

Writing the Past Out of the Present: History and the Politics of Time in Transitional Justice *by Berber Bevernage*

One of the most remarkable trends of the past decades in the field of transitional justice – the collective reckoning with the legacies of human rights abuse after dictatorship or violent conflict – is undoubtedly the rise of the so-called ‘truth commissions’: those semi-judicial bodies which, in contrast to criminal courts or war tribunals, cannot sentence or punish but offer an officially sanctioned ‘truth telling’ as an alternative source of justice.¹ The legal innovation of these truth commissions, it is commonly argued, is that they make it possible to address the painful past in situations where amnesties or political constraints exclude the option of criminal prosecution. Advocates for truth commissions often claim that the revelation, acknowledgement and remembrance of historical truth in themselves constitute a form of restorative justice which is a valuable alternative to ‘hard’ retributive justice.² Milan Kundera’s famous ‘struggle of memory against forgetting’,³ or George Santayana’s claim that ‘those who forget the past are condemned to repeat it’,⁴ or the old Jewish belief that ‘to remember is the secret of redemption’,⁵ are all sentiments which can be recruited as justifications for ‘truth telling’. It is common to hear that ‘truth telling’ is itself productive, a significant factor in the securing of social peace and in the restoration of civic trust in wounded nations, in a manner which could never be realized by tribunals or purges.

Since the first experiments in truth commissions in Latin America in the early 1980s, the phenomenon has occurred in more than thirty nations across the world.⁶ The disclosure of the ‘historical truth’ has, meanwhile, been recognized internationally as an inalienable right.⁷ In the words of UN special rapporteur, Louis Joinet: ‘Its corollary is a “duty to remember” on the part of the State: to be forearmed against the perversions of history that go under the names of revisionism or negationism, for the history of its oppression is part of a people’s national heritage and as such must be preserved’.⁸ With the increasing political investment in truth commissions, and with a worldwide celebration of historical truth, history has moved to centre stage in the ethico-political management of the collective past.

However this turn to history, in the context of conflict resolution and of nation-building, is – I argue – far from a self-evident virtue.

While there is a long tradition which conjoins historiography with nation-building, this has most often been a history invoking an ancient and glorious past which articulates a mythic unity or common origin. When we address the phenomenon of truth commissions, on the other hand, the past is replete with atrocities which are shameful and divisive.

The rise of truth commissions in most cases cannot be explained exclusively by their fact-revealing capacities. Juridical and political constraints often prevent truth commissions from naming perpetrators or accomplices and from fully describing the events in which they were involved. As a result, the revelations of the official commission reports can appear bland in comparison to the information previously recorded in the press, in books and elsewhere.⁹ Depending on the nature of the conflict, the narration of the past in official reports frequently takes the form of a 'procedural articulation of the known',¹⁰ which does little more than acknowledge officially what might be called public secrets.

Moreover societies trying to break from violent conflict and mass atrocities often do not exhibit a lack of memory but, on the contrary, experience what Charles Maier has termed a 'surfeit of memory', which continually threatens to regenerate old hatreds.¹¹ In South Africa, for example, the peace negotiations of the early 1990s, according to Erik Doxtader, only succeeded because, in the earliest instance, the negotiators agreed temporarily to by-pass the memories of the conflict.¹² In contrast to the subsequent commitment to 'forgive but not forget', the negotiators originally defined the political concept of reconciliation in terms of amnesty and amnesia. As Doxtader notes, Nelson Mandela himself had initially defined reconciliation as a state of affairs in which the 'injustices and grievances of the past would be buried and forgotten and a fresh start made', and it took him some years to revise this belief and to reconcile himself to the idea that the past could not be left behind.¹³

Besides, some commentators, including many historians, argue that truth commissions – in contrast to their official rhetoric – in reality often suffer from a short-term memory, inducing a social amnesia rather than forging a properly collective memory.¹⁴ Verne Harris, for example, suggests that truth commissions provide 'a nod at remembering in the interests of a profounder forgetting',¹⁵ while Anthony Holiday supposes that they deploy an 'amnesiac rhetoric',¹⁶ and Jacques Derrida, in similar mode, wonders if they do not potentially constitute 'exercise[s] in forgetting'.¹⁷ The turn to history, therefore, can hardly be explained by referring merely to the desire to conserve the memories of the past. Neither is the methodology or epistemology of academic historiography of great interest to truth commissions. Alternative methodologies are employed most of the time, and on occasion the concept of truth has been stretched to include personal, social, healing and restorative truths which are generally alien to professional history.¹⁸

All this, then, raises a simple but important question: why recently have states which have come out of a period of violence turned to history in order

to attain national unity and reconciliation? The answer to this question, I will argue, must be sought in history's relation to a specific 'politics of time'.¹⁹ Instead of interpreting transitional politics in terms of an opposition between remembering and forgetting, as is often done,²⁰ I will show that the current field of transitional justice is an arena for two conflicting ways of remembering which are driven by contrary temporal features.²¹ Truth commissions do not appropriate any kind of remembrance, at random, but specifically turn to history, or, more accurately, to a certain discourse of history. Once introduced into the field of transitional justice, this discourse of history tends to conflict with memory, or, more accurately, with a certain kind of memory.²² History, I claim, is introduced into the field of transitional justice not *despite* an already overabundant memory but *because* of it; and the conflict between the two is centred on different conceptions of time and different conceptions of the relation between past and present.

Placing both memory and history against the background of a politics of time allows us to grasp a dimension of history which exceeds its traditional functions of representing the past, of searching for the truth, and of generating meaning: its performativity. By this I mean that historical language is not only used to describe reality (the so-called 'constative' use of language) but that it also produces substantial socio-political effects and that it *partly* brings into being the state of affairs it pretends merely to describe (the so-called 'performative' use of language).²³ In order to explain the performative dimensions of history I will borrow some insights of the American philosopher, Preston King. I will use illustrations from the South African Truth and Reconciliation Commission (TRC) which was established to reckon with the crimes of apartheid shortly after the first democratic elections in 1994, and from the Sierra Leonean Truth and Reconciliation Commission (SLTRC) which started working in 2002, after eleven years of bloody conflict. First, however, let me explain what exactly I have in mind when I talk about 'history' and 'memory' and why they oppose each other in temporal terms.

MODERN HISTORICAL DISCOURSE, MEMORY OF OFFENCE AND 'FRAGILE' MODERNITY

When I say that truth commissions turn to history, I mean a certain approach to history: an approach which I would like to call 'modern historical discourse'. The term modernity is used here to refer to a specific worldview, experience or set of mentalities, rather than to a particular epoch or historical period.²⁴ Speaking about a *modern* historical discourse in this qualitative (instead of chronological) sense might seem strange at first sight. The Belgian-born literary critic Paul de Man, for example, once declared that 'among the various antonyms that come to mind as possible opposites for "modernity" ... none is more fruitful than "history"'.²⁵ De Man described modernity as characterized by an urge for radical renewal and an obsession with a *tabula rasa*, or even with a systematic forgetting.

According to him, modernity should be conceived of as 'a desire to wipe out whatever came earlier, in the hope of reaching at last a point that could be called a true present, a point of origin that marks a new departure'.²⁶ In the field of aestheticism, the original meaning of modernity indeed referred to artistic creations which broke with any connection to the past or to tradition. When the poet Charles Baudelaire in 1863 first used the word *modernité*, in his essay '*Le Peintre de la vie moderne*', he associated it with the truly new, the ephemeral newness of the present, on which the modern artist had to focus, disassociating it from the overvaluation of the eternal and the old evident in classical aesthetics.²⁷ A similar understanding of modern social experience as a continuously recapitulated break with the past, and bent on a socio-cultural orientation towards the future or the new, has been characteristic of the work of Jürgen Habermas. Modernity, Habermas puts it straightforwardly, 'expresses the conviction that the future has already begun: it is the epoch that lives for the future that opens itself up to the novelty of the future'.²⁸

The modern experience with its love for the future and its rejection of the old thus seems more an opposite to history than a suitable candidate to characterize a historical discourse. However, the intellectual historian Reinhart Koselleck has convincingly argued that the modern 'opening up' of the future and the related idea of 'progress' have been of crucial importance in the genesis of the dominant Western concepts of history.²⁹ For Koselleck, modernity (*Neuzeit*) primarily has to be understood as a radically new experience of historicity and time, literally a 'new time' (*neue Zeit*). Around the second half of the eighteenth century, he argues, technological innovations and the effects of what later would be called 'progress' resulted in a profoundly altered relation between people's memories of the past and their hopes projected on the future. Or to put this into Koselleck's more abstract terminology there occurred a rupture between the 'space of experience' (*Erfahrungsraum*) and the 'horizon of expectation' (*Erwartungshorizont*). Until the early eighteenth century, Koselleck claims, people's expectations for the future and their experiences of the past were closely knit together, such that the future could only be imagined as a continuation of the experienced past.³⁰ During the subsequent period, in contrast, an increasing break between experience and expectation took place, leading to a widespread perception of historical acceleration which Koselleck describes as the temporalization (*Verzeitlichung*) of history.³¹ Time during this period, he suggests, gains a properly historical quality. It is no longer simply the medium in which all histories take place. Henceforth history occurs not in, but through, time: 'Time becomes a dynamic and historical force in its own right'.³²

The onset of modernity has also had significant effects on how the past itself is imagined.³³ On the one hand, Koselleck demonstrates that the arrival of radically new expectations about the future resulted in a changed valence of the study of the past. Study of the past could no longer convincingly be

legitimized as offering vital lessons for present or future life, causing the once influential *Historia Magistra Vitae* ('history is life's teacher') perspective slowly to dissolve. On the other hand, it was exactly the 'discovery' of progress which brought with it the 'discovery' of the historical world:

The historical and the progressive views of the world have a common origin. They complement one another like the faces of Janus. If the new time is offering something new all the time, the different past has to be discovered and recognized, that is to say, its strangeness which increases with the passing of years.³⁴

The very idea of history as a unified process or a unified epistemological object only came into existence after the idea of progress opened up the future and people came to believe that they could 'make' history.

The 'discovery' of the historical world evidently had great implications for the formation of academic historiography. It was, indeed, only with the qualitative separation of the past from the present, and from the future, that history could become understood as a science.³⁵ It is this fundamental dependence of the dominant Western concept of history on the modernist stress on progress, on the qualitative break between past, present and future, and on a modernist concept of a time which becomes a 'historical force in its own right', which I want to signal by using the expression 'modern historical discourse'.

Let me return for a moment to Habermas and an important remark he makes about the modernist consciousness of time. Because of modernity's radical orientation towards the future and its relentless will to set off 'the most recent [*neuesten*] period from the modern [*neue*] age', Habermas claims that modernity's consciousness of time and its self-conception as an autonomous epoch is in fact fragile and in constant need of self-reassurance.³⁶ Not only is the modern mentality cast back upon itself in a normative sense, because it refuses to take its normative orientations from any models supplied by other epochs, it also has to repeat the break with the past as a continuous renewal. Quoting Hans Blumenberg, Habermas points out that modernity's claim to be able incessantly to accomplish this radical break is an illusion, because it conflicts with the reality of history where one can never start with a clean slate.

Many different kinds of historical events can threaten the modern consciousness of time. The growing scepticism about the possibilities of progress, and the deepening 'consciousness of man-made catastrophes', are decisive in this respect.³⁷ Yet at the same time, the presence of memory, or more accurately of a certain kind of memory which, borrowing from Primo Levi, I describe as 'memory of offence',³⁸ also must be considered an important factor. Levi describes the 'memory of offence' as a memory of 'extreme experiences, of injuries suffered or inflicted'. He claims that this is not only a matter of recalling traumatic experiences from the past, but rather

that the memory itself can be traumatizing, due to the fact that it can remain painful or disturbing even after several decades.

This kind of memory can blur the divide between past and present which, as we have just seen, lies at the very root of the modern consciousness of time and modern academic historiography. For example, Gabrielle Spiegel claims that post-Holocaust Jewish memory conflicts with the modern enterprise of historiography precisely because it reincarnates, resurrects, recycles the past, and in so doing refuses to keep the past in the past.³⁹ In similar vein, Lawrence Langer has claimed that the memory of atrocities tends to develop a 'durational time' that disrupts chronological time.⁴⁰

When they act as a social force, 'memories of offence' can indeed recast conceptions of time so that time itself is no longer conceptualized as a 'medium of change', and time's passing no longer secures a 'distance' between past and present.⁴¹ Lately, this can be observed in many different situations. The influence of organized and highly visible victim-groups and 'entrepreneurs of memory', for example, often gives rise to an experience which accentuates the proximity of the past.⁴² As one commentator remarks, 'Since roughly the end of the Cold War the distance that normally separates us from the past has been strongly challenged in favor of an insistence that the past is constantly, urgently present as part of our everyday experience'.⁴³ The dissemination of idioms which refer to the ghostly or uncanny nature of the past – talk of 'the haunting past',⁴⁴ or of 'ghosts at the table of democracy',⁴⁵ for example – also seems to underscore a widespread feeling of an uncomfortable 'presence'. And advocates of reparation politics, too, often stress the stubborn persistence of historical injustices. The Nigerian Nobel prizewinner Wole Soyinka, for example, substantiates his well-known reparation claims for the trans-Atlantic slave trade by a reading of the African past as a 'diabolical continuity' in which the ancient slave stockades never seem to vanish.⁴⁶

It is exactly in this ambiguous context of a 'fragile modernity' and a shaky belief in the possibility of a radical break between past and present, I argue, that the peculiar turn to modern historical discourse in the field of transitional justice must be situated. By drawing from what I've termed modern historical discourse, I suggest, truth commissions aim at the restoration, or creation, of a modern consciousness of time, thereby confirming a characteristically modernist disjuncture between past and present; in turn, this idea of time is profoundly challenged by 'memories of offence' which refuse to let the past go, and which insist that the past habitually 'haunts' the present. Although I believe that the international emergence of truth commissions results from an implicit – sometimes even an explicit – recognition of the problem of the 'haunting past', I argue that these commissions turn to modern historical discourse precisely *because of* the latter's refusal of the idea of the 'presence' or 'persistence' of the past.⁴⁷ This I see as the principal paradox which underwrites the contemporary phenomenon of state-organized truth commissions.

THE TRUTH COMMISSIONS IN SOUTH AFRICA
AND SIERRA LEONE

The genealogy of modern transitional justice, according to Ruti Teitel, can be traced back to the attempts to mount retributive justice and to re-establish the rule of law in the aftermath of the First, and certainly of the Second, World Wars. But its more recent phase, characterized by the installation of truth commissions, is primarily committed to nation-building and aims to preserve social peace and to create a new political and civil community.⁴⁸ This was certainly the case for the Truth and Reconciliation Commission in South Africa (TRC) which was indirectly rooted in the protocols of the South African interim constitution of 1993 which stated that national reconstruction and reconciliation had created the need for understanding and reparation, rather than for vengeance, retaliation or victimization.⁴⁹ Tellingly it was formally set up in 1995 by a parliamentary initiative called the 'Promotion of National Unity and Reconciliation Act'.

The seventeen-member body was chaired by Anglican Archbishop Desmond Tutu and had one of the most extended mandates for any truth commission to date in order to investigate human-rights violations during the apartheid era, between 1960 and 1994. Subdivided into three interconnected committees – the Human Rights Violations Committee, the Reparations and Rehabilitation Committee and the Amnesty Committee – it directed itself both to the testimonies of the victims and to the need for reparations and, controversially, it had also been accorded the right to grant individual amnesties to perpetrators of politically motivated crimes. After it had gathered almost 23,000 testimonies from victims and witnesses, and had received more than 7,000 applications for amnesty from perpetrators, the Commission released a five-volume Final Report in 1998, and added two further volumes in 2002 and 2003. Both in the TRC's various communications throughout its active working period – during which it received intense media coverage – and in its final report, the Commission spread Desmond Tutu's well-known idea of the 'rainbow nation', based on recognizing the value of reconciliation and on the Bantu notion *Ubuntu*.

At least as much as was the case in South Africa the goals of social peace and nation-building were central to the Sierra Leonean Truth and Reconciliation Commission (SLTRC). The initiative for the SLTRC was already taken during the Lomé peace negotiations in 1999 but a resurgence of hostilities in 2000 considerably delayed its launch. It took until 2002 before the Commission actually started working, and it remained active until 2004.⁵⁰ The SLTRC was largely based on the example of its South African predecessor. Like the TRC, the SLTRC relied on public testimonies by both victims and perpetrators. It also was presided over by a religious leader, the Methodist bishop Joseph Humper, and it too was permeated by a religiously inspired language which spoke in terms of the need for forgiveness, catharsis and healing. In important respects, however, the Sierra Leonean case differed from the South African. First, the SLTRC was not

entirely national: from the start, the UN played a major role in its establishment, and the team of commissioners, in addition to the four Sierra Leoneans appointed by the president, also included three international members selected by the United Nations Commissioner of Human Rights.⁵¹ Second, the SLTRC could not offer amnesty to perpetrators for a full revelation of the truth, as the Lomé peace agreement had already included a blanket amnesty for all parties. In addition, the SLTRC found itself in the unique, and problematic, position of having to work side by side with the Special Court for Sierra Leone, a war tribunal initiated by the UN after the breaching of the peace accord by the rebels which had created the juridical possibility that the amnesties could be annulled. These last two features of the SLTRC made it harder for the commissioners to claim that the public narration of the historical past alone constituted a fully fledged form of justice. This, however, prompted the Sierra Leonean commissioners to claim the therapeutic and reconciliatory effects of truth telling with even greater conviction than that of their South African colleagues.

Once it started functioning the SLTRC divided its work into a series of three phases. During the first phase more than 8,000 statements were gathered from victims, witnesses and perpetrators. A second phase was almost entirely dedicated to the organization of a series of (mostly public) hearings. After the final hearings, the Commission prepared its reports: initially scheduled to take some four months, in the event this took more than a year. On 5 October 2004 the Commission finally presented its report to the president.⁵²

TRUTH COMMISSIONS: THE WILL TO MODERNITY

John Torpey claims that the recent worldwide ‘fever’ for reparations and apologies has largely supplanted the elaboration of visions of the future in contemporary politics. The preoccupation with ‘coming to terms with the past’, he complains, is so pervasive that the traditional rallying cry of historical militant labour – ‘Don’t mourn, organize’ – has been replaced by the dictum, ‘Organize to mourn’.⁵³ While this thesis might be true for particular branches of reparation politics, it certainly does not hold for transitional justice in South Africa or Sierra Leone. The installation of truth commissions in these countries should be interpreted not as an obsession with the past, or a loss of interest in the future, but rather as symptom of a growing anxiety about the *failings* of progress and about the breakdown of the modern consciousness of time. In many countries recovering from a period of violent conflict, indeed, significant portions of the social elites and of the urban population manifest a pronounced ‘will to modernity’, in the sense of a manifest desire for the ‘new’, for a radical break between past and present and even for the kind of ‘forgetting’ which I described above.

In South Africa, for example, the ANC leadership was clear that it wanted the TRC to free the new democratic government from the burden

of the past by concluding its work as quickly as possible, 'so that we do indeed let bygones be bygones and allow the nation to forgive a past it nevertheless dare not forget'.⁵⁴ If the new government of South Africa opted for a truth commission, this was primarily motivated by the fear that without such a commission it would not succeed in breaking with the past and that this past would be an enormous burden for the nation on its road to the future. Indeed soon after the start of the peace negotiations, Kader Asmal (the intellectual father of the TRC) argued that one should not underestimate how much the past remained a part of the present and how it could survive as an intruder in the future. Negating the past would risk tolerating it as a 'phantom chauffeur in a seemingly new journey'.⁵⁵ Asmal therefore evokes the idea of a constructive or purifying flood and compares the function of the TRC to that of a short but powerful 'cathartic dam-burst' which washes the old away and makes space for the new.⁵⁶ A similar longing for 'progress' was unambiguously expressed by the influential constitutional theorist Albie Sachs: '[If] there is a sense of forward movement and the creation of a nation and a real, shared dignity in this country, then I think the pressure simply to punish, to penalize and have commissions of truth becomes much less'.⁵⁷ The message was well understood by the commissioners of the TRC: in defensive mode, they anticipated potential criticism by stating that the Commission was not obsessed with the past but sought to deal with the past only for the sake of the future.⁵⁸ Once having 'looked the beast of the past in the eye', Desmond Tutu states in his foreword to the TRC's *Final Report*, the door on the past should be shut so that it would not imprison the 'glorious future'.⁵⁹

In Sierra Leone, too, the ambition to become more modern and 'move the country forwards' away from its 'darkened past' was loudly proclaimed by the political, cultural and religious elites, and this ambition was enthusiastically shared by most of the commissioners themselves. Far from 'eclipsing the visionary modes of imagining the future', the SLTRC combined its backward-looking gaze with a great yearning for progress. As the president of the SLTRC put it, the Commission was 'about new beginnings' and about the 'construction of a new Sierra Leone'.⁶⁰ This was particularly clear, for example, in the futuristic project named the 'National Vision for Sierra Leone', which was organized by the SLTRC and invited the population to envision a 'roadmap' into the future. The project was designed to promote and legitimate the ethico-political agenda of the Commission itself, and this agenda is clearly reflected in the small selection of contributions which are reproduced in its *Final Report*. All of the selected contributions bear hopeful messages, such as 'It's true the war is over – Welcome to new Sierra Leone'; 'My Sierra Leone, a new chapter and era . . .'; or 'Now is the time to move forward . . .'. Moreover, the project yielded one of the central slogans of the Commission: 'The inspiration is let's sprint, if we can't sprint, let's run, if we can't run, let's walk, if we also can't walk, then let's crawl, but in any way possible let's keep on moving'.⁶¹

This emphasis on the need for progress and modernity makes the question of ‘remembrance’ versus ‘forgetting’ problematic. While the Commission sent a straightforward message about the need to ‘forgive but not forget’, and about the healing capacities of remembering, its actual tackling of these issues was far more ambiguous, especially when we compare the Commission’s formal accounts with the unedited transcriptions of the victim and perpetrator hearings.⁶² These transcriptions show that a considerable number of victims and perpetrators conceived the real mission of the SLTRC to be the quest to ‘forgive and forget’. Strikingly, the response of the commissioners to this perception changes noticeably throughout the public hearings. Initially they responded to the repeated critical questions on the need for remembrance by offering a standard answer about the need to clean festering wounds and to heal the nation by creating a proper historical record of the nation’s past. Later, however, their tone changed and they placed less emphasis on the need to remember (at least for individuals), and merely urged the victims to forgive and reconcile themselves with the perpetrators. By the end of the hearings, some commissioners even wished victims the ‘hope and courage to move forward and forget about the past’, or straightforwardly stated that the Commission indeed asks them to ‘forgive and forget’. It is repeatedly said that the progress of the nation is the most important issue: ‘all we want is reconciliation so that the past remains the past, and everyone is able to work towards progress and development.’

MODERN HISTORICAL DISCOURSE, THE PROJECT OF SIMULTANEITY AND THE PRODUCTION OF ‘DISTANCE’

What now of my contention that the field of transitional justice is the arena for contending struggles between contrary politics of time, and that truth commissions primarily turn to ‘history’ in order to pacify the troublesome force of ‘memory’?

From Benedict Anderson we have learned that the ‘obscure genesis’ of modern nations as ‘imagined communities’ cannot be understood without taking into account the development of a specific notion of simultaneity. This ‘cross-time simultaneity’ which is measured by clock and calendar has been a long time in the making and, according to Anderson, is in marked contrast to the medieval Christian conception of ‘simultaneity-along-time’, in which past and future were fused into an instantaneous present by divine prefiguring and fulfillment.⁶³ The idea of the modern nation as a solid community moving through history is a precise analogue of the idea of a ‘sociological organism moving calendrically through homogeneous, empty time’. As Anderson puts it:

An American will never meet, or even know the names of more than a handful of his 240,000-odd fellow Americans. He has no idea of what they are up to at anyone time. But he has complete confidence in their steady, anonymous, simultaneous activity.⁶⁴

Nation-building could then be read as a complex and fragile creation of a collective experience of temporal simultaneity, or of synchronicity.⁶⁵

It is, however, exactly this project of simultaneity which is threatened by the abundant 'memories of offence' which keep 'alive' the recollections of past atrocities and threaten the modern consciousness of time. The challenge posed by such memories is not so much that they evoke a divisive past but rather, as we have seen, that they claim the persistence of this divisive past and conceive of it as an integral part of the present. While truth commissions draw much of their legitimacy from positing the idea of remembrance as an alternative form of justice, this particular 'sting' (to use an expression by Desmond Tutu) needs to be expunged from the memory of offence before the latter can contribute to nation-building.⁶⁶ Indeed, Tutu was a powerful advocate of the TRC precisely because of his hope that it would tackle the problem of the past's 'uncanny habit of returning to haunt one' and its refusal 'to lie down quietly'.⁶⁷ Kader Asmal expresses his discomfort with the haunting persistence of the painful past even more forcefully, when he claims that: 'We cannot just dismiss such truths by saying that the past "is over." The past will never be over unless we move deliberately and systematically to end it'.⁶⁸

The common ground underlying the ethics of truth commissions, Wole Soyinka rightly notes, is the search for what he calls the 'cathartic bliss' of closure or for a form of remembrance that produces a 'truth that shall make free'.⁶⁹ The worldwide turn to history in post-conflict situations, it can be argued, is largely due to the fact that many policymakers, as Soyinka remarks, grew convinced that, if managed correctly, remembrance too is susceptible to closure.⁷⁰ In this context modern historical discourse is useful not primarily for its capacity to reveal historical truth but, rather, for a property that, as the historian Mark Salber Phillips points out, is all too often neglected: its regulation of 'distance'.⁷¹ Our relation to the past is about producing and manipulating distance, however foreshortened or extended. This distance between past and present, Phillips remarks, is not simply given but is actively constructed in a broad range of 'distance-constructions' which involve ideological aspects, affective implications and cognitive assumptions. This understanding – that the distancing of past and present is not just a result of the passing of time but a function of the historical imagination – underpins the central proposition of my argument. Modern historical discourse, I claim, is introduced into the language of truth commissions primarily in order to support the national project of simultaneity by insisting on the modernist rupture between past and present. Although the remembrance of a divisive past will never be conducive to the creation of a nation-wide experience of simultaneity it helps if that divisive past is collectively remembered according to what I have suggested are modern historical protocols: that is, remaining at a 'distance' from, or separate from, the present. Revolutions, the American legal scholar Bruce Ackerman stresses, are first and foremost attempting to 'cut time in two',

breaking off a Before from a Now, and the same stands for the negotiated revolutions or the peace settlements such as the ones in South Africa and Sierra Leone.⁷² The turn to modern historical discourse, then, is part of a politics of time in which ‘new’ democratic societies try to expel the ghosts of the past by actively positing what belongs to their historical present and what does not. Both in South Africa and Sierra Leone forgiveness and reconciliation, for example, are presented as defining features of the present, while rancour and revenge are presented as belonging to the past.⁷³

Very little is known about the overall effectiveness of truth commissions and their turn to history. However, while a recourse to modern historical discourse might aid truth commissions in reaching the closure they seek, its reinforcement of the modernist time consciousness and of the project of simultaneity can also turn this discourse into what we could call an ‘allochronic’ practice: a practice that (symbolically) allocates into another time all those who refuse to participate in the process of reconciliation or nation building.⁷⁴ Since forgiveness and reconciliation are considered defining features of the present, those unwilling to forgive or reconcile cannot be considered as fully simultaneous or contemporaneous with the rest of the nation, as fully belonging to the ‘new’ South Africa or in the ‘new’ Sierra Leone. Thus there is the tendency for truth commissions to identify unco-operative perpetrators and rancorous victims equally as living anachronisms, locked into the past and impeding the future progress of the nation.

This mechanism is at work, for example, in Desmond Tutu’s famous expression that there is really ‘no future without forgiveness’.⁷⁵ The formula is powerful because it implicitly accuses those unwilling to forgive of obstructing not just one specific future, but the future in general – as if they were threatening to bring time itself to a standstill. Kader Asmal, too, hoped that those whom he saw living in a neurotic world of oblivion, forgetting both ‘time’ and ‘place’, would be forced into the present by the Truth Commission and thus come to appreciate the ‘proper historical consciousness’ by which the TRC worked. After the dam-burst of the TRC, he argues, only ‘ahistoric hermits’ could still deny the new reality, ‘looking backwards at ghosts, unaware of the exorcism so decisively under way’.⁷⁶ The allochronic property of modern historical discourse allows Asmal to pose the following rhetorical question:

Exactly where (and when) are those few people living who still carry the old South African flag to sporting events in the new South Africa? Where (and when) are those pilots of our national airline living, still oblivious that the old H. F. Verwoerd dam in the middle of the country, a landmark they are fond of pointing out to passengers, is now called the Garieb in honour of the area’s inhabitants. Where (and when) are those people living who proclaim grandly their property rights over land and water taken from blacks at fire-sale prices after violent forced removals? What time are some of us living ...?⁷⁷

In order to understand exactly how modern historical discourse ‘works’ in dividing past from present and in declaring people’s experiences to be past it will be helpful for us to return to the more abstract questions of the relations between past and present. Most of our difficulties in understanding the idea of the past being alive in the present, according to Preston King, rest on a certain confusion about what we *mean* by present and past.⁷⁸ In order to categorize the different meanings we attribute to these correlative but mutually exclusive notions, King distinguishes between a ‘chronological time’, signifying an abstract temporal sequence, and a ‘substantive time’, referring to a concrete sequence of events. Relying on chronological time, two senses of the present can be discerned, each defined by its duration: the ‘instantaneous present’ and the ‘extended present’. Both presents are boxed in between past and future and have a purely chronological character. But the first defines itself as the smallest possible instant dividing past and present, while the second refers to a more extended period of time (for example, a day, a year, a century) whose limits are arbitrarily chosen, but give the present some body or temporal depth. Because of the meaninglessness and arbitrarily chronological character of these presents and corresponding pasts, historians often use a more substantive frame of reference based on criteria which are not themselves temporal. One of these substantive notions is the ‘unfolding present’. As long as a chosen event (negotiations, depression, war, etc.) is unfolding, it demarcates a present; when the event is conceived as completed, the time in which it has unfolded is called past. King remarks that this is the only sense in which we can say that a particular past is ‘dead’ or ‘over and done with’. He immediately warns, however, that any process deemed completed always contains other sub-processes that are incomplete. It is therefore very difficult to preclude any actual past from being part of, working in or having influence on, this unfolding present.

In addition to the three presents already described (the instantaneous, extended and unfolding), King mentions a fourth, which he calls the ‘neoteric present’. Drawing a parallel with the dialectics of fashion he notes that we often distinguish events that occur *in* the present, but can sometimes be experienced as ‘ancient’, ‘conventional’ or ‘traditional’, from those we perceive to be distinctively characteristic *of* the present, seen as ‘novel’, ‘innovative’ or ‘modern’. Historical periodization, seemingly dependent on the extended present, according to Preston King, is first and foremost an exercise in applying the dialectics of the neoteric present. While every notion of the present excludes its own correlative past, this does not hold for non-correlative senses of the past. The present can thus be penetrated by non-correlative senses of the past which in a substantive sense stay alive in the present. King explains: ‘The past is not present. But no present is entirely divorced from or uninfluenced by the past. The past is not *chronologically* present. But there is no escaping the fact that much of it is *substantively* so.’⁷⁹

By defending this notion of the interpenetration of the past and the present, Preston King relativizes any absolute rupture between present and past. He also enables us to understand how modern historical discourse, in the context of transitional justice, actively supports the political transition to a new nationhood by enforcing a symbolic break between present and past. We could say that modern historical discourse gets its powerful exorcizing and allochronic capacities by mixing substantive notions of past and present with a strongly naturalized chronological sense of time. The active juxtaposing of the present and the past, the new and the old, or the living and the dead is disguised by a 'veil' of naturalized chronological time. The powerful historical concept of anachronism can be used to declare certain human subjects to be 'out of time'.

While the use of modern historical discourse in the field of transitional justice seems at first sight to be directed at the historical past itself, in fact the major goal is to induce a 'simultaneous' present freed from any ghosts of the past. The discourse of history already 'works' by claiming that certain phenomena belong to its epistemological realm or object: central to acknowledging or narrating the (national) past is the insistence that it is no longer present, that it is 'dead'. In declaring the past dead, and in differentiating it from the present, historical discourse actively exorcizes that past and its ghosts. This would explain the oddly obsessive way in which truth commissions often refer to atrocities as 'the crimes of the past', even when they happened recently and are not at all experienced as part of the past. The description of these crimes as belonging to the 'past' in a commonsensical, chronological sense, provokes the connotation that they are 'past' in the substantial sense of 'passed', 'dead', or 'over and done with'. Yet this is often more wish than reality. Modern historical discourse's performativity could indeed be described by evoking Derrida's figure of the coroner who certifies death in order to inflict it: to 'declare the death only in order to put to death'.⁸⁰

During its active working period the TRC in South Africa was preoccupied with issues of chronology and periodization. There was a logic to this because the TRC, as one commentator remarked, was the first to construct a 'new national time-line' which officially acknowledged and organized chronologically events such as the Sharpeville massacre, the Soweto uprising, or the Church Street bomb.⁸¹ However, the Final Report hardly ever transcends the level of chronology. Some of the historians working at the research department of the TRC even spoke of 'a certain obsession from the top with chronologies', complaining of the laborious assembling of lists which, they argued, contributed little to the development of new insights.⁸² Indeed, the determination to create a rigorous periodization enabled the TRC to create a story of South Africa in which past and present were not only strictly separated, but also in moral terms opposed. By adopting this approach it became difficult for the TRC to grasp the full complexity of the continuities between past and present.⁸³

A last illustration from the case of Sierra Leone, in contrast, shows that chronology can sometimes play only a subsidiary part in the politics of time. As I have mentioned, the case of Sierra Leone is interesting because the Commission coexisted with a war tribunal. In order to avoid conflicting jurisdictions and so as to create a division of labour for the two institutions, it was arranged that the Special Court would focus only on the perpetrators with the greatest responsibility for the gravest atrocities, while lesser crimes, and those whose perpetrators were of lower rank or were child soldiers, would be referred to the Commission. Yet the division of labour between the SLTRC and the Special Court is also reflected in terms of the politics of time. Although both institutions were expected to investigate periods that overlapped, the 'Truth and Reconciliation Commission Act' is cast in a terminology which is replete with references to the past and history (for example, requiring the truth commission to create an 'impartial historical record', and to explore 'past violations or abuses'), while the wording of the legal text which founded the Special Court, in contrast, makes no reference to terms such as history, historical or past.⁸⁴ Thus atrocities which were committed on the same chronological date could be considered as present or as past – and, respectively, either be punished or simply be added to the 'impartial historical record' – depending on the gravity of the crime or on the degree of responsibility of its perpetrator.

CONCLUSION: 'WE VICTIMS AND SURVIVORS DECLARE THAT THE PAST IS IN THE PRESENT'

Modern historiography, the cliché goes, exists by grace of time and temporal distance: as Michel de Certeau remarks, it has the perishable as its object and progress as its motto.⁸⁵ As we have seen, the genesis of history as an academic discipline was underpinned by the development of a distinctively modernist (and Western) concept of time. Dependent on a now moribund but once strong belief in progress and a world view convinced of the power of historical change, professional historiography has mostly been preoccupied with absence, loss and a scrupulous conservation of an always 'fleeting' past.⁸⁶

Here, however, I have not been concerned with professional historiography but with the fate of modern historical discourse in the context of truth commissions, where not the absence of the past but its persistence is the cause of greatest concern. The symbolic function of truth commissions can be compared to the establishment of a new constitution installing a new national identity. As an important complement to many other forces that actively create political transitions, the task of truth commissions must primarily be interpreted as that of an 'act of constitution',⁸⁷ or of a 'founding action'.⁸⁸ The political function of the truth commission is first and foremost directed at managing a break with the past.

Truth commissions employ modern historical discourse in order to restore the modern regime of historicity and to reassure modernity's 'frail'

consciousness of time in which this historical discourse, as we have seen, is itself intellectually rooted. Once introduced into the field of transitional justice, historical discourse tends to conflict with a particular kind of remembrance: the ‘memory of offence’. Modern historical discourse and ‘memories of offence’ speak with different voices to the past. Memory of offence speaks a ‘language of fidelity’,⁸⁹ refusing to let go of the atrocious past and keeping it ‘alive’ in all its frightening proximity. Modern historical discourse, in contrast, speaks a ‘language of exorcism’, dispelling the ghosts of the past by enforcing, or reinforcing, a ‘distance’ between past and present.

This mechanism, however, does not go uncontested. In South Africa, for example, victims and survivors complain that justice was denied, that reparation promises were broken and that many who bared their souls have been relegated to the fringes of society. Their continuous struggle to be recognized as citizens of the nation and as an integral part of the ‘new South Africa’ can be interpreted as a critique of the workings of the TRC and, more abstractly, of the politics of time in which it invested. The Khulumani Support Group – a membership organization that represents around 44,000 victims and survivors of apartheid-era violence – criticizes the ‘unfinished business’ of the TRC, and suggests it is ‘folly to think that the demand for accountability will fade with time’. ‘It is not perpetrators who should be announcing that it is time to move on from the horrors of a past that continues to live in the present’, they write. ‘It is victims who should announce that time.’ While they support the goals of nation-building and reconciliation, they call on all South African citizens to ‘accept that the past is not yet past’, and ‘declare that that past is in the present’.⁹⁰

While the symbolic distancing of the past can help ‘new nations’ create a simultaneous present, modern historical discourse tends also to declare parts of the population to be outside that present: this raises the question whether truth commission’s turn to history in order to pacify the past may not also come at the cost of memory and justice.

Berber Bevernage is a Research Fellow at the University of Ghent and currently (2009–2010) a Visiting Professor at the Free University of Amsterdam. He has published articles in the field of philosophy of history and is writing a book based on his doctoral thesis, ‘Time, Historical (In)justice and the Irrevocable’.

NOTES AND REFERENCES

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1 For a classical study on the broad problematic of transitional justice, see *Transitional Justice: How Emerging Democracies Reckon with Former Regimes*, ed. Neil Kritz, 3 vols, Washington DC, 1995.

2 For an analysis of the arguments that are generally used in defence of truth commissions, see David Dyzenhaus, 'Justifying the Truth and Reconciliation Commission', *Journal of Political Philosophy* 8: 4, 2000, p. 474; and Amy Gutmann and Dennis Thompson, 'The Moral Foundations of Truth Commissions', in *Truth v. Justice: the Morality of Truth Commissions*, ed. Robert I. Rotberg and Dennis Thompson, Princeton, 2000.

3 See, for example *Truth and Reconciliation Commission Report*, vol. 1, Cape Town, 1998, p. 116. Hereafter, *TRC*.

4 See for example Desmond M. Tutu, *No Future without Forgiveness: a Personal Overview of South Africa's Truth and Reconciliation Commission*, New York, 1999, p. 271.

5 See for example Alex Boraine, *A Country Unmasked*, Oxford, 2000, p. 260.

6 For an overview of the most important truth commissions internationally, see Priscilla Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, New York and London, 2001.

7 This juridical philosophy was pioneered in the Velásquez Rodríguez case in Honduras by the Inter-American Court of Human Rights in 1988 and was adopted by the UN by the mid 1990s. For a discussion, see Antoon De Baets, 'Waarheidscommissies als protohistorici', *VVN-berichten* 4, 2002, pp. 3-11.

8 *Question of the impunity of perpetrators of human rights violations (civil and political)*, Final Report by Louis Joinet for UN Commission on Human Rights, Sub-Commission on Prevention of Discrimination and Protection of Minorities (pursuant to Sub-Commission decision 1996/119), October 1997. See <http://www.derechos.org/nizkor/impu/joinet2.html>.

9 The South African TRC for example itself admitted that its Report contained fewer names than most books on the subject: *TRC Report*, vol. 5, Cape Town, 1998, p. 206.

10 This term is taken from Wole Soyinka, *The Burden of Memory, the Muse of Forgiveness*, Oxford, 1999, p. 33; Jose Zalaquett, lawyer and member of the Chilean National Commission for Truth and Reconciliation, remarks that the revelation of the truth is particularly important in situations where abuses remain concealed or unsolved. In the case of apartheid, he writes, the abuses were often well known, very visible and rationalized by the state rather than denied. In such cases, he claims, acknowledgement is more important than truth. *Dealing with the Past: Truth and Reconciliation in South Africa*, ed. Alex Boraine, Janet Levy and Ronel Scheffer, Cape Town, 1997, p. 12.

11 Charles S. Maier, 'A Surfeit of Memory?', *History and Memory* 5, 1993.

12 Erik Doxtader, 'Making Rhetorical History in a Time of Transition', *Rhetoric and Public Affairs* 4: 2, 2001.

13 Nelson Mandela, cited in Erik Doxtader, 'Easy to Forget or Never (Again) Hard to Remember?', in *The Provocations of Amnesty: Memory, Justice, and Impunity*, ed. Charles Villavicencio and Erik Doxtader, Claremont, South Africa, 2003, p. 133. Referring in 1995 to Mandela's discourse the American historian, Eric Foner, warned his South African colleagues that the policy of national reconciliation might prove a major challenge to their profession: Eric Foner, "'We Must Forget the Past": History in the New South Africa', *Yale Review* 83: 2, 1995.

14 Colin Bundy, 'The Beast of the Past', in *After the TRC*, ed. James Wilmot and Linda van der Vijver, Cape Town, 2000, p. 20. See also Heidi Grunebaum-Ralph, 'Re-Placing Pasts, Forgetting Presents', *Research in African Literatures* 32: 3, 2001, p. 199.

15 Verne Harris, *Truth and Reconciliation: an Exercise in Forgetting?*, 3 Nov. 2002. Text available at: http://www.saha.org.za/research/publications/FOIP_5_1_Harris.pdf.

16 Anthony Holiday, 'Forgiving and Forgetting', in *Negotiating the Past: the Making of Memory in South Africa*, ed. Sarah Nuttall and Carli Coetzee, Oxford, 1998.

17 Jacques Derrida, 'Archive Fever in South Africa', in *Refiguring the Archive*, ed. Carolyn Hamilton, Verne Harris, Jane Taylor, Michele Pickover, Graeme Reid and Razia Saleh, Cape Town, 2002, p. 54.

18 The South African TRC Report for example famously identifies four notions of truth: factual or forensic truth; personal or narrative truth; social or 'dialogue' truth; and healing and restorative truth: *TRC Report* (vol. 1), pp. 110-14. With the formulation of a social truth, the Commission especially stressed the importance of the process whereby the truth was reached. This idea was directly inspired by the distinction between a 'microscope truth' and a 'dialogue truth' which the constitutional judge and ANC member, Albie Sachs, introduced in the debates preceding the Commission: *The Healing of a Nation?*, ed. Alex Boraine and Janet Levy, Cape Town, 1995. However, many very different notions of truth are at work in different truth commissions. As Deborah Posel argues, the reaction of the various truth commissions to the epistemological challenges posed by the concept of truth differ, from a recourse to a

'fundamentalist objectivism' (she names the example of the Palestinian truth commission), to an active acceptance of the subjective and a 'reflexive, soul-searching version of truth telling, one that shed the hubris of Enlightenment reason'. In addition to the South African case, she gives the examples of the truth commissions of Sierra Leone and Morocco: Deborah Posel, 'History as Confession: the Case of the South African Truth and Reconciliation Commission', *Public Culture* 20: 1, 2008, p. 127.

19 Expression from Peter Osborne, *The Politics of Time: Modernity and Avant-garde*, London and New York, 1995, p. xii.

20 See for example Martha Minow, *Between Vengeance and Forgiveness: Facing History after Genocide and Mass Violence*, Boston, 1998.

21 I will use the term 'remembering' as the 'neutral' concept that refers to both 'memory' and 'history' as different ways of dealing with the past, in contrast to amnesia.

22 Primo Levi, *The Drowned and the Saved*, transl. Raymond Rosenthal, New York, 1989.

23 This distinction between constative and performative language was first introduced in the philosophy of language by the British philosopher J. L. Austin. Austin attacked the traditional approach to language, which proposed that the dominant use of linguistic statements is to make claims about the truth or falseness of facts. Austin demanded attention for a second sort of linguistic form: the performative utterance which is used to perform an action. This kind of utterance does not describe a reality independent from itself but, rather, actively produces that reality. Austin provides a series of examples, including such verbal expressions as 'I apologize', 'I welcome you', or 'I name this ship *Liberté*'. J. L. Austin, *How to do Things with Words*, Cambridge, MA, 1962.

24 For an important critique of the concept of modernity in general, and of its Eurocentric characteristics in particular, see Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History*, Berkeley, 2005.

25 Paul de Man, 'Literary History and Literary Modernity', in his *Blindness and Insight: Essays in the Rhetoric of Literary Criticism* (1971), Minneapolis, 1983, p. 144.

26 de Man, 'Literary History and Literary Modernity', p. 148.

27 David Frisby, *Fragments of Modernity*, Cambridge, 1985, p. 14.

28 Jürgen Habermas, 'Modernity's Consciousness of Time', in his *The Philosophical Discourse of Modernity*, transl. Frederick Lawrence, Cambridge MA, 1987, p. 5.

29 Reinhart Koselleck, *Futures Past: on the Semantics of Historical Time* (1985), transl. Keith Tribe, New York, 2004.

30 Of course, Koselleck admits, this cannot be said to be true for all strata of society in the same way: in the world of politics and in the intellectual world, certain events (the Crusades, the discovery of the New World, the Copernican revolution ...) broke up existing experiential space and created new expectations long before the second half of the eighteenth century.

31 Koselleck, *Futures Past*, p. 95.

32 Koselleck, *Futures Past*, p. 236.

33 Of course one can doubt whether the development of things so substantial as the modern concepts of time and history can be pinpointed on a decade as Koselleck claims, and it might be safer to take the dates mentioned above to be primarily symbolic or to choose a less precise chronological delineation, as Lynn Hunt does, who states that a new concept of time took hold in stages between the end of the seventeenth and the middle of the nineteenth century: *Measuring Time, Making History*, Budapest, 2008, p. 26. Nevertheless, Reinhart Koselleck's idea of a 'Sattelzeit', or a turning point, from the middle of the eighteenth to the middle of the nineteenth century – in which the conceptions of time and history radically changed – finds confirmation in the more recent work of some other important thinkers. See for example, François Hartog, *Régimes d'Historicité*, Paris, 2003; and Peter Fritzsche, *Stranded in the Present: Modern Time and the Melancholy of History*, Cambridge, MA, 2004.

34 Reinhart Koselleck, *The Practice of Conceptual History: Timing History, Spacing Concepts*, transl. Todd Presner, Stanford, 2002, p. 120.

35 Koselleck is not alone in stressing this dependence of the modern writing of history on the experience of a historical discontinuity. Michel de Certeau, for example, also has noted that modern western historiography only came into existence with the realization of modernity's differentiation between present and past, when an objectified past could be studied from the viewpoint of an autonomous present: *The Writing of History*, transl. Tom Conley, New York, 1988.

36 Habermas, 'Modernity's Consciousness of Time', p. 7.

37 John Torpey, *Making Whole What Has Been Smashed: on Reparation Politics*, Cambridge, MA, 2006, p. 19.

38 Primo Levi, *The Drowned and the Saved*.

39 Gabrielle Spiegel, 'Memory and History', *History and Theory* 41: 2, 2002.

40 Lawrence L. Langer, *Admitting the Holocaust*, New York and Oxford, 1995.

41 Hans U. Gumbrecht, 'Presence Achieved in Language', *History and Theory* 45: 3, 2006, p. 323.

42 According to Bain Attwood, the notion of a temporal distance separating past and present – in his terms 'historical distanciation' – is challenged not only by traumatic memory, but in several respects also by the spreading of the practice of oral history: 'In the Age of Testimony', *Public Culture* 20: 1, 2008, p. 80.

43 Torpey, *Making Whole What Has Been Smashed*, p. 19.

44 Henry Rousso, *The Haunting Past: History, Memory, and Justice in Contemporary France*, transl. Ralph Schoolcraft, Philadelphia, 2002.

45 *Historical Injustice and Democratic Transition in Eastern Asia and Northern Europe: Ghosts at the Table of Democracy*, ed. Kenneth Christie and Robert Cribb, London, 2003.

46 Soyinka, *Burden of Memory*, p. 20.

47 For a detailed discussion of modern historical discourse's scepticism about the 'presence' or 'persistence' of the past, see: Berber Bevernage, 'Time, Presence, and Historical Injustice', *History and Theory*, 47: 2. Note that I still had a slightly different view about the relationship between truth commissions and the discourse of history when I wrote that article.

48 Ruti G. Teitel, 'Transitional Justice Genealogy', *Harvard Human Rights Journal* 16, 2003.

49 Republic of South Africa, *Interim Constitution*, Pretoria, 1993.

50 The priority of the double goal of social peace and the creation of political community over the reinforcement of the rule of law is clearly illustrated by the fact that civil-society organizations and victim groups had originally lobbied for the establishment of a 'Truth, Justice, and Reconciliation Commission', and were angry when the term 'justice' disappeared from the Commission's official name: Michael O'Flaherty, 'Sierra Leone's Peace Process', *Human Rights Quarterly* 26, 2004, p. 54.

51 *Sierra Leone Truth and Reconciliation Commission Report*, vol. 3 B, Accra, 2004, p. 53. Hereafter *SLTRC*.

52 Due to the poor work of the editors, however, the *Report* was full of typing errors and other mistakes, and therefore had to be reprinted before it reached a national and international audience, well into 2005: Priscilla Hayner, *Negotiating Peace in Sierra Leone: Confronting the Justice Challenge (Report for the International Center for Transitional Justice and the Centre for Humanitarian Dialogue)*, Geneva, 2007, p. 27.

53 *Politics and the Past*, ed. John Torpey, Lanham MD, 2003, p. 1.

54 Thabo Mbeki for the ANC, 'Statement to the Truth and Reconciliation Commission', 1996. Document available at: <http://www.anc.org.za/ancdocs/misc/trcall.html#2>.

55 Kader Asmal, Louise Asmal and Ronald Suresh Roberts, *Reconciliation Through Truth: a Reckoning of Apartheid's Criminal Governance*, Cape Town, 1996, p. 71.

56 Asmal, Asmal and Suresh Roberts, *Reconciliation Through Truth*, p. 208.

57 Boraine, Levy and Scheffer, *Dealing with the Past*, p. 24.

58 *TRC Report*, vol. 1, pp. 5-8.

59 *TRC Report*, vol. 1, p. 22.

60 'Address by Rt. Rev. Joseph Humper', no date. Document available at: <http://www.sierra-leone.org> (consulted December 2007).

61 *SLTRC Report*, vol. 3 B.

62 The following material is taken from *Transcripts of TRC Public Hearings*, available at: <http://www.trcsierraleone.org/drwebsite/publish/index.shtml> (consulted April 2008).

63 Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (1983), London, 2006.

64 Anderson, *Imagined Communities*, p. 26.

65 Interestingly, Anderson's description of the close relationship between the politics of time and the project of nation-building in terms of the creation of the notion of a 'meanwhile', has its pendant in Dipesh Chakrabarty's thesis about the relation between a historicist temporal reasoning and the imperialist or colonialist political project of the West. European domination of the world in the nineteenth century, Chakrabarty argues, was supported by a stagist theory of history, or what he calls the 'waiting-room' version of history, which produces the notion of

a 'not yet' in order to defend the claim that non-Western people would one day be allowed to participate in 'political modernity', but had to wait until they were becoming more developed: *Provincializing Europe: Postcolonial Thought and Historical Difference*, Princeton, 2008, p. 9.

66 The expression the 'sting' of memory comes from Tutu, *No Future without Forgiveness*, p. 271.

67 *TRC Report*, vol. 1, p. 7.

68 Asmal, Asmal, and Suresh Roberts, *Reconciliation through Truth*, p. 161.

69 Soyinka, *Burden of Memory*, p. 20.

70 Soyinka, *Burden of Memory*, p. 20.

71 Mark S. Phillips, 'Distance and Historical Representation', *History Workshop Journal* 57: 1, 2004. My thanks to Chris Lorenz for informing me about this article.

72 Bruce Ackerman, *The Future of Liberal Revolution*, New Haven and London, 1992.

73 The accuracy of this representation can be doubted, however. It has, for example, been argued that, contrary to the view established by the TRC, retributive conceptions of justice remained more salient in South Africa than the emphasis on reconciliation and forgiveness. Richard A. Wilson, *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*, Cambridge, 2001, pp. 25-7. Moreover the Belgian scholar Annelies Verdoolaege has shown that at the hearings feelings of resentment, vengeance and hatred were often ignored during the victims' statements and that the commissioners often encouraged outpourings of forgiveness and reconciliation: Annelies Verdoolaege, *Reconciliation Discourse: the Case of the Truth and Reconciliation Commission*, Amsterdam, 2008.

74 The term 'allochronism' is borrowed from Johannes Fabian, *Time and the Other: How Anthropology Makes its Object*, New York, 1983. Fabian discusses the concept primarily in the context of anthropology, which, he claims, often constructs its object of research by representing the people it studies as living in another, more primitive time. Anthropologists tend to turn geographical distance into temporal distance. Despite obvious differences, modern historical discourse shares this allochronic capacity with anthropological discourse.

75 See for example, Tutu, *No Future without Forgiveness*.

76 Asmal, Asmal and Suresh Roberts, *Reconciliation through Truth*, p. 52.

77 Asmal, Asmal and Suresh Roberts, *Reconciliation through Truth*, p. 209. It should be noted, of course, that Asmal is talking here about the historical consciousness of a great part of the South African population and not specifically about the views of the direct victims or the direct perpetrators of Apartheid's atrocities. The cited fragment is relevant, however, because the TRC and its modern historical discourse were never solely directed at the direct victims or perpetrators of human-rights abuses, but also at the population of South Africa in general.

78 Preston King, *Thinking Past a Problem: Essays on the History of Ideas*, London, 2000.

79 King, *Thinking Past a Problem*, p. 55.

80 Jacques Derrida, *Specters of Marx: the State of the Debt, the Work of Mourning, and the New International*, transl. Peggy Kamuf, New York and London, 1994, p. 48.

81 Lars Buur, 'Monumental Historical Memory: Managing Truth in the Everyday Work of the South African Truth and Reconciliation Commission', in *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*, ed. Deborah Posel and Graeme Simpson, Johannesburg, 2002, p. 78.

82 Janet Cherry, John Daniel and Madeline Fullard, 'Researching the "Truth": a View from Inside the Truth and Reconciliation Commission', in *Commissioning the Past*, ed. Posel and Simpson, p. 20.

83 This mechanism is certainly not restricted exclusively to the TRC's narrative, but seems to have become a widespread way of dealing with the apartheid past in South Africa. Chana Teeger and Vered Vinitzky-Seroussi have argued that the South African Apartheid Museum – the first museum dedicated entirely to telling the story of apartheid – tries to create a consensual commemoration by consistently divorcing the (dreadful) past from the (hopeful) present and by resisting narrative lines that highlight the relevance of the past to present issues and debates. Chana Teeger and Vered Vinitzky-Seroussi, 'Controlling for Consensus: Commemorating Apartheid in South Africa', *Symbolic Interaction* 30: 1, 2007.

84 The jurisdiction of the SLTRC was restricted to the period 1991-9. That of the Special Court, for mainly pragmatic reasons, only started in 1996 and, tellingly, included no ending date.

85 de Certeau, *The Writing of History*.

86 Paul Ricoeur speaks about the 'negative ontology' of history: Paul Ricoeur, *Time and Narrative*, vol. 3, transl. Kathleen McLaughlin and David Pellauer, Chicago, 1988, p. 147. See also Michel de Certeau, *L'Absent de l'histoire*, Paris, 1973.

87 Andrew Schaap, *The Time of Reconciliation and the Space of Politics*, University of Melbourne Working Paper, 2003.

88 André Du Toit, 'The TRC as Contemporary History', in *Toward New Histories for South Africa: on the Place of the Past in our Present*, ed. Shamil Jeppie, Lansdowne, South Africa, 2005.

89 The expression 'language of fidelity' is used in James W. Booth, 'The Unforgotten', *American Political Science Review* 95: 4, 2001.

90 Charters and press releases by the 'Khulumani Support Group' are accessible at <http://www.khulumani.net>.