a

social Darwinistic mindset, they seek separation and privileges for themselves and the group of which they are a part. Such attitudes make real reconciliation impossible. For in order to have reconciliation, the parties at odds with each other must all feel empowered and want to come together.

However, in both countries, as the film also reveals, there are human beings of great courage and good will who refuse to be reduced to mean and bitter spirits. Of these people, South African educator/scholar Njabulo Ndebele has written: How is it that such people, who have suffered so much, continued to strive for coherent lives, raising families, building communities, striving for personal ends?

> *How is it that they were able to forgive some of the assassins? Surely life testimonies of this nature have the considerable potential to inform a new moral and value system in our country. It is this that offers over the depraved, the promise of redemption.*

The lessons to be drawn from the film and the South African experience are many. The most powerful is that wherever and whenever the basic human rights of human beings are violated, conflict is set in motion. Oppression breeds resistance. Violence begets violence. Guilty and innocent people suffer. Whether a person is hailed as a hero or condemned as a murderer is often a thin line.

Where we stand, more often than not, depends upon where we sit. The challenge we face is to become bigger than ourselves.

Discussion Questions:

Many remain skeptical about the TRC's impact and value, pointing out that Blacks are still overwhelmingly poor, and apartheid's beneficiaries remain privileged. How can we best approach reconciliation when the legacy of past injustice still exists?

CRIME & PUNISHMENT IN AMERICA
by Pamela Harris

American observers of South African apartheid and the TRC may be compelled to point at South Africa as a country that has much work to do in terms of healing the injustices of racism. When we draw our gaze back home to the US, what do we find? Are we more advanced than South Africa in our work to combat racism? With the dismantling of Jim Crow and the rise of the Civil Rights Movement, is our task in this country complete? Recent facts and figures about the American criminal justice system and rates of incarceration for Blacks suggest that we are, in fact, far from finished in our struggle to end institutionalized forms of racism in this country.

The Washington Post; June 8, 2000 - "The nation's war on drugs unfairly targets African Americans, who are far more likely to be imprisoned for drug offenses than whites, even though far more whites use illegal drugs than blacks, according to a new report by the advocacy group Human Rights Watch.... Overall, black men are sent to prisons on drug charges at 13 times the rate of white men.... Overall, one in 20 black men over the age of

18 is in a state or federal prison compared with one in 180 white men."

The New York Times; March 7, 1999 - "For an American born this year, the chance of living some part of life in a correction facility is 1 in 20; for black Americans it is 1 in 4."

The New York Times; July 7, 2000 - "Going back to 1988, the attorney general has authorized the death penalty against 199 defendants, according to the death penalty project. Three- fourths of these defendants have been members of minority groups, with 103 of them African Americans, the project said."

The New York Times; May 24, 1999 - "The harassment of innocent black motorist has become an issue in California, Massachusetts, Oklahoma, Pennsylvania and elsewhere. But the most instructive case is that of Maryland which has been embroiled in the matter since 1992.... Black motorists account for 17 percent of the traffic and the same percentage of speeders - along Interstate 95 in northeastern Maryland. But the data collected by the police show that 77 percent of the motorists who were stopped and searched between 1995 and 1997 were minority drivers who were no more likely to be guilty of anything than were the whites who were stopped. The statistics are stark and compelling. Disparities clearly exist in the rates of incarceration for Blacks and Whites in America. The high rates of imprisonment for Blacks has been called a crisis in the Black community - destroying families and social networks for generations to come. How do we as Americans support racial inequality in our criminal justice system? How is this different from some White South Africans who insist that they were not responsible for apartheid? Consider Sharon Welgemoed's assertion in the film that she was an inocent victim of violence and did not support apartheid and cannot be held responsible for the atrocities that happened. Though many might recoil in horror when listening to Sharon's justification, are we really so different from her?"

For Consideration:

- How do you benefit from the oppression of others?
- How do you participate in continuing oppression?
- Where do you resist oppression?
- What role does racism play in the disparity in rates of incarceration for Blacks and Whites in America?
- How does society suffer or benefit from the imprisonment of a significant segment of its population? What steps can be taken to halt this trend?
- Do you know anyone who is presently incarcerated or who has been to prison in the past?
- Do you agree with the "war on drugs"? Mandatory sentencing laws? The death penalty?

EYEWITNESS ACCOUNTS

SELBY SEMELA

On June 16th, 1976, demonstrations took place in Soweto to protest the government's

policy of the use of Afrikaans as the language of instruction for Black youth. These demonstrations, which soon spread throughout the country, were a turning point in the history of the apartheid resistance movement. At the time, Selby Semela was an 18-year-old student and served as the Treasurer of the Soweto Student Representative Council, an organization that was responsible for organizing the protest. Soon after the day's events, Selby was forced into exile. He now makes his home in New York City.

My view of the police in general evolved as I grew up in the tense times that preceded the Soweto Uprising of 1976. Black policemen - and their families - had it good up until then. Things were so much under control that they didn't go around openly abusing their power. Times changed, of course, and the Uprising forced everyone to take sides publicly. At the time, it was pretty clear that the police were the enemy, and the fact that there were Black cops during the days of Steve Biko's Black Consciousness Movement was unbelievable. In the eyes of my fellow students and me, they were evil incarnate. My feelings were confirmed when I was shot on June 16, 1976 by a Black cop from my neighborhood. As one of the student leaders, I was a target. I was already living underground at that time. I believe that one of the things that finally brought down the apartheid government was their conviction that you could cripple the movement by killing or imprisoning the leaders. They just didn't get that there was a real movement underfoot.

There were 50,000 children in the streets that day, staging the first demonstration South Africa had seen since the Sharpville massacre in 1960 when Africans were shot in cold blood for burning their passbooks. The police went crazy that day in 1976, killing children, who fell to the ground with their bookbags still clutched in their arms. I was brought to the clinic where Hector Peterson died. Hector was the boy who galvanized the international community when the photograph of his murder flashed around the world. That was the day that Black cops started openly killing other Black people in South Africa. There is something so awful about selling out your people that I knew I could never forgive those who chose that path.

When I saw the final segment of **Long Night's Journey into Day**, and watched that Black cop speak to the mothers of the men he had victimized on that day long ago, I saw his eyes reach for theirs and I saw sincerity in his heart. I believe that he was in pain. I can't excuse his choice to become an apartheid lackey, but I can, for the first time, see more than a traitor. I can somehow recognize his humanity and weakness more as a part - albeit a terribly sad part - of the human experience. After everything I have seen and experienced myself, there is something about that segment of the film that made me understand, in a new and very profound way, just how much the apartheid system dehumanized my people.

JENNIFER LLEWELLYN

Amy Biehl, an American student in South Africa working with the ANC, was killed by four Black youths during political unrest in Guguletu township. The case drew international attention. During the summer of 1997 Jennifer Llewellyn, a young, White, Canadian-born law student, worked as a researcher for the TRC. Below is her journal entry from the last day of the Amy Biehl hearings.

July 9th, 1997
This week and last have been Amnesty hearings here at the Commission's National Offices in Cape Town. They have bought with them some horrific stories and incredibly moving moments where victims have confronted those responsible for what happened to them or their loved ones. Of all the stories I have heard over the last two weeks, today's seems to have affected me the most....

In many ways I found this hearing extremely difficult. Maybe because she was so much like me. Maybe because the victim was close to home this time. But I also found the amount of press coverage of and attention to this case disturbing. The world press was here in full force, unlike any other hearing during my time at the Commission. Perhaps this is understandable. Amy was white, American, young, a woman, and working for the forces of "good." It is easy under these circumstances to feel sorry for her death, to feel outraged. And well we should. But what of all the thousands of others who lost their lives in similar circumstances? Why do these deaths not prompt such an outcry? Maybe because there are so many. On mass they are disturbing yet individually they are too many to attend to. They sort of blend one into the other. I find this so profoundly sad. The worth of human life seems to blur in this context. It is easy for people/victims to become numbers, statistics or residents of categories. Maybe this is the only way to stay sane, to depersonalize things. But since being here and hearing the individual stories of victims I find I am unable to do this[1] there is no easy way to deal with the horror and the suffering. Perhaps this is what the Commission can provide - a chance for the stories, which are so easily lost, to be found and heard. The question is, however, will the world listen? Or will they make it easy on themselves and only hear the few stories that they can relate to and understand?

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