

JCI CURRICULUM: UNIT 1: CHAPTER 6 – TRUTH AND PEACE LESSON 3: RECONCILIATION AND JUSTICE IN SOUTH AFRICA

LESSON 3: Reconciliation and Justice in South Africa (45 mins – 1 hour)

Goals:

For students to:

- Examine the situation of the South African government after the apartheid era.
- Consider, grasp and appreciate the conflicting demands of truth and peace in this situation
- Apply Jewish values to the choices of the South African Truth and Reconciliation Committee
- Analyze the choices of the South African Truth and Reconciliation Committee in the light of Jewish values. Compare their choices to the Jewish values.
- Evaluate the positive and negative implications of the decision of the South African government to set up the Truth and Reconciliation Committee

Materials:

- | | |
|---------------------------------|------------------------------|
| • Poster board | Background info on Apartheid |
| • Markers | Text handouts |
| • Pens | - TRC Objectives |
| • Paper / journals | - Amnesty definition |
| • Materials to prepare a poster | - Archbishop Tutu's response |

Procedure

1) Framing exercise (optional) (20 mins)

a) Tell students the following scenario:

In your class at school, there is a clique of kids who are all super popular, they dress really well, they have whatever it takes to succeed and everyone else feels like this clique kind of runs the school. In a way, they do. They influence who is invited to which parties, who is on the sports teams, and who is allowed into their inner circle. And of course, everyone wants to be friends with this group. These kids have been breaking a lot of school rules but they have not been caught.

For some reason, maybe the way you dress or because you're not good enough at sports, you and your friends have been ostracized by this group. Not only do they not invite you to their parties, but they make you feel bad when they see you.

You have just been elected to be the head of the Student Council -none of the clique ran. Since then, one of the clique started putting hate mail in your locker and spreading rumors about you. Recently the situation got worse – one of them made posters with a picture of you surrounded by obscene statements about you and posted them around the school.

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This time, the student was caught by a teacher.

The school is now conducting a full investigation into this student and her friends. Because you are now head of the Student Council, you have a big say in how to proceed: what do you think should be done?

b) In groups of four ask students to answer the following questions:

- How should these students, who have been terrorizing other students for years, be punished?
- What would be the best next step for those students who have been treated badly?
- What next step would help students avoid these sorts of problems in the future?

c) Give students a maximum of 10 minutes to discuss. Then regroup as a class and discuss their answers for 5-10 minutes. Ask students:

- What is your gut reaction for how to punish the students who have wronged you?
- What is the “just” punishment for these students?
- What kind of punishment fits in with the Jewish values we have discussed, referring back to the Jewish Values Matrix introduced in chapter 1, lesson 4?

Reference for the teacher: Some examples might include Darchei Shalom, Mishpat & Din, Hochai'ach Tochee'ach.

3) **Main Activity (30 -40 mins)**

- Ask students if they know anything about the history of South Africa. Elicit/ explain the basic history of apartheid. See FAQ at the end of this lesson plan for some basic Apartheid and South African history. Optionally, photocopy and hand out this FAQ. Explain that at the end of the apartheid era, a National unity government was formed, with Nelson Mandela - the ANC black African leader – as president.
- Ask students if they have heard of the Truth and Reconciliation Commission. If so, elicit responses.
- Explain that the Truth and Reconciliation Commission was established by the new national unity government in South Africa in 1995. The objectives of the commission were as follows:

Text 1

Adapted from TRC official website: <http://www.doj.gov.za/trc/trccom.htm>

Objectives of Truth and Reconciliation Commission

- to investigate human rights abuses that took place between 1960 and 1994,

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- to provide victim support to ensure that the Truth Commission process restores victims' dignity
 - to provide amnesty for any act or offence associated with a political objective committed between 1 March 1960 to 6 December 1993.
-
- Victims and perpetrators of apartheid – of human rights abuses against blacks in South Africa during the years 1960- 1993 - would report to the TRC the abuses they had suffered or perpetrated.
 - The TRC would provide reparations and rehabilitation recommendations to victims of these abuses.
 - Perpetrators of these abuses would be granted amnesty (no punishment) after confessing their actions, if their act was committed for a political purpose.

e) Hand out the 3 texts: TRC objectives, definition and quote to students:

Text 2

am·nes·ty –noun

1. a general pardon for offenses, esp. political offenses, against a government, often granted before any trial or conviction.
2. Law. an act of forgiveness for past offenses, esp. to a class of persons as a whole.
3. a forgetting or overlooking of any past offense.

–verb (used with object)

4. to grant amnesty to; pardon.

—Synonyms **1**. See PARDON.

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Text 3

Response by Archbishop Tutu on his appointment as Chairperson of the Truth and Reconciliation Commission, South Africa, which was organized to investigate the human rights violations of the apartheid regime. November 30, 1995. The commission had the authority to air injustices, not to punish them.

“I hope that the work of the Commission, by opening wounds to cleanse them, will thereby stop them from festering. We cannot be facile and say bygones will be bygones, because they

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will not be bygones and will return to haunt us. True reconciliation is never cheap, for it is based on forgiveness which is costly. Forgiveness in turn depends on repentance, which has to be based on acknowledgement of what was done wrong, and therefore on disclosure of the truth. You cannot forgive what you do not know...”

f) Tell the students that they are black South Africans. Divide the students into 2 groups. One group is designated to agree with the mission of the TRC in granting amnesty to perpetrators of apartheid crimes, the other group is designated to disagree with amnesty, wanting these perpetrators to receive due punishment.

Tell the students:

There is going to be a demonstration outside the government offices in South Africa today before the TRC mission is voted on in the government.

Students must prepare posters protesting against, or supporting the work of the TRC depending on which group they are in. Allocate 10 minutes to prepare posters.

Posters must include answers to the following questions:

- Is the TRC’s work just? Is it peaceful? Is it truthful? Why? Why not?

g) *Optional:* conduct a mini “demonstration” in or outside the classroom where students hold up their posters, chant, etc.

h) Discussion:

Ask students from each side to explain the ideas they presented in their posters.

Discuss:

- In which ways are the actions of the TRC just?
- In which ways are they unjust?
- In which ways are they truthful/ untruthful?
- In which ways do they pursue peace/ not pursue peace?
- Why would the TRC offer amnesty to perpetrators of apartheid?
- According to which Jewish values that we have learned about does the TRC operate?
- How does the TRC balance *emet*, *shalom* and *tzedek*? Which value takes precedence?

Thoughts for teachers:

The TRC seems to pursue emet, truth by creating a database of crimes committed during apartheid years – it seeks to find the facts from personal accounts and confessions. It also seeks to pursue shalom by not punishing perpetrators but by granting amnesty – a step that is likely both to encourage more confessions (and therefore more emet, truth) but also to foster hope for a future of

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forgiveness and peace between blacks and whites in the new South Africa. Whether or not amnesty is a form of tzedek, justice, is up for discussion.

4) Conclusion (5 mins)

Journaling time:

Journal Questions:

- Do you usually respond to perpetrators of wrongful acts against yourself with *emet*, *shalom* or *tzedek*?
- What can we learn from the TRC in South Africa for our personal lives?

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Appendix:

Apartheid FAQ -

<http://africanhistory.about.com/library/bl/blSAApartheidFAQ.htm>

During most of the 20th century, South Africa was ruled by a system called Apartheid, which was based on the segregation of races. The term comes from an Afrikaans word meaning 'apartness'.

When did Apartheid start?

The term Apartheid was introduced during the 1948 election campaign by DF Malan's *Herenigde Nasionale Party* (HNP – 'Reunited National Party'). But racial segregation had been in force for many decades in South Africa. In hindsight, there is something of an inevitability in the way the country developed its extreme policies. When the [Union of South Africa](#) was formed on 31 May 1910, Afrikaner Nationalists were given a relatively free hand to reorganise the country's franchise according to existing standards of the now-incorporated Boer republics, the *Zuid Afrikaansche Repulick* (ZAR – South African Republic or Transvaal) and Orange Free State. Non-Whites in the Cape Colony had some representation, but this would prove to be short-lived.

Who Supported Apartheid?

The Apartheid policy was supported by various Afrikaans newspapers and Afrikaner 'cultural movements' such as the [Afrikaner Broederbond](#) and [Ossewabrandwag](#).

How did the Apartheid Government Come into Power?

The United Party actually gained the majority of votes in the 1948 general election. But due to the manipulation of the geographical boundaries of the country's constituencies before the election, the Herenigde Nasionale Party managed to win the majority of constituencies and took power. In 1951 the HNP and Afrikaner Party officially merged to form the National Party, which became synonymous with Apartheid.

What were the Foundations of Apartheid?

Over the decades, various forms of [legislation](#) were introduced which extended the existing segregation against Blacks to Coloureds and Indians. The most significant acts were the **Group Areas Act No 41 of 1950** which led to over three million people being relocated through forced removals, the **Suppression of Communism Act No 44 of 1950** which was so broadly worded that almost any dissident group could be [banned](#), the **Bantu Authorities Act No 68 of 1951** which led to the creation of [Bantustans](#) (and ultimately 'independent' homelands), and the **Natives (Abolition of Passes and Co-ordination of Documents) Act No 67 of 1952** which, despite its title, led to the rigid application of Pass Laws.

What was Grand Apartheid?

During the 1960s, racial discrimination applied to most aspects of life in South Africa and [Bantustans](#) were created for Blacks. The system had evolved into 'Grand Apartheid'. The country was rocked by the [Sharpeville Massacre](#), the African National Congress (ANC) and Pan Africanist Congress (PAC) were banned, and the country withdrew from the British Commonwealth and declared a Republic.

What happened in the 1970s and 1980s?

During the 1970s and 80s Apartheid was reinvented – a result of increasing internal and international pressures, and worsening economic difficulties. Black youth was exposed to increasing politicisation, and found expression

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against 'Bantu education' through the [1976 Soweto Uprising](#). Despite the creation of a tricameral parliament in 1983 and the abolition of the Pass Laws in 1986, the 1980s saw the worst political violence by both sides.

When did Apartheid End?

In February 1990 President FW de Klerk announced Nelson Mandela's release and began the slow dismantling of the Apartheid system. In 1992 a whites-only referendum approved the reform process. In 1994 the first democratic elections were held in South Africa, with people of all races being able to vote. A Government of National Unity was formed, with Nelson Mandela as president and FW de Klerk and Thabo Mbeki as deputy presidents.

From [Alistair Boddy-Evans](#),
Your Guide to [African History](#).

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THE COMMITTEES OF THE TRC

Human Rights Violations (HRV) Committee

The task of the HRV Committee was to investigate human rights abuses that took place between 1960 and 1994, based on statements made to the TRC. The Committee established the identity of the victims, their fate or present whereabouts, and the nature and extent of the harm they have suffered; and whether the violations were the result of deliberate planning by the state or any other organisation, group or individual. Once victims of gross human rights violations are identified, they are referred to the Reparation and Rehabilitation Committee.

Reparation and Rehabilitation (R&R) Committee

The enabling act empowered the R&R Committee to provide victim support to ensure that the Truth Commission process restores victims' dignity; and to formulate policy proposals and recommendations on rehabilitation and healing of survivors, their families and communities at large. The envisaged overall function of all recommendations is to ensure non repetition, healing and healthy co-existence. A President's Fund, funded by Parliament and private contributions, has been established to pay urgent interim reparation to victims in terms of the regulations prescribed by the President.

Amnesty Committee (AC)

The primary function of the AC is to consider that applications for amnesty were done in accordance with the provisions of the [Act](#). Applicants could apply for amnesty for any act, omission or offence associated with a political objective committed between 1 March 1960 to 6 December 1993. The cut-off date was later extended to 11 May 1994. The final date for the submission of applications was 30 September 1997. Being granted amnesty for an act means that the perpetrator is free from prosecution for that particular act.

<http://www.doj.gov.za/trc/legal/act9534.htm>

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ACT

To provide for the investigation and the establishment of as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed during the period from 1 March 1960 to the cut-off date contemplated in the Constitution, within or outside the Republic, emanating from the conflicts of the past, and the fate or whereabouts of the victims of such violations; the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective committed in the course of the conflicts of the past during the said period;

affording victims an opportunity to relate the violations they suffered; the taking of measures aimed at the granting of reparation to, and the rehabilitation and the restoration of the human and civil dignity of, victims of violations of human rights; reporting to the Nation about such violations and victims; the making of recommendations aimed at the prevention of the commission of gross violations of human rights; and for the said purposes to provide for the establishment of a Truth and Reconciliation Commission, a Committee on Human Rights Violations, a Committee on Amnesty and a Committee on Reparation and Rehabilitation; and to confer certain powers on, assign certain functions to and impose certain duties upon that Commission and those Committees; and to provide for matters connected therewith.

SINCE the Constitution of the Republic of South Africa, 1993 (Act No. 200 of 1993), provides a historic bridge between the past of a deeply divided society characterized by strife, conflict, untold suffering and injustice, and a future founded on the recognition of human rights, democracy and peaceful co-existence for all South Africans, irrespective of colour, race, class, belief or sex; AND SINCE it is deemed necessary to establish the truth in relation to past events as well as the motives for and circumstances in which gross violations of human rights have occurred, and to make the findings known in order to prevent a repetition of such acts in future;

AND SINCE the Constitution states that the pursuit of national unity, the well-being of all South African citizens and peace require reconciliation between the people of South Africa and the reconstruction of society;

AND SINCE the Constitution states that there is a need for understanding but not for vengeance, a need for reparation but not for retaliation, a need for ubuntu but not for victimization;

AND SINCE the Constitution states that in order to advance such reconciliation and reconstruction amnesty shall be granted in respect of acts, omissions and offences associated with political objectives committed in the course of the conflicts of the past;

AND SINCE the Constitution provides that Parliament shall under the Constitution adopt a law which determines a firm cut-off date, which shall be a date after 8 October 1990 and before the cut-off date envisaged in the Constitution, and providing for the mechanisms, criteria and procedures, including tribunals, if any, through which such amnesty shall be dealt with;

3. (1) The objectives of the Commission shall be to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by:
- a) establishing as complete a picture as possible of the causes, nature and extent of the gross violations of human rights which were committed during the period from 1 March 1960 to the cut-off date, including the antecedents, circumstances, factors and context of such violations, as well as the perspectives of the victims and the motives

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and perspectives of the persons responsible for the commission of the violations, by conducting investigations and holding hearings;

(b) facilitating the granting of amnesty to persons who make full disclosure of all the relevant facts relating to acts associated with a political objective and comply with the requirements of this Act;

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HANDOUTS:

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