

Common Past, Divided Truth:

The Truth and Reconciliation Commission in South African Public Opinion

by

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Contents

INTRODUCTION	3
THE SOUTH AFRICAN TRUTH AND RECONCILIATION COMMISSION.....	6
MANDATE	6
THE WORK OF THE HUMAN RIGHTS VIOLATIONS COMMITTEE.....	7
AMNESTY PROCEDURES	7
REPARATION AND REHABILITATION.....	9
THE REPORT.....	10
UNDERSTANDING PUBLIC REACTIONS TOWARDS INSTITUTIONS OF TRANSITIONAL JUSTICE: SOME THEORETICAL CONSIDERATIONS	12
PROCEDURAL JUSTICE.....	12
PAST ALLEGIANCES AND DENIAL.....	14
THE CONCEPT OF POLITICAL GENERATIONS.....	16
QUANTITATIVE RESEARCH ON ATTITUDES TOWARDS APARTHEID AND THE TRC	17
SURVEYS CONDUCTED DURING THE APARTHEID ERA.....	17
SURVEYS CONDUCTED IN POST-APARTHEID SOUTH AFRICA	18
PUBLIC ATTITUDES TOWARDS STATE REPRESSION DURING APARTHEID TIME.....	21
SUPPORT FOR THE APARTHEID SYSTEM.....	21
WHITE FEARS	24
PUBLIC SUPPORT FOR STATE REPRESSION	25
BLACK REACTIONS TOWARDS STATE REPRESSION	27
PERSONAL REMEMBRANCE OF HUMAN RIGHTS VIOLATIONS AND DISCRIMINATION.....	28
PUBLIC OPINION ON THE TRC AND THE APARTHEID PAST	30
THE TRC IN PUBLIC OPINION.....	30
PUBLIC VIEWS ON THE IMPARTIALITY OF THE COMMISSION	35
PUBLIC VIEWS ON THE LIBERATION STRUGGLE AND THE STATE REPRESSION.....	38
THE TRC - SUCCESS OR FAILURE OF PUBLIC PEDAGOGY?	44
SUCCESSSES	44
MIXED REACTIONS	45
FAILURES	48
CONCLUSIONS.....	51
REFERENCES AND NOTES.....	53
BOOKS AND ARTICLES	53
SURVEY REPORTS AND DATA FILES	55

Introduction

Legal institutions have played a central part in dealing with past atrocities in newly established democracies. Besides criminal trials, truth commissions have become a frequently used tool to investigate past human rights abuses (Hayner 1994). Although truth commissions are not standard institutions of law enforcement, most of them had quasi-judicial functions. The most sophisticated truth commission to date, the South African Truth and Reconciliation Commission (TRC) can be compared with a court that cannot pass sentence, but grant or refuse amnesty to perpetrators of gross human rights violations.

Mark Osiel (1997) has argued that in the aftermath of large-scale brutality, the need for public reckoning with past horrific events is more important to democratisation than the criminal law's more traditional objectives of deterrence and retribution. Osiel stressed that criminal trials must be conducted with the pedagogic purpose in mind. They should stimulate public discourse about past atrocities and foster the liberal values of tolerance, moderation, and civil respect. As truth commissions cannot punish, these aims are usually even more expressively emphasised by representatives of such commissions. But few empirical research has been done, whether legal institutions have been able to achieve these goals. Public opinion surveys are therefore an important source to analyse the potentials and limits of legal institutions in shaping collective memory, social solidarity and respect for human rights.

Using the South African Truth and Reconciliation Commission as an example, I want to demonstrate to what extent legal institutions are able to influence the political culture of post-authoritarian countries. The acceptance of the truth commission's report may not only depend on whether their procedures are considered as fair. Societies in transition are often characterised by a 'cultural lag' (Welch 1993). Attitudes formed and entrenched under authoritarian rule continue to be expressed in the new dispensation. Their content is largely shaped by the divergent experiences of supporters and victims of the past regime. In the immediate post-authoritarian era remembrance of past atrocities will therefore largely remain determined by these past allegiances.

I have entitled this paper 'Common Past, Divided Truth: The South African Truth and Reconciliation Commission and public opinion'. Critical readers may ask, is there indeed a common past in South Africa? Does a common history exist at all? Is history not about remembering and remembering not always a selective process, in which certain events are commemorated and others forgotten? Why talking about a common past, especially in South Africa? Did apartheid not forcefully entrench difference? What does growing up in the wealthy northern suburbs of Johannesburg, an Afrikaner *dorpie* in the Karoo, and the shanty towns of the East Rand have in common?

When speaking about a common past I would like to emphasise that although apartheid was experienced differently - all South Africans will remain confronted with the recent history of repression and inhumanity for a long time. Even future generations that never experienced apartheid, nor have any personal responsibility for past injustices, will have to face up with this legacy. Authoritarian regimes might develop sophisticated methods of torturing, killing and making people disappear, but they never can succeed extinguishing their deeds. The experience of human rights violations will continue to live on in the lives of the survivors, their friends, relatives and children. Past atrocities will haunt the consciousness of perpetrators and by-standers for decades and will surely remain a topic of public discourse and moral reasoning in South Africa. The apartheid past will not disappear as a common topic of debate. In a society where former victims and beneficiaries live 'next door', everybody will be forced to relate to the apartheid past, a past which transcends personal experience. This is the common past I am speaking about.

Let me turn to the second part of the title: 'Divided Truth'. Do I want to say that there is no truth? Or is this another trendy essay of misunderstood post-modern thought, that makes one feel that normative standards and factual realities have ceased to exist, that the past is only about perception and imagination? Although I concede that what human beings regard as the 'past' is always a cognitive representation - a representation that can be constructed and changed through public myths and historiography - I do not want to fall into the trap of post-modern indifference. *Not all interpretations of the past have the same right to be accepted.* Public perceptions are not necessarily proper accounts

of reality. Uncritical glorification of the so-called benefits of separate development and images of a 'clean' and always heroic liberation struggle should be challenged. I am speaking about 'divided truth' rather to draw attention to the empirical fact that public perceptions of the apartheid past continue to differ.

A pluralism of historical perceptions is not inherently bad. Democratic societies are not characterised by a single or imposed account of national history that is beyond rational argument. To the contrary, an active and ongoing discourse about the past and its moral implications is an indicator for a vital democracy. National unity and reconciliation is however impossible on the basis of completely incompatible tales of the apartheid past. First, justifications of the apartheid system and past human rights abuses question the basic commitment to the new democracy and its fundamental values entrenched in South Africa's new constitution. Second, it is impossible to build interpersonal trust between those who suffered and those who benefited from the apartheid system, when past injustices are ignored, justified or denied. As long as moral judgements about the apartheid past differ fundamentally, and as long as there is no consensus about the commitments that have to be made to alleviate past injustices, South Africa's political culture will remain deeply fragmented across past ethnic and political divisions.

This paper is divided into six parts: The South African Truth and Reconciliation Commission will be described first. Thereafter I will consider three theoretical aspects influencing public acceptance of legal institutions in transitional societies: procedural justice, past allegiances and political generations. The following part contains a brief description of the public opinion surveys used in this study. I will turn then to public opinion under apartheid rule and provide a more detailed analysis of public attitudes towards the TRC process in post-apartheid South Africa. I conclude with an evaluation of the successes and failures of the Truth Commission's public pedagogy in South Africa.

The South African Truth and Reconciliation Commission

The South African Truth and Reconciliation Commission (TRC) is a reflection of the historical compromise between the apartheid regime and the African National Congress (ANC).¹ During the multiparty negotiations in Kempton Park the apartheid government was not willing to hand over power to an ANC-led Government of National Unity without securing amnesty for its servants. In a last minute deal a post-amble was added to the Interim Constitution of 1993. The post-amble provided that the first democratic Parliament should pass a law regulating the mechanisms, criteria and procedures through which amnesty should be granted.

After extensive discussions in Parliament the *Promotion of National Unity and Reconciliation Act* (Act No. 34 of 1995, hereafter the 'TRC-Act'), providing the legal framework of the South African Truth and Reconciliation Commission, was passed on July 26, 1995.² Most political parties, including the National Party (NP), the former ruling party, supported the legislation. Only the right-wing Freedom Front voted against it; the Inkatha Freedom Party (IFP) abstained.

Mandate

The main objective of the TRC is to establish as complete a picture as possible about gross human rights violations between March 1960, the month of the Sharpeville massacre and subsequent begin of the armed liberation struggle, and May 10 1994, the date of Nelson Mandela's inauguration as first democratic State President.³ The Truth Commission shall investigate into gross human rights violations related to the past political conflicts in South Africa inside and outside the Republic, irrespective whether they were committed by the government's security forces or the liberation movements. A gross violation of human rights is defined by the TRC-Act as „the killing, abduction, torture or the severe ill-treatment of a person“ (TRC-Act S 1(1)ix). As a consequence the legalised injustices of apartheid, like forced removals or prolonged arbitrary detention, were excluded from the scope of the TRC. Investigations of the Commission had to focus on the excesses of the apartheid system while the inherent criminality of the apartheid legal order remained largely untouched. The Truth Commission is assisted

by three sub-committees: the Human Rights Violation Committee, the Amnesty Committee and the Reparation and Rehabilitation Committee.

The Work of the Human Rights Violations Committee

The Human Rights Violations Committee held public hearings in more than eighty towns. About 1.200 victims reported in public about their fate or that of their loved ones.⁴ They could tell their story freely without being subjected to a undignified and degrading cross-examination by alleged perpetrators and their lawyers. The shocking accounts about their victimisation were extensively reported and screened on national television. The hearings focused not only on the violation, but also on the psychological, physical and social consequences survivors and family members of victims had to endure. In total 21.296 statements relating to more than 36.000 gross human rights violations were collected (TRC-Report 1998, Vol. 3, 3). Another obvious advantage of the South African Truth Commission was that it could inquire into the „causes, nature and extend of gross human rights violations ... including the antecedents, circumstances, factors and context of such violations“ (S 3(1)a TRC-Act). Therefore various forms of collaboration, conformity and public support for the apartheid regime could be examined - manifestations of culpability that are usually beyond the scope of criminal law. For this purpose a series of institutional hearings were held where various influential sectors of society were called to account: the media, business, the legal system, the health sector and the faith communities (TRC-Report 1998, Vol. IV; Dyzenhaus 1998; Chapman and Rubenstein1998; Cochrane, De Gruchy, and Martin1999). All these sectors had, over the years come under attack for their complicity in human rights violations and the apartheid system.

Amnesty Procedures

The South African TRC is unique compared to other truth commissions as it combines a truth finding process with amnesty proceedings. Perpetrators of past political crimes may be granted amnesty, if they come forward and make a full disclosure (S 20 (1) c TRC-Act). Amnesty may only be granted to

individuals who made an application before September 30, 1997.⁵ Suspects who failed to apply for amnesty or are refused amnesty may face criminal prosecution.

The Amnesty Committee has the difficult task to decide whether the applicant has made a full disclosure and if his or her act was politically motivated. A politically motivated crime is defined in the TRC-Act as a crime committed on behalf of, or in support of the state, a liberation movement or any other publicly known political organisation (S 20 (2) a-g TRC-Act). In order to ascertain whether the crime was associated with a political motive the Amnesty Committee of the TRC shall be guided by various criteria, including the proportionality of the act with its goal, the motive, gravity and context of the crime (S 20 (3) TRC-Act). But in practice amnesty was granted rather generously, irrespective of the gravity of the act or its proportionality (Kutz 1999). The Amnesty Committee received in total 7127 applications. By June 30, 1988, more than half of all applications (4.021) were refused (TRC-Report 1998, Vol. 1, 276). The official statistics of the TRC conceal that many amnesty applications came from ordinary criminal prisoners who had acted without a political motive. These applications were usually dismissed without any hearing. Only about 1.400 amnesty applications related to gross human rights violations to be heard in public before the Amnesty Committee. Most of them were from members of the liberation movements and police officers, very few applications were received from military personnel. The work of the Amnesty Committee will not be concluded before year 2000. Yet, an analysis of the amnesty decisions which have already been announced and published to date (30. August 1999) reveals that amnesty was granted to 346 applicants (69 percent), refused to 108 applicants (22 percent) and granted in part to 46 applicants (9 percent).⁶

The amnesty hearings resemble court proceedings. They are chaired by a judge and held in public, often in front of running television cameras. Amnesty applicants have the right to legal representation and victims and their lawyers may cross-examine them (S 34, S 30 (2) TRC-Act). A process of legal review is not specified in the TRC-Act, but an amnesty decision relating to 73 high-ranking ANC-members was overruled by the High Court in Cape Town and referred back to the Committee.

Successful applicants are granted amnesty in respect to criminal *and* civil liability (S 20(7)a TRC-Act). The applicant must be a) either released from prison, b) his pending court case stopped, or c) indemnity is granted for applicants who were not tried (S 20(8) TRC-Act). By virtue of Section 20(7) perpetrators of human rights violations may receive impunity for their crimes, whereas their victims are not able to lay any civil charges for their suffering against the perpetrator, his political organisation, or the state.

The amnesty provisions were challenged by relatives of Steve Biko and other famous slain anti-apartheid activists before the South African Constitutional Court. They claimed that the amnesty provisions violated the right „to have justiciable disputes settled by a court“ contained in Section 22 of the 1996 Constitution. In July 1996 the Court upheld in *AZAPO v. President of the RSA* (1996 (8) BCLR 1015 (CC)) the constitutionality of the legislation. The compatibility of the South African amnesty provisions with current international law remains however questionable (Dugard 1997; Motala 1996; Theissen 1998).

Reparation and Rehabilitation

The powers of the Reparation and Rehabilitation Committee of the TRC were in comparison very limited. It could only recommend a future reparation policy to the State President and Parliament (S 4(f) and S 25(1)b TRC-Act). The Commission proposed a system of individual and community based reparation measures (see TRC-Report, Vol. 5; Fernandez 1999). The latter include, amongst others, symbolic reparations (e.g. erecting headstones, building memorials, renaming public facilities, a day of remembrance, etc.), legal and administrative interventions (e.g. expunging criminal records, issuing declarations of death, etc.) exhumations, reburials and ceremonies.

The first payments of urgent interim reparation - a once-off payment of R2000 to R5705 - were only made in July 1998, two and a half years after the Commission came into being (TRC-Report 1998, Vol. 5, 181-2). As future reparation policy the TRC recommended individual reparation grants for victims or their next of kin. The proposal consist of annual grants of R 17.029 to R 23.023 for a period of six years to some 22.000 victims. The total costs of this policy would be about R477 million per

annum. To minimise administrative costs the proposed calculation system does not take the degree of physical, psychological or financial harm into account (TRC-Report 1998, Vol. 5, 184-7). Furthermore only those victims of gross human rights violations will be eligible for reparation who have made a statement to the TRC before December 1997, or were identified as victims of a gross human rights violations during an amnesty process (S 26(1) TRC-Act, TRC-Report, Vol. 1, 86). At the moment it remains to be seen whether Parliament will implement at all a reparation scheme based on these suggestions. Statements made by ANC Secretary General Kgalema Motlanthe suggest that the current government prefers to implement community reparation measures instead of individual grants (*Sunday Times*, 7.2.1999).

The Report

The Report of the Truth and Reconciliation Commission was handed over to President Nelson Mandela on October 29, 1998. The five volumes of the Report contain a detailed account of gross human rights violations committed by the state, former homeland regimes and the liberation movements in and outside South Africa. The report includes regional profiles of human rights violations, a summary of the institutional hearings, and a volume with the main findings and recommendations to prevent future human rights violations.

The TRC was not tempted to equalise the struggle of liberation with the human rights violations of the apartheid regime. Apartheid is correctly characterised as a crime against humanity and the armed resistance against apartheid is recognised as a „just war“. The Commission maintains, however, that „the fact that the apartheid system was a crime against humanity does not mean that all acts carried out in order to destroy apartheid were legal, moral and acceptable“ (TRC-Report 1998, Vol. 1, 68-9) The report states that the „predominant proportion of gross violations of human rights was committed by the former state through its security and law-enforcement agencies“ and gives a detailed account how the killing or ‘eliminating’ of activists became increasingly practised inside South Africa from the mid-1980s. (TRC-Report 1998, Vol. 5, 212-18).

The report makes several perpetrator findings. Prominent politicians, who have not applied for amnesty, like State President PW Botha, Inkatha Freedom Party leader Gatsha Mangosuthu Buthelezi, and Mrs. Winnie Madizikela-Mandela are found to be responsible for gross human rights violations (TRC-Report 1998, Vol. 5, 223-243). The finding on former State President FW de Klerk was blackened-out after a successful last minute court-appeal and will become subject to a future legal hearing. A similar court appeal by the ANC to suppress the publication of incrementing findings about the organisation failed.

The report recommends that „where amnesty has not been sought or has been denied, prosecution should be considered“ and that the „granting of a general amnesty in whatever guise should be resisted“ (TRC-Report 1998, Vol. 5, 309). To what extent, if at all, prosecutions will take place remains open. About 500 cases were handed over to the national director of prosecutions, Bulelani Ngcuka, who stated that some prosecutions might be dropped in the name of national reconciliation (*Sowetan*, 02.11.1998). A special amnesty for the province KwaZulu-Natal has been suggested repeatedly and there have been discussions to table an amnesty bill that would strike down civil claims against the state and political organisations for past violations that were not heard by the Amnesty Committee (Klaaren 1999).

The removal of perpetrators from public office is explicitly not recommended (TRC-Report 1998, Vol. 5, 310-11). A convincing reason for this recommendation is not given, but sources from within the Commission claim that a majority of the commissioners feared that a contrary recommendation would have disproportionately affected ANC officials in government post.

The Truth Commission has been extraordinary successful in documenting past human rights abuses. This is especially true for atrocities committed by the Security Branch of the South African Police. Despite these successes one should not forget, that for most victims the promise of truth has not been fulfilled. Time pressure made it necessary to concentrate investigations on those cases where an amnesty application was received. Most victim statements presented to the TRC were only corroborated - checked in consistency and with official records like death certificates or medical reports - in order to be able to classify them as victims. In probably 90 percent of all cases the truth commission was unable

to present victims with new evidence. What remains is an acknowledgement of their suffering. Some victims could put their story at a hearing on public record, the fate of others is described in the report. But for most survivors acknowledgement is limited to a mere listing of their name in the report. No further particulars are given. From a victims' perspective the experience with the TRC can so far be summarised like this: Some acknowledgement, some truth, hardly any reparation.

Understanding Public Reactions towards Institutions of Transitional Justice: Some Theoretical Considerations

Procedural Justice

In an recent article Susanne Karstedt (1998) has tried to explain public reactions towards trials of former government officials by applying theories of procedural justice to societies in transition. Research on procedural justice (Lind and Tyler 1988) predicts that public attitudes towards institutions of transitional justice depend on two factors: The first factor is fairness. Are the procedures regarded as fair? The second factor is outcomes. Are the decisions and findings of the institution positive or negative to the relevant individual or social group?

One of the most important empirical findings of procedural justice research is that 'just' procedures enhance the satisfaction with the outcomes, even when the outcome is unpopular (Lind and Tyler 1988, 205). Research has furthermore shown that perceptions on procedural justice are strongly correlated to institutional legitimacy. There is, however, disagreement about the causal relationship: Do judgements about the fairness of a procedure influence the publics' trust in an institution (Tyler and Rasinski 1991), or does the causality run precisely in the other direction (Gibson 1991; Mondak 1993). The latter position would imply that established opinions about controversial institutions like the TRC may be so strong, that judgements about the fairness of their procedures are rather a reflection of preconceived feelings about them, and not based on a detailed evaluation of their procedures. People may regard the procedures of the TRC as unfair, only because they do not like the institution or its outcomes.

Although I am pessimistic about whether fair procedures will automatically yield public support for institutions of transitional justice among all members of society, I agree that decisions of these bodies are more likely to be accepted if they stick to essential rules of procedural justice. Leventhal (1980) has identified six of them:

- Consistency: Procedures should be consistent across time and across people. Everybody should individually be treated equal by the procedure. Consistence across time means that the same rules to judge the behaviour should be applied.
- Bias suppression: The decision makers should be unbiased.
- Accuracy: Decisions must be based on as much correct information as possible.
- Correctability: Opportunities must exist to modify and reverse decisions.
- Representativeness: The process must represent the concerns of all important subgroups and individuals.
- Ethicality: The process must be compatible with prevailing moral and ethical standards.

The TRC infringes some of these rules. The amnesty procedures are inconsistent with the principle of ordinary criminal law, namely that somebody who tortures or kills should be brought to trial and punished if found guilty. Such 'unfairness' may be mitigated as other rules of procedural justice are followed. Victims may oppose amnesty applications and cross-examine perpetrators during an amnesty hearing (*representativeness*). Amnesty can only be granted on the basis of full disclosure before a public working Amnesty Committee (*accuracy*). There is a strong chance that the South African amnesty process is more acceptable to victims and the general public alike than a blanket amnesty would be.

Karstedt (1998) has suggested that trials and lustration processes conducted in the context of a transitional justice will inherently violate rules of procedural justice: The aim of transitional justice is not consistency, but a decisive break with the past application or non-application of the law. Behaviour that was previously regarded as legal - or tolerated by the state - shall now come under public or legal scrutiny.

But does the public necessarily regard this change of policy as an inconsistency? This would only be so, if the application of law during authoritarian rule would be regarded by all members of the society as a legitimate yardstick for normative consistency. Often the contrary is evident. People rather

regard the old, than the new application of law as a decisive break of universally accepted norms of justice. Although new law might be applied, institutions of transitional justice are often regarded as restoring basic rules of procedural justice instead of infringing them. Typical is rather a lack of agreement about what normative standards should be applied. Procedures are considered as fair by one section of the population, while others oppose this position.

Past Allegiances and Denial

Public reactions towards institutions dealing with past injustices cannot be satisfactorily explained by the theory of procedural justice. Criminal trials and truth commissions challenge official denials and justifications of past human rights atrocities and fundamental beliefs held by the supporters of the past political regime.

According to Leon Festinger's (1957) theory of collective dissonance discrepancies in an individual's cognitive system are a source of psychic distress. People will therefore act to reduce dissonance, and actively seeking out information that stabilises his or her belief structure. Strategies of denial are employed: inconsistencies are ignored, the accuracy of the information about past atrocities is doubted or responsibility wrongly attributed. One standard strategy of denial is to discredit the source of information, for example, by claiming that the TRC is biased. Another assumption of Festinger's theory is that cognitive dissonance is reduced by taking the path of least resistance. Those cognitions that are easiest to change are the ones that do change.

Attitudes which are central to individuals' self-definition are, however, very resistant to change (Zimbardo and Leippe 1991, 35). *Asking former apartheid supporters to change their attitudes about the past means quite literally asking them to change who they are.* Having supported a government that resorted to brutal suppression of opponents threatens the self-concept of having been a good and decent citizen. As people want to keep a positive self-concept about themselves, they tend to attribute their mistakes and socially disapproved behaviour to external circumstances and actors. This process has been thoroughly researched and described as a fundamental attribution error in psychological attribution theory (Ross 1977). Human rights violations are therefore attributed externally: to an

anonymous apartheid system, a couple of rotten apples in the security forces, or blamed on the victims of apartheid repression. The tendency to blame the victims for their own fate can also be explained by the belief in a just world (Lerner 1980). As people tend to think that the world is just, they subscribe to the fundamental delusion that good people are rewarded, while bad people are punished. If somebody was imprisoned, tortured, or killed, he must have done something wrong.

Anthony Greenwald (1980) has compared the human mind to a totalitarian state: According to him, we have all „totalitarian egos“ and as non-democratic totalitarian states resist social and governmental changes, so we resist cognitive changes. Totalitarian governments distort events and rewrite history to make it fit the „party line“. Similarly, human minds select and interpret information to make it fit with established beliefs and attitudes, and may „rewrite“ memory to make past actions and thoughts cohere with prevailing social norms, present and anticipated behaviours.

Not only our own attitudes or past behaviour might be the source of psychic distress. Our personal self-concept cannot be separated from our group memberships. According to social identity theory (Tajfel and Turner 1979; Tajfel 1982) we define ourselves to a large degree through our personal friends, family and the social groups we belong to. We try to prevent them from being cast in a negative light, and our self-esteem can be enhanced or reduced by the past or present behaviour of those groups we identify with. Usually people who lived under an authoritarian regime have only a very limited personal responsibility for past atrocities. But many supporters of the past regime feel morally severely attacked. Instead of acknowledging their limited individual responsibility they feel arbitrarily victimised because of their group membership. To counter these threats a process sets in, in which beneficiaries, collaborators and by-standers try to redefine themselves as victims. They join the common outrage against former government officials and perpetrators, who allegedly deceived them, or portray themselves as the victims of the new order.

Attitudes formed during authoritarian rule are furthermore stabilised by group membership. We examine our attitudes with those of others, and more importantly, want to remain accepted in our own communities. Challenging predominant myths about one's own family or ethnic group may be punished

severely. In a divided society divergent group values and norms stabilise conflicting perceptions of the atrocious past.

In order to defend information threatening self- and group-identity various techniques of neutralisation are used (Cohen 1995, 32-37). People deny to have ever supported apartheid, or claim to have been unaware of human rights violations. Institutions uncovering past atrocities are blamed to be unfair and biased, and victims are blamed for their fate. Past human rights violations are justified by referral to higher loyalty - „we had to defend our nation, democracy and Christian culture against communism“.

These considerations suggest that legal institutions have only a limited impact on deeply rooted historical perceptions. Criminal trials and truth commissions will especially be rejected by former supporters of the authoritarian regime because they pose a threat to their belief structure and identity. They will be regarded as unfair by certain sections of the population, because their ‘truth’ literally hurts too much.

The Concept of Political Generations

The acceptance of the findings of legal institutions may nevertheless differentiate between different generations. According to Karl Mannheim (1952) dramatic political upheavals, such as wars or the collapse of the past political order, have a particularly strong effect on young adolescents. Major political events prompt discussion and re-evaluation of the ideals and values of the political order and young adults, whose political orientations are not hardened, are more willing to participate in these reflections (Fogt 1982, 74-79). Particular experiences can mark an entire age-cohort, leading to long-term reorientation of their political beliefs.

Mannheim’s generation hypothesis can be sustained by the theoretical considerations above. Young white South Africans, for example, do not have to ward of negative self-perceptions arising out of their own past conduct, like feelings of guilt or immorality, when acknowledging that apartheid has caused harm to others. However, they continue to grow up in families and social environments that are not

conducive to rapid reorientation. They have also to deal with negative self-perceptions linked to their social identity. As white South Africans they cannot deny to be the sons and daughters of their parents, members of the privileged white minority that benefited from apartheid.

Quantitative Research on Attitudes Towards Apartheid and the TRC

Surveys Conducted During the Apartheid Era

I have argued that past allegiances may be an important factor in explaining current attitudes towards the TRC. In order to understand current attitudes towards the apartheid past, one has to ask how apartheid and its repression was perceived by members of different population groups during apartheid time.

Fortunately public opinion data is available for the period before the unbanning of the ANC in 1990. Although many forms of censorship existed during apartheid time (Merrett 1994) public opinion research could be conducted relatively freely by private and state sponsored institutions. Public attitudes towards apartheid laws and the government's security policy were regularly monitored during the 1980s by various private survey institutions and the Human Science Research Council (HSRC) in Pretoria. The government-sponsored HSRC surveys were obviously conducted to advise the government on its 'reform' programme. Before the 1990's, government-sponsored public opinion research mainly focused on white South Africans (Stewart 1989). 'Black opinion' was less essential in a state that systematically excluded its majority in democratic participation. African respondents were only included regularly in political HSRC surveys from 1986 onwards. Some of the HSRC surveys, like those relating to white perceptions of the South African Defence Force (HSRC 1982) were never published. This is also true for results showing significant support for the liberation movement among black South Africans. The data of these surveys is today available through the South African Data Archive in Pretoria.

The HSRC surveys of the 1980's are usually based on area-stratified probability samples which more than 1.000 respondents for each populations group. They are limited to urban areas, excluding farms and the impoverished homelands.⁷ While the external validity in respect to the white population

can be considered as relative good, more care should be used in interpreting the data of the non-white population groups, especially the African population group. One should keep in mind that a big proportion of the African population was not included in the sample. Non-white respondents were also more scared to express freely their political opinions in their environments during the apartheid era. Support for state repression may have been artificially increased, as questionnaires reflected official government language. People nowadays considered as 'freedom fighters' are constantly referred to as 'terrorists'. Agreement with such questions reveals, however, that the government propaganda was successful to convince ordinary citizens that violent action against those branded as 'terrorists' was justified.

Surveys Conducted in Post-Apartheid South Africa

Let me turn to the survey research after 1994. Already before the Truth and Reconciliation Commission started operating South African polling institutions asked questions about the problem of past atrocities. Most of these quantitative studies were not exclusively aimed to assess public opinions about the TRC. To date only one quantitative survey has been conducted with predominant TRC focus (Theissen 1997; Theissen and Hamber 1998). Due to financial constraints this survey was however limited to a small number of white respondents only.⁸ Most surveys touching the topic of the TRC were run in multibus-format. These are surveys run regularly and covering multiple issues, of political or commercial nature.

The methodology of these multibus surveys is of high standard. They usually use area-stratified samples of 2.000 and more respondents from metropolitan, urban and rural areas, and include formal and informal settlements. Interviews are conducted face-to-face with members of all population groups and in the home language of the respondents.

As public opinion research on the TRC has largely been conducted in an ad-hoc and unsystematic manner, questions asked on similar topics were worded differently. This poses some difficulties to provide for reliable trend analysis on the publics' view of the TRC . There has unfortunately been no attempt to ask a coherent set of questions related to the TRC or the apartheid past, before, during and

after the public hearings of the TRC. Although all surveys were designed by experienced empirical researchers, it was sometimes impossible to prevent flaws in the wording, like loaded questions or unclear response alternatives.⁹

A general limitation of quantitative survey research is that questions posed may not necessarily reflect the topics that are most relevant to the respondents. The main focus of public opinion surveys on the TRC has been on the amnesty process and the impartiality of the truth commission (Idasa 1994; MRA 1996; MRA 1998; HSRC 1996; HSRC 1995 Mark Data 1997; Research Surveys 1996; Research Surveys 1998). Often questions inquired, whether the truth commission has been able to promote reconciliation (MRA 1996, 1998; HSRC 1996; Mark Data 1997; Research Surveys 1998; HSRC 1996; Mark Data 1997; Research Surveys 1998). Only few questions investigated whether the TRC has succeeded in unveiling past human rights abuses (HSRC 1995; Research Surveys 1998). The issue of reparations has not only been marginalised during the TRC process, it has also been largely neglected in public opinion research. Only two surveys touched the issue of compensation (HSRC 1995; Theissen 1997). Related topics, such as land restitution and affirmative action have however featured in various surveys.

There is also scant quantitative empirical research into public perceptions of the apartheid past. Although the transcripts of various TRC hearings provide us with voluminous qualitative material from people who were in mostly directly involved or touched by the past political conflict, we do not know much about the divergent public images of recent South African history in large. I should however mention here the outstanding work of James Gibson and Amanda Gouws (1998) on blame attributions related to past human rights violations, that I will discuss in this paper.

Some surveys have not dealt with the TRC at all, but provide us with deeper knowledge on topics closely related to the TRC. For example, the Community Agency on Social Enquiry (CASE) has conducted surveys on public attitudes towards human rights and socio-economic rights (CASE 1998b; CASE 1998a).

While most quantitative studies hardly provide us with information about the response of people directly involved in the TRC process, like survivors, amnesty seekers or ex-combatants, they do however give us a representative perspective of public opinions held by South Africa's main population groups. The results of public opinion surveys will provide us with a better understanding of the impact of the TRC on South African society. This will especially be true if they are combined with findings from qualitative studies like the research done with survivor-groups (Hamber, et al. 1998) or case studies on the public interaction and perception of the TRC in Diepkloof, Soweto (Arnold and Dierks 1999) or in Duduza on the East Rand (Van der Merwe 1999).

I have used 'race' as an important category analysing the data of the surveys. This can easily be misunderstood as perpetuating racist classifications used by the apartheid system. I use 'race' as a variable, because the racial classifications of the past have shaped the way the apartheid past and the new South Africa are experienced tremendously. This should not divert attention from the fact that there is often more variance among the opinions and attitudes of people belonging to one category than between people of different background. There are also major differences between and inside various linguistic and cultural subgroups, like English- and Afrikaans speaking whites.

Public Attitudes Towards State Repression During Apartheid Time

Support for the Apartheid System

The National Party (NP) was increasingly supported by the white South Africans in the general elections after came into power in 1948 (Heard 1974). Public support for the party peaked in 1977, one year after the Soweto uprising, when 67 percent of all votes went to the NP (Botha 1996, 217). Until the end of the 1980's white liberal opposition parties, advocating a more fundamental repeal of apartheid legislation, never gained more than 20 percent of the vote in the white electorate. (Van Rooyen 1994, 117-55).

White South Africans did not only support the National Party at the polls, most of them endorsed also its apartheid policy. During the 1980's public attitudes towards various apartheid laws were constantly monitored by the HSRC. As response patterns did not differ much over time, the results of seven subsequent surveys conducted between 1981 and 1989 were integrated into one table (Table 1). The percentages reflect the average response rates of White, Indian and Coloured South Africans during that period. Members of the African population group were not asked about their opinion.

Most apartheid structures were supported by over 50 percent of all white South Africans. Macro-apartheid structures, like separate residential areas, schools and Parliamentary representation could even yield more than 60 percent of white support. Less than 25 percent were against these measures. Many white respondents (40.8 %) realised during the 1980's that the exclusion of Africans from Parliamentary representation should be abolished, but most wanted to maintain racial segregation in the political system. Sixty four percent advocated separate parliamentary representation for each population group, only 19 percent were against (Table 1).

**Table 1: Support for Apartheid Policies and Laws (White, Indian and Coloured Respondents)
Average Response 1981-1989**

Policy /Act		Should (have been ^a) be retained (+3)	Mixed Feelings / Don't know ^b (0)	Support scrapping (-3)	Mean
The policy that provides for separate residential areas for the main population groups ^c	Whites	61.0	18.0	21.1	+1,20
	Afrikaans	77.0	12.1	10.9	+1,98
	English	39.2	25.9	34.9	+0,13
	Indians ^h	29.0	19.0	52.1	- 0,69
	Coloureds ^h	21.0	21.1	58.0	- 1,11
The policy that provides for separate schools for each population group ^d	Whites	67.8	13.1	19.2	+ 1.46
	Afrikaans	86.3	6.8	6.9	+ 2.38
	English	42.2	36.2	21.7	+ 0.62
	Indians ^h	30.4	14.7	55.0	- 0.74
	Coloureds ^h	21.2	16.3	62.6	- 1.24
The Population Registration Act according to which each person is classified as a member of a specific race or population group	Whites	64.8	14.1	21.2	+ 1.31
	Afrikaans	79.7	10.3	10.0	+ 2.09
	English	44.4	19.1	36.5	+ 0.24
	Indians ^h	28.2	22.1	49.7	- 0.65
	Coloureds ^h	17.5	20.6	61.9	- 1.33
Separate parliamentary representation for each population group ^e	Whites	64.1	16.6	19.3	+ 1.34
	Afrikaans	79.2	11.8	9.1	+ 2.10
	English	43.2	22.1	35.5	+ 0.23
	Indians ^h	17.8	20.5	62.1	- 1.33
	Coloureds ^h	15.7	21.9	62.4	- 1.40
The policy that blacks are excluded from the present Parliament ^f	Whites	37.2	21.9	40.8	- 0.11
	Afrikaans	52.4	22.6	25.0	+0.82
	English	16.1	21.2	62.7	- 1.40
	Indians ^h	18.8	21.1	60.1	- 1.24
	Coloureds ^h	14.3	25.4	60.3	- 1.38
The law that provides for separate public amenities for whites and Non-whites ^e	Whites	51.2	17.7	31.1	+0.60
	Afrikaans	66.0	15.7	18.3	+1.43
	English	31.4	20.4	48.2	- 0.50
	Indians ^h	16.1	15.2	68.7	- 1.58
	Coloureds ^h	11.1	15.3	73.4	- 1.87
The Mixed Marriages Act which prohibited marriages between whites and Non-whites	Whites	50.1	10.6	39.2	+0.33
	Afrikaans	64.1	8.3	27.6	+1.10
	English	39.2	13.7	55.0	- 0.47
	Indians ^h	28.7	18.8	52.6	- 0.72
	Coloureds ^h	20.4	22.3	58.4	- 1.44
The section of the Immorality Act which prohibited sexual relations between whites and Non-whites	Whites	52.0	11.7	37.3	+0.44
	Afrikaans	66.8	8.1	25.2	+1.25
	English	31.7	14.5	53.8	- 0.66
	Indians ^h	26.8	21.7	51.6	- 0.74
	Coloureds ^h	19.0	23.1	57.9	- 1.17
The policy that restricts/ed the influx of Blacks to the white urban areas ^g	Whites	49.9	16.3	33.8	+0.48
	Afrikaans	62.1	12.7	25.2	+1.11
	English	32.8	21.3	45.8	- 0.39
	Indians ^h	26.6	24.1	49.3	- 0.68
	Coloureds ^h	24.4	26.8	48.8	- 0.73

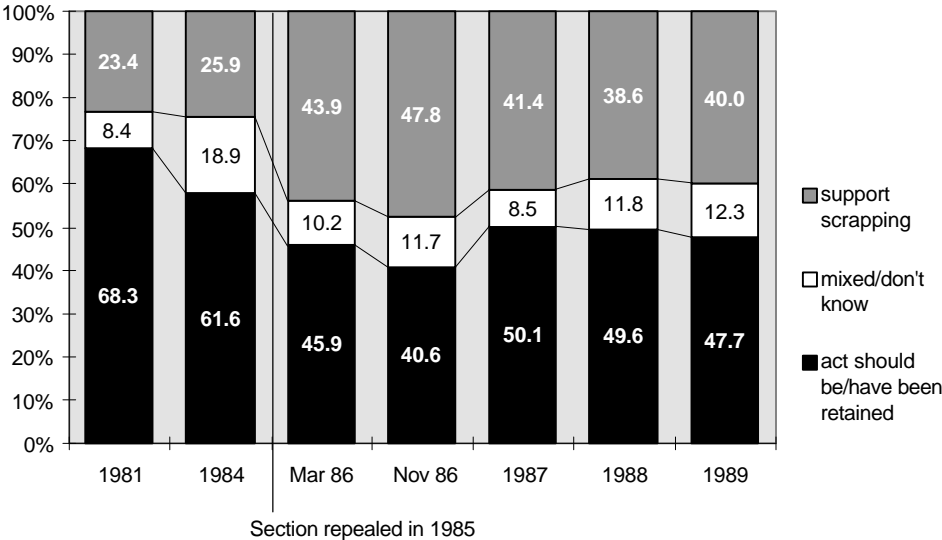
Source: HSRC 1981; HSRC 1984; HSRC 1986; HSRC 1987; HSRC 1988; HSRC 1989.

^a After 1986 for the last three items. ^b 1989: Including respondents, who wanted to „amend“ the policy / law.^c 1981-87: The Group Areas Act which prohibits mixed residential areas.^d 1981: Children of different race should not go to the same school together ^e Not asked in 1981.^f Not asked in 1981 and 1984. ^g Not asked in 1984. ^h Not asked in 1981 and 1989.

The infamous ‘petty apartheid’, like separate amenities and the laws prohibiting family or sexual relations between white and black South Africans still found more approval than disapproval (Table 1). Although the Section of the Immorality Act that outlawed sexual relationships between whites and non-whites was scrapped in 1985, between 40 and 50 percent of all white South Africans continued to advocate for its retention (Figure 1).

Figure 1: Support for Apartheid Policies and Laws (White South Africans, 1981-89)

The section of the Immorality Act which prohibited sexual relations between whites and Non-whites



Source: HSRC 1981-89

Apartheid was especially deeply entrenched in the minds of white Afrikaners. Afrikaans-speaking whites who were against racial segregation were a tiny minority of about ten percent. Although English-speaking whites were clearly more liberal than their Afrikaans-speaking counter-parts, they too, rather supported than opposed most macro apartheid-structures (Table 1).

Coloured and Indian South Africans clearly disapproved apartheid. Both population groups were discriminated by apartheid laws like their African fellow citizens, but enjoyed some limited comparative advantages, like access to better residential areas, schools and jobs. This might explain, why a minority of about 20 to 25 percent amongst both population groups supported racial segregation (Table 1).

Unfortunately there is no comparative data available for the African population group, but data from a Markinor survey conducted in August 1985 revealed that 90 percent of all African respondents were very unhappy about the apartheid system (Markinor 1985, 99). African opposition to apartheid laws and policies was surely higher than among Indian and Coloureds South Africans. This is indicated by the response to the following two statements, where racial discrimination was framed as a right to separate residential areas and schools, in order to achieve artificial high approval for apartheid policies (Table 2). A language usage quite typical for the official description of apartheid discrimination.

Table 2: Do you agree that every cultural group should have the right to have its own ...

	residential areas?			schools?		
	Yes	Uncertain	No	Yes	Uncertain	No
Africans (N=1487)	25.6	2.8	71.7	23.9	1.7	74.3
Coloureds (N=1201)	51.5	11.0	37.5	48.9	10.9	40.2
Indian (N=1345)	56.3	2.7	41.0	55.9	2.5	41.6
White (N=1013)	88.8	3.0	8.2	90.8	2.1	7.1

Source: HSRC 1987

White Fears

For white South Africans, apartheid was not an imposed order. Apartheid was the product of a symbiosis of governmental action and white conformity. The official propaganda that the South Africa would face a total communist attack ('total onslaught') was believed by most white South Africans. Black political unrest was largely attributed (75.8 %) to communist agitation (HSRC 1981) and black-majority rule perceived as a vital threat to 'Christian civilisation' and the 'western way of life'.

Asked about their fears in the event a 'moderate and democratically elected black majority government' should come to power, 75.8 percent of white South Africans claimed that their physical safety would be threatened, while 78.6 percent feared that live-style and culture of white communities would not be protected. 73.4 percent believed that the capitalist economy would be replaced by communist policies, and 76.9 said white women would be molested increasingly (see Table 3)

Table 3: Fears about Black Majority Rule, White South Africans, 1988

The following statements relate to a situation that could arise in the event of a moderate and democratically elected Black majority government coming to power in South Africa. Indicate with regard to each of the following statements whether you agree or disagree with the statement concerned.

	Agree	Unsure	Disagree
The lives of Whites will continue as present	11.4	4.5	84.0
The physical safety of Whites will not be threatened	16.0	8.2	75.8
The lifestyle and culture of the White community will be protected	14.5	7.0	78.6
The living standards of Whites will remain the same as at present	14.2	5.8	79.9
Whites will not be discriminated against	10.6	7.6	81.6
Law and order will be maintained as effectively as at present	12.6	6.4	80.8
White women will not be molested more than before	14.5	8.6	76.9
The present capitalist economic system will be retained	14.5	12.1	73.4
The possessions of Whites will not be less safe than present	17.4	6.3	76.3

Source: HSRC 1988

Public Support for State Repression

The 'black fear' contributed to a climate in which most white South Africans were prepared to defend their superior position with all means available. White South Africans did not only turn a blind eye to ongoing human rights violations, they largely endorsed the repression of the government. In 1982 sixty-two percent of all white South Africans claimed that they would definitely be willing to fight against the enemy on the battlefield to ensure being 'governed in the RSA [Republic of South Africa] by no-one else than White South Africans' (HSRC 1982). The statement 'South Africa should militarily attack terrorist/guerrilla bases in its neighbouring states' was supported regularly by more than 80 percent of all whites (SAIIA 1986, 14). Indeed, white South Africans were happy when they heard about successful cross-border raids: 83.8 percent said they would feel very satisfied hearing 'that South Africa has carried out a successful military operation in Angola against SWAPO terrorists', only 1.9 percent were unhappy (HSRC 1982). Resentment against the governments anti-terrorism policy never increased above eight percent (HSRC 1984; HSRC 1986; HSRC 1987).

This is also true for the internal resistance. The imposition of the state of emergency on 20 July 1985 was overwhelmingly supported by white South Africans. Almost nine out of ten respondents (89

%) were of the opinion that the state of emergency had either been declared at the right time or should have been declared already earlier (Rhoodie, De Kock, and Couper 1986, 9). In November 1986 still 78.4 percent of white South Africans remained in favour of the state of emergency (HSRC 1986).

Harsh repression was popular. More than 80 percent of all white South Africans were of the opinion that their security forces were acting too soft or just right against Black demonstrators and rioters. A feeling not shared at all by African respondents (Table 4).

Table 4: In your opinion, are the security forces acting too hard, too soft or just right against...

	Blacks who demonstrate peacefully?			Black rioters who use violence?		
	too hard	just right / uncertain	too soft	too hard	just right / uncertain	too soft
Africans	76.2	18.2	5.5	84.5	12.1	3.3
Coloureds	67.6	28.9	3.5	44.5	26.4	12.4
Indians	42.0	47.2	10.1	20.2	52.3	27.5
Whites	18.5	60.1	21.4	4.8	36.9	58.3

Source: HSRC 1986

The apartheid government knew that it could imprison opponents without risking its white support base. When 18 anti-apartheid organisations, including the Christian Institute of Rev. Beyers Naudé were banned and their leaders detained in October 1977, 68 percent of all white South Africans endorsed this action (M & O Surveys, Hofmeyer 1990, 38). There was only few disagreement (35.5 %) to put 'people who make inflammatory speeches in jail before they cause trouble' (HSRC 1981). In May 1989, at the end of PW Botha's rule, still 57 percent of white respondents supported 'detention without trial for suspected violators of security laws' (M & O Surveys, Hofmeyer 1990, 38).

Even highly educated young people were in favour of the iron fist policies of the apartheid government. A survey conducted by Gagiano (1986, 19-21) among white students at the conservative Stellenbosch University revealed that more than two in three students endorsed that police shoots at demonstrators who damage property (68.3 % support) or throw stones and other missiles at them (72.2 % support).

White South Africans simply did not want to know. Although the government's information about the unrest situation was trusted only to a small extent (49 %), or not at all (12.6 %; HSRC 1987), 76.5 percent were in favour to prohibit TV or photographic recordings during unrest in areas where a state of emergency is in effect (HSRC 1986). 38.5 percent of all white respondents claimed that the state-controlled SABC television provided the most reliable information on these matters, followed by the governments' Bureau of Information (16.2 %). Only 10.3 percent maintained that opposition newspapers would be more reliable (HSRC 1987).

Black Reactions towards State Repression

Support for violence as a means of political struggle was of course not confined to the white minority. In 1985 forty-three percent of African respondents openly admitted that violence is justified to change the apartheid system (Markinor 1985, 99), although constantly more than sixty percent felt that non-violent strategies, like negotiation, would achieve more in the long run (HSRC, 1986-89). There was considerable public support for the killing of so-called 'sell-outs' of the apartheid regime. When the HSRC asked African respondents in October 1987 whether they think that it is right or wrong that 'a number of black officials (e.g. policemen, community councillors and people working for the central and local authorities) have been killed during the unrest', 24.7 percent said that the killing of these people was right, 67 percent disagreed (HSRC 1987). The infamous necklace method, where a presumed traitor is executed by a burning tyre around his neck, was regarded by 11.3 percent of African respondents as justified in all circumstances and a further 24.6 percent felt it justified under certain circumstances (Ibid.).

African respondents considered the government, police and military as mostly responsible (53.2 %) for the ongoing violence in the townships. Only 16.5 percent blamed the ANC, UDF and other black radicals for the unrest (HSRC 1988). Alternative forms of local dispute resolution, like Street Committees (43.1 %) and People's Courts (33.1 %) enjoyed significant sympathy in African communities, although many distrusted these institutions (30.9 % and 57.8 % respectively, HSRC 1987). Still more than half of all African respondents (50.3 %) regarded ordinary court's of law to be

the fairest institution when a person is on trial for an alleged crime (HSRC 1988). While trust into security forces was severely eroded, ordinary courts enjoyed limited confidence even during apartheid time. They were not necessarily regarded as institutions of repression, but also as an avenue to challenge apartheid injustices (Ellmann 1995; Abel 1995).

Personal Remembrance of Human Rights Violations and Discrimination

Repression and discrimination are still alive in the memory of most non-white South Africans. They were a common feature in the lives of most black South Africans. Acts of security force brutality were not only witnessed by most African respondents (54.3 %; HSRC 1986), but also personally experienced. This is confirmed by a poll conducted in the second quarter of 1996 by James Gibson and Amanda Gouws (1997).

Nearly one out of four (24.2%) coloured South Africans had to move his residence because of apartheid laws, one in six (16.3 %) African respondents reported being assaulted by the police and every tenth (10.2 %) African interviewee had been detained by the authorities. Furthermore about one quarter of coloured and Indian respondents, and 39 percent of all African interviewees reported to have been denied access to education. Loss of job and psychological harm were also frequently mentioned by black respondents (see Table 5).

Table 5: Injuries experienced during the apartheid era

Here is a list of things that happened to people under apartheid. Please tell me which, if any, of these experiences you have had.

Injuries from apartheid	Percentage reporting			
	African	Coloured	Indian	White
Required to move my residence	15,9 %	24,2 %	18,6 %	1,4 %
Lost my job because of apartheid	16,3 %	11,3 %	4,5 %	1,8 %
Was assaulted by the police	16,6 %	11,3 %	3,3 %	1,6 %
Was detained by the authorities	10,2 %	7,7 %	1,9 %	0,6 %
Was imprisoned by the authorities	6,8 %	5,6 %	0,4 %	0,6 %
Was psychological harmed by the authorities	18,5 %	12,5 %	12,3 %	3,7 %
Was denied access to education of my choice	39,3 %	24,6 %	24,2 %	1,4 %
Was unable to associate with people of different race and colour	47,3 %	37,1 %	35,7 %	14,5 %
None of the above	36,9 %	48,4 %	53,7 %	82,3 %
Profited from the system	1,7 %	5,2 %	4,5 %	18,9 %

Table from: Gibson & Gouws (1997), April-June 1996

Among white South Africans only two categories, psychological harm and restrictions placed on social life, were reported by more than two percent each. Interestingly, restrictions placed on social interaction with people from different racial background were experienced by black South Africans much stronger (39.3 % - 24.3 %) than white respondents (14.5 %). Either white South Africans did not experience social interaction as restricted, or they were just less interested in sharing their time with people from different racial backgrounds.

About four out of five (82 %) white South Africans reported not to have been harmed by apartheid. There are also significant proportions of African, coloured and Indian South Africans who do not report to have suffered from any of the above mentioned injuries (37% - 54%). Different reasons might explain this: First, a certain percentage of the non-white population might indeed have had a private life largely sheltered from apartheid injustices. Second, people might not report to have suffered under apartheid as they do perceive themselves as victims today. And third, injustices that were actually experienced are deliberately excluded from memory, as they are too hurtful to remember. Probably all three explanations are true.

It is striking that only few (18,9 %) white South Africans reported to have profited from the apartheid system. Only a small section of white South Africans believes that they have indeed been beneficiaries of the apartheid order. I will come back to this at a later stage.

Indeed, there was no common past. Most white South Africans enjoyed their comfortable lives, supported apartheid and the repression of its opponents, feared ‘terrorism’ and ‘black majority rule’, and hoped to accommodate black political aspirations in order to go on with their lives. In contrast to this picture stood the assault of apartheid experienced by most black South Africans.

Public Opinion on the TRC and the Apartheid Past

The TRC in Public Opinion

Already before the TRC started operating public opinion was split along historical cleavages. Resistance against attempts to punish perpetrators of past injustices was especially strong among white South Africans, while African respondents expected justice to be done from a new government. In 1992 fifty-nine percent of all African respondents demanded that „whites who harmed blacks during apartheid [should] be charged in court“, but 48 percent of white respondents strongly opposed this idea (Table 6).

To put people for past human rights violations on trial could easily have stirred considerable conflict in the new South Africa. The soft alternative of a truth commission was therefore a clever solution. By granting amnesty to perpetrators, the danger of organised violent resistance against any attempt to unearth the past could be minimised. A first survey conducted by Idasa in August 1994 on the proposed Truth Commission shows that 60 percent of all South Africans were in favour of „a Commission to investigate crimes that occurred under the previous government“. Support varied again strongly between the different population groups. While 65% of all Africans were in favour of a Truth Commission, only 39% of all white South Africans endorsed such a proposal.

Table 6: Expectations in Relationship to Past Injustices, October 1992.

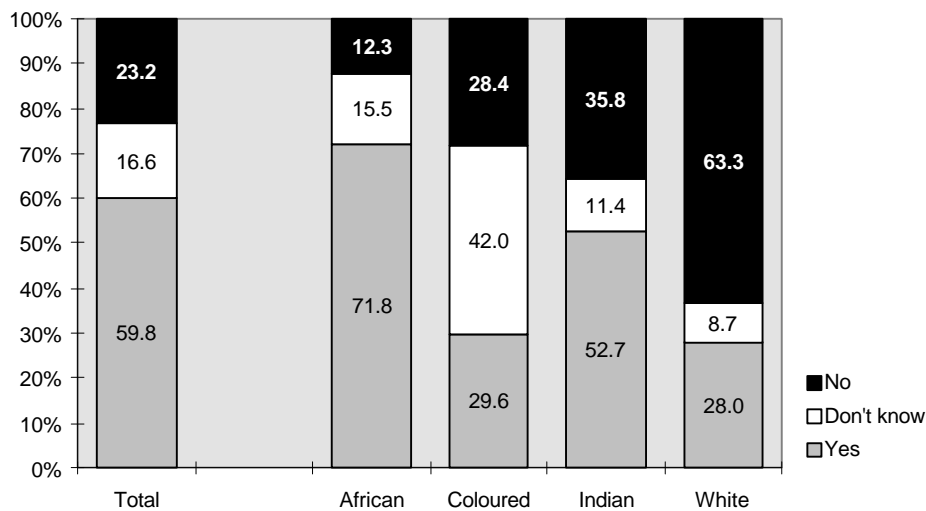
There might be a new government in South Africa soon - a government which represents all people of the country, black and white. Many people demand or expect things from the new government. For each of the statements, tell me whether people like you:

Statement		Will demand it immediately (+4)	Like it but not at once (+2)	Would not like it (-2)	Will oppose it and try to prevent it (-4)	mean
Whites who harmed blacks during apartheid being charged in court	African	54 %	20 %	20 %	7 %	+ 1,88
	Coloured	22 %	28 %	41 %	9 %	+ 0,29
	Indian	12 %	34 %	46 %	8 %	- 0,12
	White	4 %	13 %	35 %	48 %	- 2,16
	W/Afrikaans	3 %	9 %	29 %	59 %	- 2,64
	W/English	7 %	19 %	43 %	32 %	- 1,50

Source: Schlemmer 1992

White mistrust remained, however. Nine months later, before the TRC started operating, 63 percent doubted whether the TRC would be able to find out what really happened with regard to human rights violations. In contrast 72 percent of African respondents were confident that the TRC would accomplish this task (Figure 2).

Figure 2: Do you think the TRC will be able to find out what really happened with human rights violations? (May 1995)

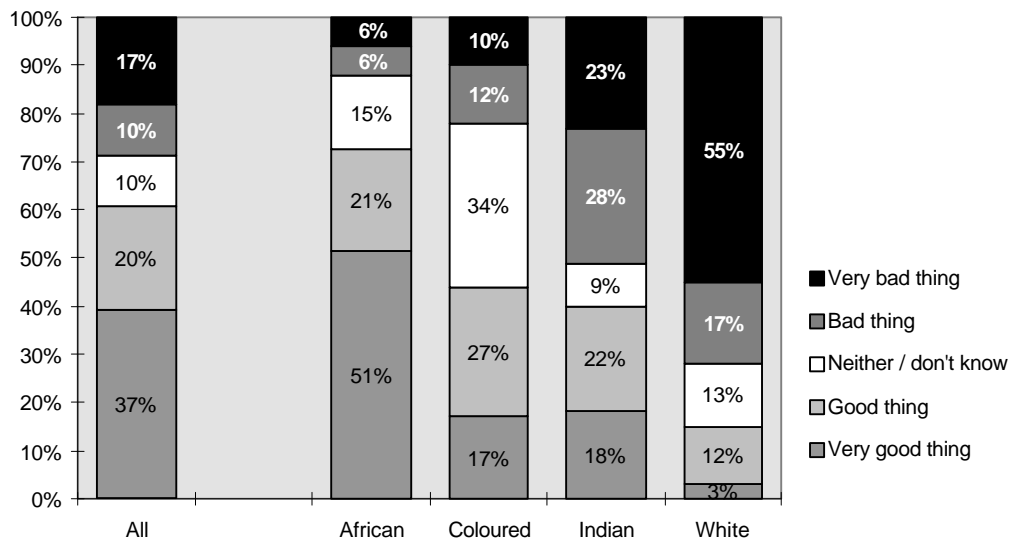


Source: HSRC 1995.

All these surveys were conducted before the TRC started operating. But how have public sentiments developed since 1995?

It appears the actual work of the TRC could not change fundamentally preconceived opinions held about the TRC. When respondents were asked in November 1998, after the publication of the TRC-Report, whether the TRC has been good or bad for the country, responses resembled by large the views held in 1995 (Figure 3).

Figure 3: Do you think the TRC has been a good or bad thing for the country? (Nov 1998)



Source: HSRC 1998

It should be stressed that South Africans were in average quite content about the Commission, 57 percent said the TRC has been good or very good for the country. Especially African respondents were very positive about the TRC (72 percent claimed the TRC was a good or very good thing). Differences among various linguistic African subgroups were not very strong (see Table 7). However, the majority (55 %) of all white respondents claimed that the Truth Commission was a very bad thing for the country, a view shared especially by white Afrikaners (66 %). Although positive evaluations prevailed in the coloured community (mean + 0,59), many of them were undecided (34%). Indian respondents had mixed views about the TRC process but tended to have more negative opinions than positive (mean - 0,30). People from urban informal settlements, hostels, and former black townships, areas mostly affected by past political violence, were mostly positive about the TRC process, while respondents living in small towns and ‘white’ farming areas were very negative about it (Table 7).

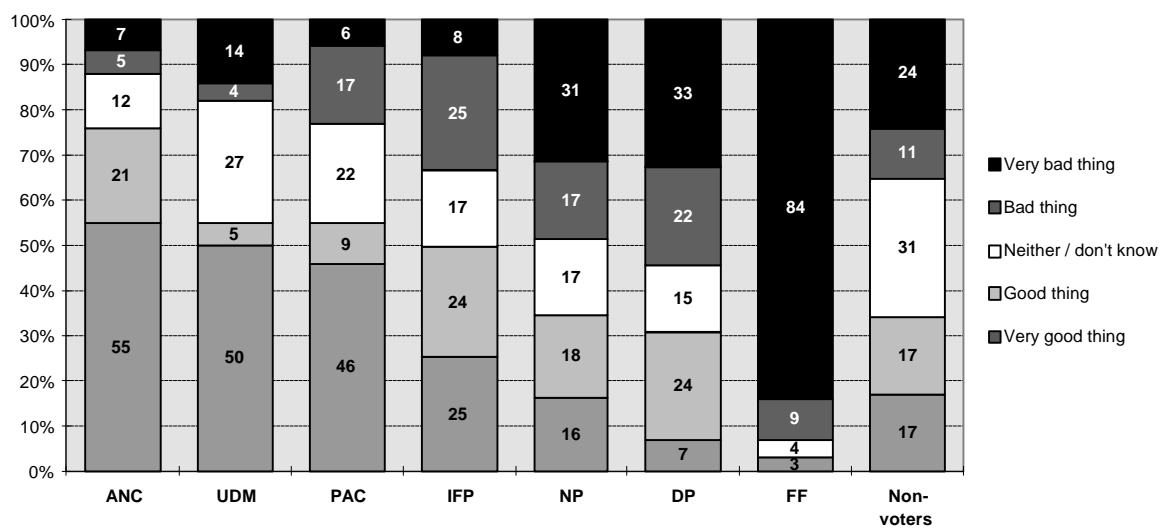
Table 7: Do you think the TRC has been a good or bad thing for the country?

	very good thing (+4)	good thing (+2)	neither / don't know (0)	bad thing (-2)	very bad thing (-4)	mean
All	37 %	20 %	10 %	10 %	17 %	+ 1,03
African	51 %	21 %	15 %	6 %	6 %	+ 2,08
Coloured	17 %	27 %	34 %	12 %	10 %	+ 0,59
Indian	18 %	22 %	9 %	28 %	23 %	- 0,30
White	3 %	12 %	13 %	17 %	55 %	- 2,18
Home Language						
White / Afrikaans	2 %	6 %	10 %	13 %	66 %	- 2,73
White / English	6 %	26 %	13 %	19 %	36 %	- 1,06
Black / Zulu	46 %	23 %	17 %	10 %	4 %	+ 1,95
Black / Sotho- Languages	54 %	19 %	13 %	5 %	8 %	+ 2,12
Black / Xhosa	51 %	24 %	16 %	6 %	4 %	+ 2,23
Other African Languages	48 %	25 %	22 %	4 %	1 %	+ 2,30
Place of Dwelling						
Urban Informal	69 %	20 %	6 %	3 %	2 %	+ 3,05
Black Townships	59 %	24 %	7 %	6 %	4 %	+ 2,60
Hostel Dwellers	55 %	18 %	9 %	17 %	1 %	+ 2,19
Rural, former Homelands	44 %	18 %	23 %	6 %	9 %	+ 1,61
Coloured Townships	16 %	26 %	34 %	11 %	12 %	+ 0,48
Indian Townships	22 %	17 %	4 %	34 %	23 %	- 0,36
Metropolitan City-Areas	12 %	23 %	15 %	13 %	38 %	- 0,83
Rural 'white' Farmland	4 %	15 %	12 %	20 %	49 %	- 1,93
Non-metro Towns & Cities	1 %	13 %	16 %	11 %	59 %	- 2,28
Whites / Metro	3 %	17 %	15 %	15 %	51 %	- 1,87
Whites / Non-Metropolitan	1 %	8 %	12 %	19 %	60 %	- 2,57
Generations						
Africans under 25 years	46 %	23 %	14 %	10 %	8 %	+ 1,81
Africans over 25 years	52 %	20 %	16 %	6 %	6 %	+ 2,15
Whites under 25 years	20 %	17 %	4 %	11 %	48 %	- 1,00
Whites over 25 years	2 %	12 %	14 %	17 %	56 %	- 2,28
Education						
Non-Whites with Tertiary	50 %	25 %	12 %	8 %	4 %	+ 2,17
Non-Whites Std. 10 and less	44 %	21 %	18 %	9 %	8 %	+ 1,70
Whites with Tertiary	1 %	15 %	18 %	16 %	50 %	- 1,94
Whites Std.10 and less	4 %	10 %	10 %	17 %	59 %	- 2,34
Employment Status						
White Students	33 %	4 %	0 %	5 %	58 %	- 1,01
White Employed	4 %	21 %	15 %	23 %	37 %	- 1,36
White Unemployed	0 %	12 %	4 %	30 %	54 %	- 2,51
White Pensioners	3 %	10 %	9 %	14 %	64 %	- 2,52
White Self-Employed / Farmers	1 %	2 %	14 %	18 %	65 %	- 2,85
African Unemployed / Informal Sector / Students	52 %	24 %	14 %	6 %	5 %	+ 2,23
African Employed / Housewives	53 %	18 %	15 %	7 %	7 %	+ 2,05
African Self-Employed / Farmers / Pensioners	47 %	21 %	19 %	6 %	8 %	+ 1,87

Source: HSRC, November 1998

As expected, a clearly identifiable generational pattern exists: young white South Africans under the age of 25 are less negative about the TRC, than their parent generations. In total, however, negative evaluations prevail over all white age-groups. A contrary, but less significant trend can be observed among African respondents. The TRC is regarded as more important by those who experienced the old days of apartheid as adults (mean: + 2,15), than by the young generation of Africans under 25 (mean: +1.81). The TRC is also endorsed more often by those with higher educational qualification.

Figure 4: Do you think the Truth and Reconciliation Commission was a good or bad thing?



N= 2011

Source: HSRC, November 1998

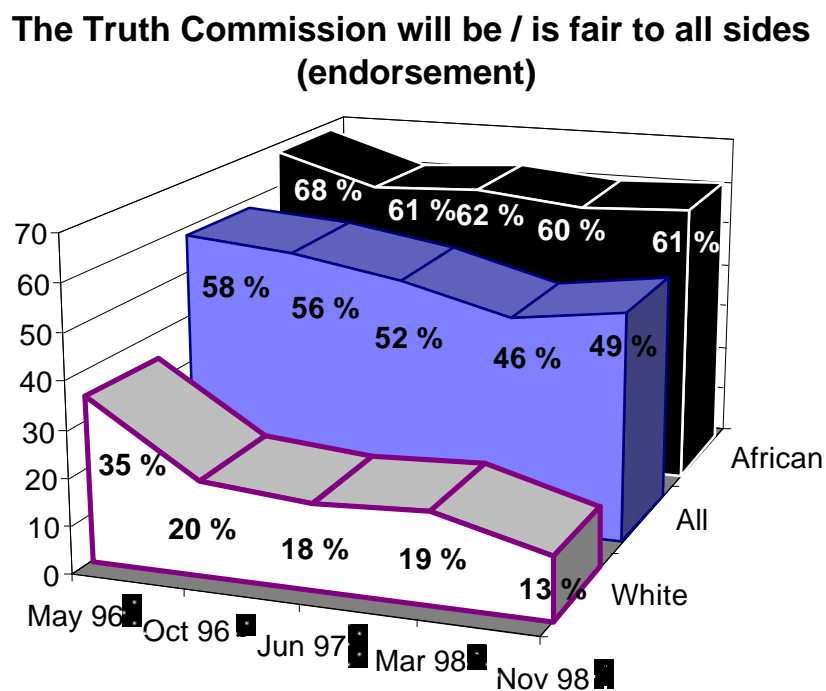
Political orientations had a strong impact on the respondents' evaluation of the TRC (Figure 4). Supporters of political parties that grew out of the liberation movements, like the ANC and Pan Africanist Congress (PAC), are overwhelmingly positive about the TRC. This is also true for the followers of the United Democratic Movement, with its main support base among Xhosa-speaking Africans. Although the leadership of the Inkatha Freedom Party largely opposed the TRC, nearly half of their supporters claimed that the TRC was good for the country. Negative evaluations prevailed among voters of the former ruling National Party (NP) and the Democratic Party (DP). Dissatisfaction with the TRC is strongest among supporters of the right-wing Afrikaner Freedom Front (FF), lead by former military general Constand Viljoen.

Public Views on the Impartiality of the Commission

The impartiality of the TRC was indeed a topic of public controversy. Especially politicians from the NP, IFP and FF claimed that the Commission was biased. It was argued that most of the commissioners were ANC supporters, that perpetrators would not be able to defend themselves properly, and that the TRC was more willing to grant amnesty to members of the liberation movements than to members of right-wing organisations and the security forces. Black critics of the TRC on the other hand claimed, that the TRC was unfair to the victims, as justice was sacrificed on the altar of national reconciliation.

While most African respondents regarded the TRC as impartial, most white South Africans denied this. The perception that the TRC was fair to all sides dropped among white respondents from 35 percent in May 1996 to a mere 13 percent in November 1998 (Figure 5).

Figure 5. Impartiality of the TRC (May 1996 - November 1998)



^a (MRA 1996, 1998) *Here are some comments that people have made about what the Commission is doing. Please tell me how much you agree or disagree with each one. ... The Commission will be (was) fair to all sides and to all races.*

^b (Research Surveys 1996) *Do you think the Truth Commission is fair or do you think it is biased?*

^c (MarkData 1997) *Do you feel that the Truth and Reconciliation Commission is fair and unbiased towards all political parties, or does it favour certain political parties and is hostile to others?*

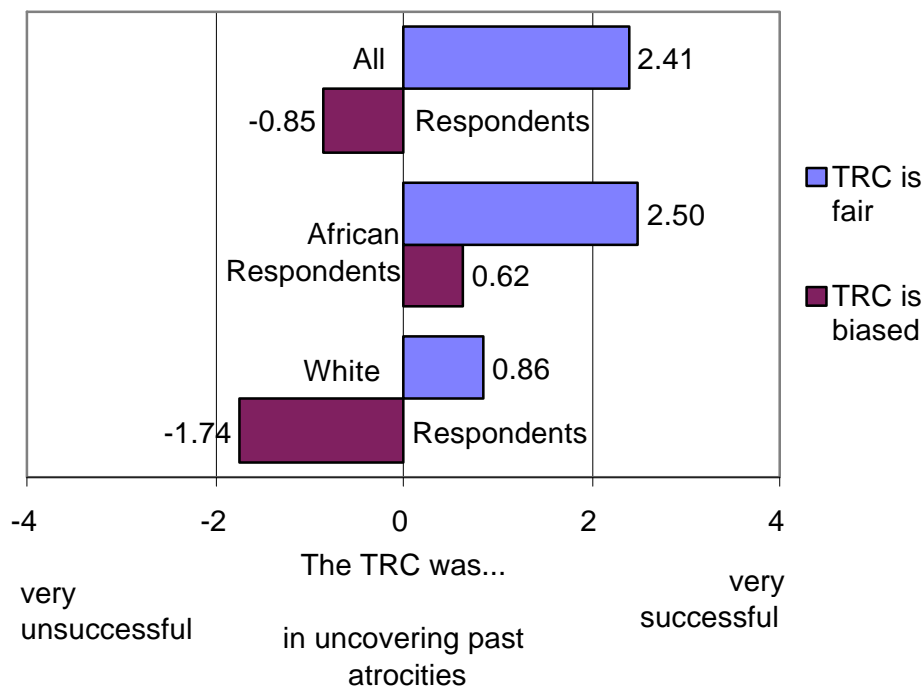
^d (Research Surveys 1998, only respondents in metropolitan areas) *Do you think the process of the Truth Commission was fair or do you think it was biased?*

These results confirm the prediction that transitional societies often lack agreement about the fairness of the procedures that deal with past atrocities. Past alignments do strongly impact on judgements of fairness. This is as well confirmed by divergent views about who is favoured by the TRC. While two out of three (66%) white Afrikaans speakers claimed the TRC would be biased towards the ANC - a sentiment also shared by every second white English-speaker (48%) - only thirteen percent of African respondents agreed with this perception (Mark Data 1997). A survey conducted by Research Surveys (1996) revealed that white TRC critics were predominantly occupied with the assumption that the TRC favoured black South Africans (36.9 %) and the ANC (32.7 %), while African critics often mentioned, that the TRC is unfair because perpetrators are not punished accordingly (25%). The latter feeling was hardly expressed by white respondents (0.8%).

The assumption of procedural justice theory that fair procedures enhance the satisfaction with the TRC's findings can be explored with results of a 1998 Research Surveys poll. In this survey respondents were asked as well about their opinions about the outcomes of the TRC. A five point scale measured whether respondents felt that the TRC has been very successful, successful, not successful, or very unsuccessful in uncovering past atrocities.

Figure 6 shows that there is a strong correlation between the respondents' trust in the findings of the TRC and its perceived fairness. Respondents who considered the TRC as fair were significantly stronger inclined to admit that the TRC succeeded in uncovered past human rights abuses (mean: + 2.41), than those who found the TRC biased (mean: - 0,85). This is also true for both subgroups, white and African respondents. The results confirm the basic predictions of the theory of procedural justice. Outputs of legal institutions are more likely to be accepted, when people judge their processes as fair.

**Figure 6: Perceived Fairness of the TRC and Trust in Output
(Comparison of Arithmetic Means)**



Source: Research Surveys 1998

On the other hand the results shown in Figure 6 demonstrate that perceived fairness can only partially explain the judgements about the TRC's outcomes. Otherwise the figures for white and African respondents should be similar. Yet, there is a significant difference between African and white respondents in their belief whether the truth has emerged or not. Most intriguing is that white respondents who perceived the TRC as fair, showed only slightly more confidence in the TRC's outcomes (mean: + 0.86), than African respondents, who considered the TRC as biased (mean + 0.62).

One may summarise, that the approval of the TRC's findings does not solely depend on perceived fairness. The variable „race“ has a parallel, but independent effect on the acceptance of the TRC's investigations. This supports my assumption that fair procedures may enhance, but do not necessarily ensure the approval of the findings made by legal institutions dealing with past atrocities. The acceptance of past injustices remains to a large degree dominated by divergent past experiences and political allegiances attached to the racial divisions built up during apartheid time.

Public Views on the Liberation Struggle and the State Repression

The TRC legislation did not differentiate whether past political crimes were committed by the liberation movements or the apartheid regime. The Commission was therefore criticised that it would further moral indifference. It was criticised that the TRC would not be able to convey that political crimes were committed on the one side by a illegitimate government that disregarded basic human rights to most of its citizens, and a liberation movement which only embarked on an armed struggle after peaceful attempts to change the political situation in South Africa had failed.

The perception that there is no moral difference between acts committed by the liberation movements and those of apartheid's security forces is still very popular among white South Africans. When we asked white respondents in a telephone survey in May 1996 whether there is „a moral difference between somebody who committed an act as a freedom fighter and somebody who committed a crime in order to defend the former political system“, 81 percent responded with 'no'. Eleven percent felt that crimes committed to defend the apartheid system were more justified and only eight percent said that those acts committed during the freedom struggle were more justified on moral grounds (Theissen 1997:66).

These findings can be supported by research conducted by the James Gibson and Amanda Gouws (1998). They included an experimental design into the second wave of a representative national panel study. Each respondent was confronted with a story about Phillip, who had killed opponents during the past political conflict in South Africa. But not everybody got the same story. There were in total 16 different versions of the story. The stories were manipulated in order to find out under which conditions South Africans would blame Phillip. Gibson and Gouws manipulated the actor (in half of all stories Phillip was a member of the armed wing of the ANC, in the remaining he was a member of the security branch of the police), the persons that were killed (either people who had been involved in the struggle about apartheid or people who had not been involved), whether he was following orders or was in command, and whether his actions were motivated by hatred against his opponents or not. This lead to

the in total to 16 different versions of the story which were randomly assigned to African, Coloured, Indian and White respondents.

Version 1 of the story about Phillip read as follows:

Phillip was a member of the Security Branch of the South African police. He was a senior official in the organisation, he gave orders that others had to follow. As a result of his actions, people who were not directly involved in the struggle over apartheid were killed. Phillip says that his actions were motivated by hatred towards those he killed.

Version 16 read:

Phillip was a member of MK, the ANC's military wing. He was not a senior official in the organisation and therefore had to take orders from others higher up in the organisation. As a result of his actions, people who were directly involved in the struggle over apartheid were killed. Phillip says that his actions were motivated by the belief that what he was doing was necessary and justified by the struggle.

Afterwards respondents were asked, whether they would „blame Phillip personally for what happened in this story“. The responses were measured on a ten point scale. Extreme responses (1 and 10) were categorised as completely blameless or complete blame, while the remainders (2-5 and 6-9) were classified as blameless and blame respectively.

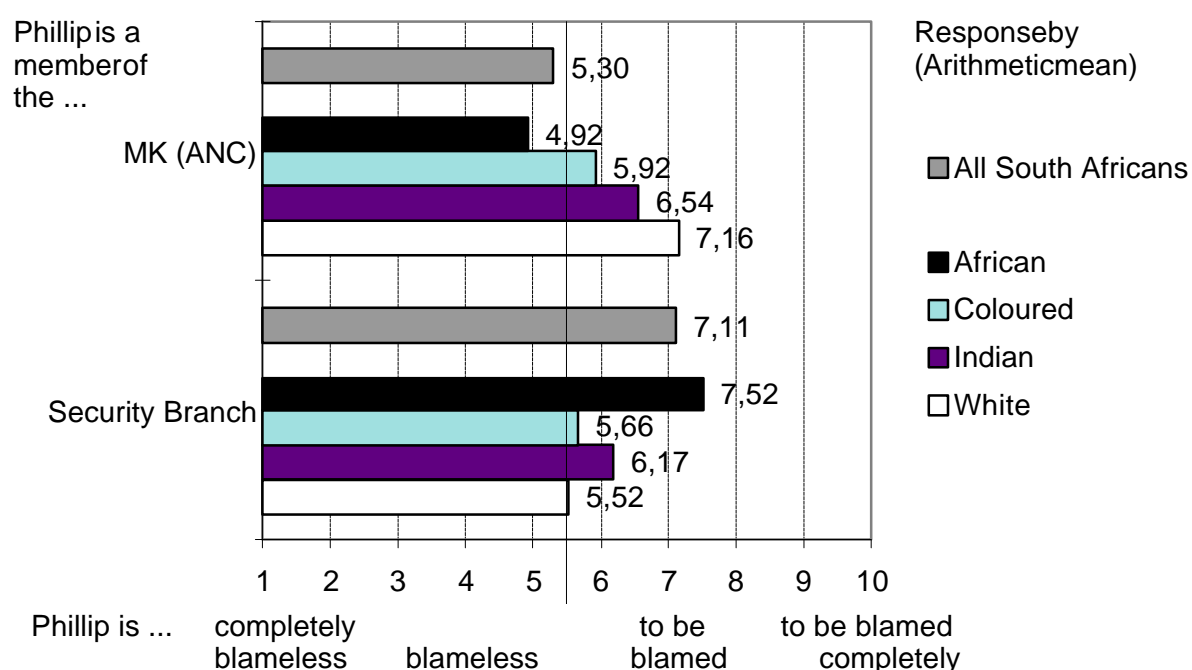
The results of the experiment are shown in Table 8. There are no big differences between African, Coloured, Indian and White South Africans in the response to all 16 versions of the story. In average all population groups tend to attribute the same blame to Phillip. Coloureds respondents are only slightly less inclined to blame Phillip (mean: 5.80) than African (mean: 6.18), White (mean: 6.29) and Indian (mean: 6.37) respondents. This picture changes however dramatically when the actor manipulation is taken into account.

In the lower half of Table 8 the responses to the stories in which Phillip is presented either as a MK or a Security Branch policeman are analysed separately. On general population level one might assume that South Africans clearly differentiate between acts committed during the armed liberation struggle and those committed by apartheid forces. Members of the MK are blamed less (mean: 5.30) than Security Branch officers (mean: 7.11).

Table 8: Human Rights Violations and Attribution of Blame

Phillip is ...	Completely Blameless (1)	Blameless (2-5)	To be blamed (6-9)	Completely to be blamed (10)	Mean
All Vignettes					
All South Africans	15.4 %	28.4 %	27.2 %	29.0 %	6.18
African	17.1 %	27.0 %	24.3 %	31.6 %	6.18
White	5.9 %	37.8 %	43.6 %	12.8 %	6.29
Coloured	17.1 %	27.4 %	29.1 %	26.5 %	5.80
Asian	6.5 %	37.0 %	33.8 %	22.7 %	6.37
Actor: MK (ANC)					
All South Africans	21.5 %	34.4 %	22.8 %	21.3 %	5.30
African	25.6 %	36.0 %	18.3 %	20.0 %	4.92
White	1.1 %	27.3 %	53.4 %	18.2 %	7.16
Coloured	14.5 %	29.0 %	24.2 %	32.3 %	5.92
Asian	7.1 %	33.3 %	32.1 %	27.4 %	6.54
Actor: Security Branch					
All South Africans	8.9 %	22.1 %	31.8 %	37.1 %	7.11
African	8.0 %	17.3 %	30.7 %	44.0 %	7.52
White	10.0 %	47.0 %	35.0 %	8.0 %	5.52
Coloured	20.0 %	25.5 %	34.5 %	20.0 %	5.66
Asian	5.7 %	41.4 %	35.7 %	17.1 %	6.17

Figure 7: Actor and Attribution of Blame Across the South African Society



N = 1237

Source: Gibson and Gouws (1998), Nov-Dec 1997

A closer look reveals, however, that this opinion is not shared at all by all population groups. *There is no consensus that the deeds of the armed resistance and the repression of the apartheid regime have to be judged differently.* While 62 percent of all African respondents say that Phillip as a member of the ANC armed wing is not to be blamed for his actions (mean: 4.92), only 28 percent of white respondents share this view (mean: 7.16).

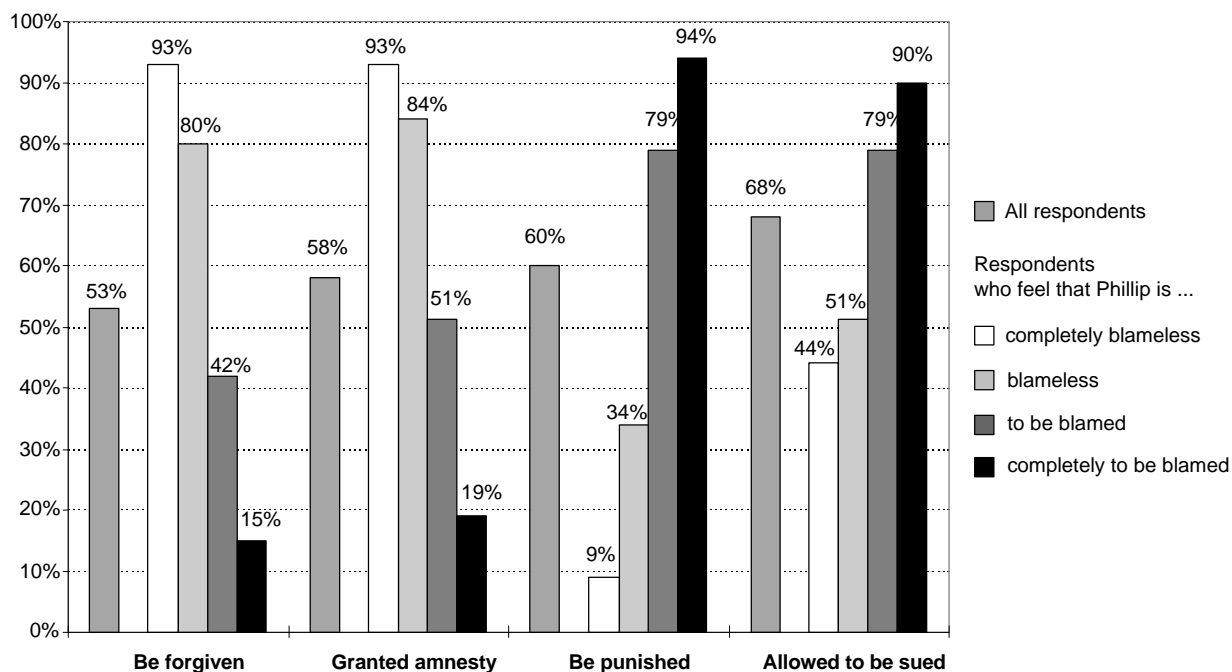
The opposite pattern emerges when Phillip is portrayed as a member of the Security Branch. 75 percent of African respondents feel that Phillip should be blamed for his actions (mean: 7.52), but only 43 percent of white respondents feel the same (mean: 5.52).

The attribution of blame for past human rights violations is strongly polarised. While African respondents are inclined to blame MK members less than members of the Security Branch, most white South Africans are rather prepared to condone the human rights violations of the Security Branch than those of the armed liberation forces.

Let us turn to the question of amnesty, forgiveness and punishment. After the story was read to the respondents, each interviewee was asked separately whether he would forgive Phillip, grant him amnesty, punish him, or allow his victims to sue him in court. By asking respondents these questions separately, Gibson and Gouws took into account that human beings usually differentiate between forgiveness and amnesty. While forgiveness has a more moral connotation and refers to a personal act of mercy taking place between victims and perpetrators, amnesty is per definition an act of mercy by the state. Amnesty does not extinguish guilt, nor does it encompass forgiveness. Strictly speaking it only means that the state is refraining from the execution of criminal punishment. The design of the study distinguished as well between criminal and civil liability. Respondents were separately asked whether Phillip should be granted amnesty, and whether the victims should be allowed to sue Phillip in court. While the word 'amnesty' is colloquial predominately understood as amnesty in respect to criminal liability, the words 'suing somebody in court' refer to a civil claim against somebody.

Figure 8: Blame and Attitudes towards Amnesty, Forgiveness and Punishment.

Phillip should ...



Source: Gibson and Gouws 1998.

The willingness to grant amnesty to Phillip depends strongly on the blame attributed to him (Figure 9). As the attribution of blame is again highly dependent on the actor - whether Phillip is a member of MK or the Security Branch - white and black South Africans tend to disagree with amnesties granted to perpetrators of the former opposition camp. In other words: *The consensus who should benefit from amnesty and who not, is relatively fragile.*

Other important conclusions can be drawn from the results presented in Figure 9:

1. *The willingness to forgive is less strong than the acceptance that the state may grant amnesty to a perpetrator.* This is especially the case if blame is attributed to Phillip. Although 51 percent of those respondents, who blame Phillip for his actions, are willing to grant amnesty to him - the willingness to forgive him in a moral sense is significant lower (42 percent).

2. *Punishment and Amnesty are not seen as two options which rule each other out. Mercy is widely accepted, impunity not.* On first sight it might appear contradictory that of those respondents who blame Phillip, 51 percent say he should be grant amnesty by the TRC, while 79 percent of them say at the same time he should be punished. This means that at least 28 percent of these respondents feel

that both, punishment *and* amnesty, are appropriate for Phillip. I would interpret these results as follows: According to public opinion criminal punishment and amnesty do not rule each other out. The South African public is more inclined to accept amnesty for perpetrators who have already been formally sentenced and punished than for those who have never been sentenced.

3. *There is a consensus that victims and their family members should be allowed to sue perpetrators for damages.* More than two thirds of all respondents (68 percent) share this feeling. While perpetrators may be spared from criminal punishment, restorative justice should be done. Interestingly, this public sentiment depends less on the degree of blame attributed to Phillip. Still 44 percent of those who claim that Phillip is completely blameless, feel that the victims and their families should be allowed to sue him in court. Although many respondents are willing to grant amnesty in respect to criminal liability (58 percent), there is hardly public support for amnesty in respect to civil liability. The overwhelming sentiment is: *Justice is not sacrificed, because perpetrators are not punished - justice is sacrificed, because victims are not able to lay civil claims against the perpetrator.*

The TRC - Success or Failure of Public Pedagogy?

To believe that legal institutions are able to re-educate a whole society is presumptuous. Fortunately governments are indeed unable to brainwash whole societal groups by imposing new ideas into their citizens. But the aims of the Truth Commission to teach South Africans about the atrocities of the past, to restore trust into the rule of law, and to foster social solidarity are too important to be ignored. One may argue that it is too early to make an assessment, as social learning processes take time. The reasons why the TRC might not have achieved some of its pedagogic aims might also well be found outside the realm of the Commission. Nevertheless, it is important to point at successes and failure of the TRC's public pedagogy, to enable civil society to develop strategies to address existing problems.

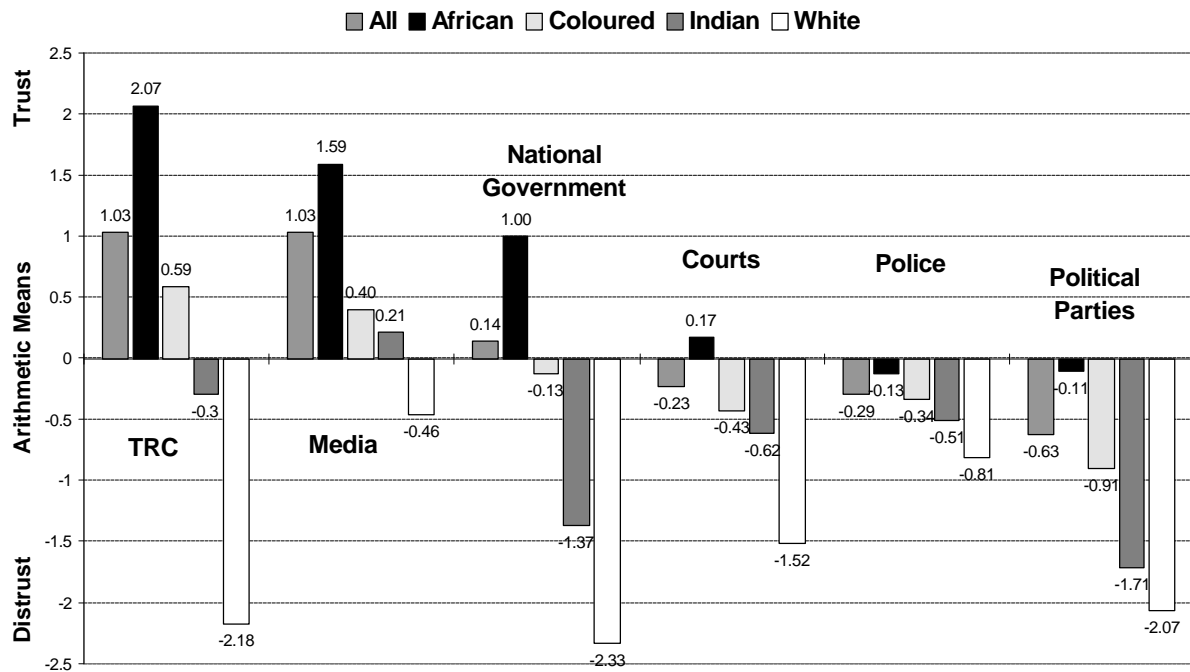
Successes

Extensive media reportage. The 'biggest public history lesson' ever held in South Africa reached indeed all South Africans. Proceedings of the TRC were covered extensively by the South African media. Daily newspapers like the *Business Day* ran about 1.4 articles on the TRC in each issue for more than three years (1996-1998). The TRC featured constantly in radio and national television news. From April 1996 to March 1998, the South African Broadcasting Corporation (SABC) aired weekly a Special Report on the TRC. The *Special Report on the TRC* found often its way into the „Top 10“ favourite programmes of the week and was extremely popular among African viewers. An average of one million adult viewers watched the Special Report every Sunday, these are about 8.7 percent of all adult people with a television at their house (SABC 1998). Public interest in the TRC proceedings was, however, significant lower among white television viewers (4.1%) than African viewers (13.7 %; Ibid.).

Most South Africans were happy about the work the TRC has done. Compared to other government institutions the TRC faired very well. In November 1998 fifty-seven percent of all respondents said that it was good for the country to have had the Truth Commission. It could yield even more sympathy than the ANC led national government. Compared to other legal institutions, like the police and the courts, the TRC is rather positive evaluated (Figure 9). Opinions about the TRC were

however strongly polarised across racial cleavages: 72 percent of white respondents said that it was bad for the country to have had the Truth Commission.

Figure 9: Trust in Institutions ¹⁰



Source: HSRC 1998.

Most believe the TRC did a good job in uncovering past atrocities. In November 1998 every second respondent felt, that the TRC has been successful in uncovering past atrocities. Only five percent of all African respondents claimed that the TRC was unsuccessful in this regard. Again, this evaluation is not shared by the white minority, which was either undecided (46 %) or denied (39 %) that the TRC had uncovered the truth (Research Surveys 1998). There is as well considerable disagreement whether one should continue to investigate past human rights abuses. Two out of three white South Africans would like to put an end to inquiries about past human rights violations, but 56 percent of all African respondents feel that there is a need for a follow-up institution to continue the work of the TRC after the TRC closes down (MRA 1998).

Mixed Reactions

Amnesty: South Africans is rather split on the topic of amnesty, but most (48%) agree that amnesty may be granted if people come forward and confess their crimes (Research Surveys 1996; Gibson & Gouws 1998). According to public opinion surveys the amnesty process should be restricted to a limited

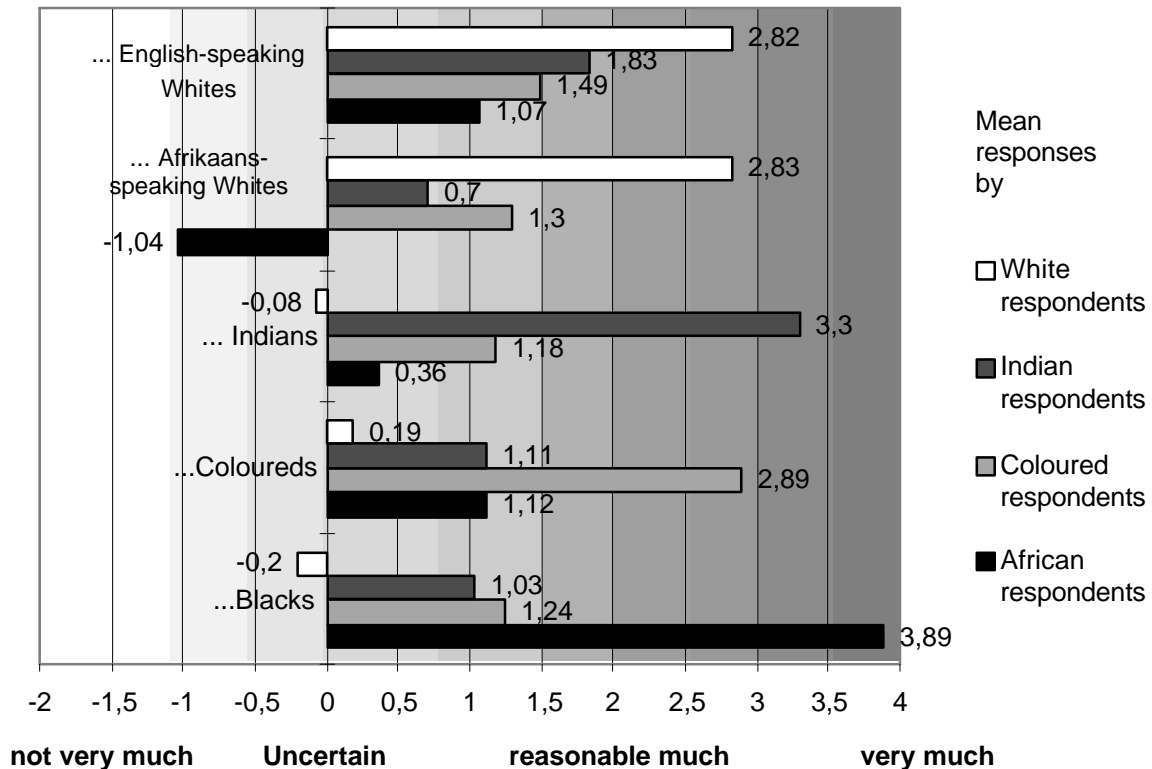
number of people (Mark Data 1997), and those who failed to apply for amnesty should be prosecuted (50 % support; Research Surveys 1998). Interestingly, African respondents are slightly more inclined to support amnesty than Coloured, Indian and White respondents (MRA 1996; Research Surveys 1996). But there is hardly agreement who should benefit from amnesty and not. Both, white and black South Africans, tend to disagree with amnesty decisions granted to perpetrators of the former enemy camp (Gibson & Gouws 1998). In one aspect the South African amnesty provisions violate predominant sentiments of justice: Amnesty in relation to civil liability is rather disliked. More than two in three respondents feel that family members should be allowed to lay civil claims against perpetrators (Gibson & Gouws 1998).

Reconciliation : Two thirds (67 %) of all South Africans agree with the basic principle underlying the TRC process that „there can be no reconciliation in South Africa unless people - both black and white - have confessed to their apartheid crimes“ (Gibson and Gouws 1998). But more and more respondents believed during the TRC process that „hearing what went on in the past will make people even more angry and result in worse feelings between the different races“ (1996: 60 % agreement; 1998: 65 % agreement; MRA 1996, 1998). African respondents overwhelmingly (56 %) believe that the TRC has contributed to peace and reconciliation, but most white respondents (54 %) maintain that the TRC failed to promote reconciliation (Research Surveys 1998).

Whether the feeling that the TRC did not promote reconciliation may rightly be attributed to the TRC is highly questionable. Many South Africans hoped the TRC would do the job for them. Instead of examining their own failures to overcome past divisions, they blamed the Commission. Current inter-group attitudes show that South Africans would first have to change their attitudes towards each other. While all population groups show significant pride into their own group, attitudes towards other ethnic groups are often cool, or negative. Many white South Africans admit openly to dislike Africans and Indians, and their attitudes towards their coloured fellow citizens are hardly positive. African respondents on the other hand are strongly prejudiced against white Afrikaners, and their views about Indians are neither very favourable (Figure 10). It is no wonder that mistrust still prevails in post-

apartheid South Africa. In April 1998 sixty-one percent of all South Africans claimed that „black and white South Africans will never trust each other“, only 17 percent disagreed (CASE 1998a).

Figure 10: How much do you like ...



Source: HSRC, November 1998

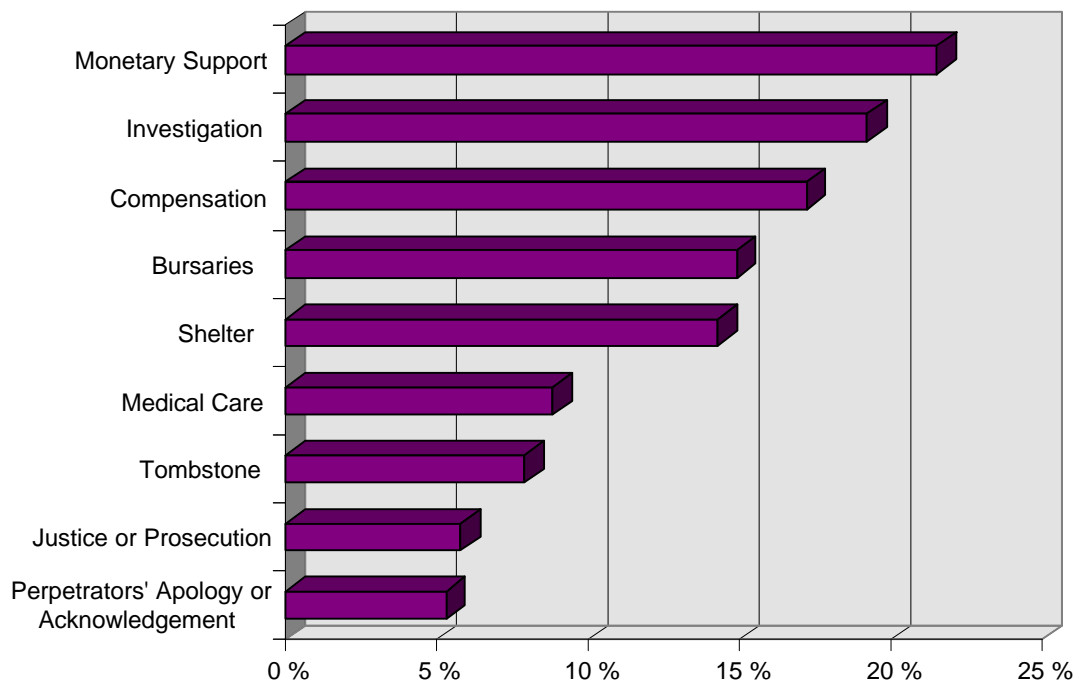
A common understanding of the apartheid past has still to emerge. Although apartheid is disapproved by most South Africans today - only nine percent of all white respondents liked to reinstall apartheid (Theissen 1997, 51) - still 44 percent of all white South Africans claimed that „apartheid was merely a good idea badly carried out“ in May 1996 (Ibid., 53). Few white South Africans admit to have profited from the apartheid system (18.9 %, Gibson and Gouws 1997). The predominant view of white South Africans is that life under apartheid was better (45 %, worse: 14 %; Ibid.). Compared to all other population groups the liberation of South Africa from authoritarian rule is not seen as such a contribution towards the quality of life, that it can neutralise negative perceptions about the new democratic order. For most white South Africans the new order is associated with increased crime, government corruption and economic decline. In the light of an extremely high crime rate, negative feelings about the new South Africa are understandable, but their strength is intensified by old stereotypes nurtured during apartheid about black majority rule.

Although there is widespread agreement that past human rights violations are a 'sad story', South Africans have divergent views who should be blamed for these injustices. In May 1996 white respondents were rather inclined to blame anti-apartheid activists and black 'troublemakers' for the repression in black communities (57 %), than the government or the security forces (46 % each, Theissen 1997, 67). There is hardly any feeling that those who supported the National Party in the past share some limited responsibility for the past repression (14 % agreement, 75 % disagreement, Ibid.). It is doubtful whether the TRC has been able to change this trend. The findings of Gibson and Gouws (1998) rather confirm the tendency to blame former enemies. There is as well no agreement across former racial cleavages that the resistance against apartheid was more justified than defending the apartheid system.

Failures

The TRC could not install a common commitment of all citizens to rectify past injustices. While victims expect compensation, the beneficiaries are not prepared to share any burden. From the TRC's own analysis of a representative sample of victims' statements it is obvious that monetary support, compensation, bursaries for school children and better housing have a high priority (Figure 11).

The demand that victims of past atrocities should be compensated is endorsed in African communities. In May 1995 fifty-seven percent of African respondents said that „victims or the family of victims of human rights violations [should be] compensated for past wrongs.“ However, 59 percent of white respondents are against compensation (HSRC 1995). Unfortunately there is no data available whether the TRC could increase public empathy with the victims among white South Africans. Judging from recent responses to affirmative actions (87 % disapproval, HSRC 1998) most white South Africans are not inclined to support compensation. Resistance against redistribution is especially strong among the well off in South African society, who are predominately white South Africans. (see Table 9).

Figure 11: Survivors' Expectations from the Truth Commission

Source: TRC-Report (1998), Vol. 5, p. 179.

Table 9: Support for Redistribution

	All	African	Coloured	Indian	White
People who were forced off their land should get their land back or get compensation for their loss.	84 %	93 %	89 %	82 %	48 %
Workers on farms should be given their own land on the farm.	72 %	88 %	71 %	59 %	9 %
Government must ensure that all people have adequate housing, even if people cannot afford to pay for it.	57 %	62 %	66 %	73 %	27 %
Services like water should be provided free for poor people.	65 %	72 %	65 %	67 %	38 %
Businesses should pay more taxes to help the poor.	53 %	62 %	64 %	64 %	16 %
Wealthy suburbs should subsidise services for poorer areas.	49 %	55 %	46 %	29 %	14 %
Respondents supporting three or more of the above statements	61 %	73 %	70 %	55 %	8 %

Source: Independent Newspapers 1999

As most (81 %) white South Africans do not consider themselves as beneficiaries of the past political order (Gibson and Gouws 1997), there can hardly grow an awareness that past injustices are a collective responsibility of all South Africans. The predominant view of white South Africans is rather that „too much is done for blacks at the expense of white people nowadays“ (54 % support; Theissen and Hamber 1998). The TRC with its focus on the excesses of the apartheid order may have contributed

to this development, as the Commission could not adequately deal with the legalised socio-economic injustices of apartheid.

Public human rights awareness remains low across all population groups. The TRC may have reinforced the perception that human rights violations are a problem of the past. From April 1997 to September 1998 the Independent Complaints Directorate¹¹ reported that 1,081 people died in police custody, or as a result of police action (Hamber 1999, 8; Bruce 1998). The Independent Complaints Directorate received 73 complains about police torture during the same period, a figure which is suspected to hopelessly under-represent the abuses actually taking place. Despite the TRC's efforts in its report to highlight ongoing police abuses (TRC-Report, Vol. 5, 330), it appears as past humane rights violations are considered fundamental different to those currently taking place. The high crime rate contributes to the fact that police torture is condoned by large sections of the population. In 1998 thirty-one percent of all South Africans agreed that „the police should be allowed to use force to extract information“ (CASE 1998b). Public support for the reinstatement of the death penalty is extremely strong among South Africans from all population groups (73 %), despite its political misuse in the past, and sixty-nine percent of all respondents feel that „the Constitution gives too many rights to criminals“ (Ibid.). The use of violence is also widely accepted in domestic settings. One in five men and one in ten women felt that „it is sometimes necessary for a partner to hit his wife“ (Ibid.). Refugees and migrants from neighbouring countries have become the target of public and private abuse (Africa Watch 1998), and their ill-treatment is facilitated by widespread xenophobia rooted in all population groups (Mattes, et al. 1999).

Conclusions

Are Truth Commissions a successful tool to shape collective memory about past injustices? Judging from a public opinion perspective the South African TRC was a mixed success. The media event of the TRC obtained the attention of all South Africans and stimulated for more than two years public debate about past human rights violations. Only few societies have been able to achieve such an intensive public reckoning with their own recent past during the immediate post-authoritarian era. The TRC gained public authority, especially among those who suffered during apartheid time, but was mistrusted by former apartheid supporters. It has been able to present a 'new' history of the apartheid past, but was not able to change fundamentally prevailing views of those who had backed racial discrimination and repression. The Commission was also not able to install a feeling of collective responsibility for past injustices among all population groups.

Most South Africans accepted the sacrifice of punishment for truth. The amnesty process could nevertheless be improved. The Amnesty Committee had only two options: either to grant or to refuse amnesty. It could not hand down any graded decisions, like the imposition of non-criminal sanctions, a reduction of sentence, or a suspended sentence. If amnesty processes would leave more scope for gradual decisions, their public acceptance and their compatibility with international law would be increased. Public approval would also be enhanced if amnesty bodies can take into account whether the offender shows remorse. This should not be a precondition for amnesty, but considered as a criteria. More importantly, it should be rethought whether amnesty should also be granted in respect to civil liability. The South African Truth Commission has often been praised as a model of restorative justice, although it explicitly extinguishes all compensatory obligations on the side of the perpetrator. While perpetrators are granted amnesty, the victims have still to wait if there will be any substantial financial compensation. The South African amnesty model may as well loose public reputation, should perpetrators who failed to apply for amnesty not be prosecuted at all.

The prediction of the theory of procedural justice that findings are more likely to be accepted when procedures are regarded as fair could be confirmed. Public approval depends, however, not only on

judgements about procedural fairness. Post-authoritarian societies are often severely fragmented between supporters of the old regime and its victims. Past allegiances continue to determinate the acceptance of the 'new history' they produce. Unfortunately, legal institutions are usually mistrusted by those they want to teach.

But are truth commissions fruitless endeavours of public pedagogy which do not reach their target audience? Will all be in vain if their findings are not accepted those who supported the past political order? I disagree. Legal institutions should not primarily strive for public consent. To the contrary, if they do not stir controversy or disapproval, they have failed. Should there be no discontent, they must have been unable to challenge deeply rooted justifications of past abuses. Undemocratic and authoritarian tendencies would be imported secretly into the new democratic dispensation without being subjected to public discourse.

The continuity of undemocratic beliefs should not give rise to disappointed generalisations that legal institutions rather reproduce the authoritarian view that the world is split into allies and enemies, than restore democratic authority (Malamud-Goti 1996). Neither trials against former perpetrators nor truth commissions must be ineffective. Although new revelations are often met with denial, these denials cannot be sustained for eternity. Legal institutions have an important function in establishing a new normative foundation for a society. They do offer a new version of history. If their narratives become dominant, denial will be considered as political incorrect and socially disapproved. Former supporters of the past regime will try to rewrite their memories and adopt to the new dominant narrative step by step. While many facts will be acknowledged, others continue to be denied until they are challenged afresh.

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1. For an overview about the amnesty issue since 1990, see Keightley (1993), and Parker (1996).
 2. A more detailed overview over the TRC legislation provides Hahn-Godeffroy (1998).
 3. The cut-off date was originally December 5, 1993, the day before the Interim Constitution of 1993 came into force, see S 3(1)a and S20(2) in conjunction with S1(1)vii of the TRC-Act. It was however extended to May 10, 1994 in order to be able to grant amnesty for bombings and other human rights violations by members of the right-wing before and during the first democratic election in April 1994.
 4. An compassionate account of the TRC hearings has been written by the poet Antjie Krog (1998), who followed the hearings as a radio journalist. The transcripts of the Human Rights Violation Hearings and Amnesty Hearings are available on the website of the TRC: www.truth.org.za
 5. The cut-off date was originally the December 14, 1996 (see S 18(2) TRC-Act) It was extended twice by regulation according to § 40 (1) i of the TRC-Act.
 6. The analysis includes only amnesty decisions in respect to gross human rights violations. As several applicants applied for various acts, some amnesties were only granted in part. The unsuccessful application of 73 ANC members is not included in these figures as the applicants had not specified any specific gross human rights violation in their applications.
 7. A more detailed description of the methodology of each survey is unfortunately beyond the scope of this paper. Further particulars can be obtained either in the reports of the relevant surveys or in the documentation available at the South African Data Archive in Pretoria.
 8. The realised sample was 124 respondents. Although fairly representative for white South Africans, the statistical margin of error (95% confidence interval) is about +/- 9 percent. See Theissen (1997, 35-7) for further details.
 9. A HSRC survey in 1996 asked for example „In dealing with alleged crimes of the past, which of the following possibilities do you prefer?“ and gave the following alternatives: 1. Amnesty, 2. A Commission of Truth and Reconciliation, 3. No action by the government. As the amnesty committee is an essential part of the TRC, the alternatives are not distinctive. Does somebody who endorsed ‘amnesty’ now favour a general amnesty, or just the TRC amnesty process. It is left to imagination what respondents might have thought who endorsed the option ‘no action by the government’. Does that mean that they are against amnesty and therefore support criminal prosecutions or does it mean rather the opposite: no inquiry into past human rights violations and no prosecutions at all.
 10. Unfortunately the TRC was not included in the sequence measuring confidence in public institutions of the HSRC 1998 survey. The response to the TRC was measured by the question ‘Do you think that the Truth and Reconciliation Commission (TRC) has been a good thing or a bad thing for the country?’ while trust in all other institutions was measured by ‘How much trust or distrust do you have in the following institutions in South Africa at present?’ Although the question in respect to the TRC is more output-orientated, I decided to include it into this figure, as those who claim that an institution has done a good job must also have some confidence in it, and those who claim that the TRC was bad for the country, will very unlikely trust the institution.
 11. The Independent Complaints Directorate is a statutory body that was set up in April 1996 to investigate complaints against the police.