



POLITICAL FORGIVENESS AND TRANSITIONAL JUSTICE IN POST-CONFLICT AFRICA AND HANNAH ARENDT'S POWER TO FORGIVE AND PROMISE

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Cite this article:

Olusanjo, D. (2025), Political Forgiveness and Transitional Justice in Post-Conflict Africa and Hannah Arendt's Power to Forgive and Promise. African Journal of Social Sciences and Humanities Research 8(1), 131-143. DOI: 10.52589/AJSSHR-UFMUV4RK

Manuscript History

Received: 18 Dec 2024

Accepted: 8 Feb 2025

Published: 17 Feb 2025

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ABSTRACT: *This study articulates how Hannah Arendt's conceptualisation of forgiveness, reconciliation and promise contribute to our understanding of the dynamics of forgiveness in post-conflict African contexts. Against widespread belief that Western theory or thought is not relevant to understanding African idiosyncrasies, let alone post-conflict Africa, this study contends that Hannah Arendt's theorising on promise and forgiveness is relevant to explaining conflict resolution and transitional justice mechanisms in post-conflict Africa because of her emphasis that the imperative forgiveness should be based on respect, consistent and continuous rather than "confined to one single deed from which we could never recover" or "love" and the truth commission mirrors Arendtian's conditions. Specifically, the study looks at the power of forgiveness in Arendt's work as integral to the South Africa and Rwandan Truth and Reconciliation Commission. Again, the main thesis of this study is that Arendt's concept of forgiveness is anchored on respect, consistency and continuity rather than on love or one-off/single action and that transitional justice in post-conflict Africa – Rwanda and South Africa reflect Arendtian's conditions on forgiveness.*

KEYWORDS: Political Forgiveness, Transitional Justice, Post-conflict Africa.



INTRODUCTION

“Without being forgiven, released from the consequences of what we have done, our capacity to act would, as it were, be confined to one single capacity to act would, as it were, be confined to one single deed from which we could never recover; we would remain the victims of its consequences forever....” (Arendt, 1958, p. 237).

When extracted from its original context, the Arendtian assertion above suggests that forgiveness is an imperative that must take place regularly and consistently to avoid being a victim of the atrocities. This theorisation of Arendt on forgiveness and promise offers a basis for post-conflict Africa while advancing that transitional justice mechanism in the region mirrors Arendtian conditions.

One of the twentieth century political theorists who has been referenced frequently about forgiveness and promise is Hannah Arendt. A citation from Hannah Arendt's *Human Condition* (1958) chapter "Irreversibility and the Power to Forgive" is an inevitable encounter for any study exploring the significance of forgiveness in modern secular ethics. Despite its brevity of less than eight pages, Arendt's account holds a prominent position as a seminal text in the realm of critical literature on forgiveness in contemporary secular ethics (Guisan, 2020; Pagani, 2016, p. 141). According to Pagani (2016), Hannah Arendt's perspective on forgiveness has been widely accepted, highly impactful, and notably memorable for scholars across different areas of study.

Forgiveness takes place not just where the public and private realms meet but also where the past, present, and future intersect (Amanacida, 1987: 103 cited in Andrew 1999). Truth commissions are typically established during periods of political change within a nation. They serve the purpose of showcasing a departure from previous instances of human rights violations, fostering unity among the populace, and bolstering governmental authority (Hayner, 1994).

This study delves into Arendt's idea of forgiveness as a means of reconciliation within the political sphere. Though forgiveness is personal, it is not restricted to private or individual affairs (Arendt, 1958: p. 242). This implies that forgiveness can be applied to the group, community, society, and public realms despite the fact that it is personal. The central argument is that the process of forgiveness should be based on respect, consistent and regular in its application instead of being a one-off deed as exemplified in Arendt's work and that these qualities characterised transitional justice in post-conflict Africa. By examining the connection between forgiveness, promises, and political engagement, this paper aims to provide a deeper understanding of how transitional justice mechanisms in post-conflict Africa have followed Arendtian's theorisation on forgiveness characterised with respect and consistency rather than on love, which the Biblical perspective advances. Before diving into Arendtian's explanation of forgiveness and promise, it is important to describe the concept of transitional justice, including how it is discussed from an African perspective, given its relevance to forgiveness. The next section highlights the meaning of transitional justice.



LITERATURE REVIEW

Meaning of Transitional Justice

While some scholars traced the origin of transitional justice to ancient times dating back to the period of the Athenians, others historicise it to the modern time following the end of the Second World Wars with the transitional justice of the Nuremberg Trials that was set up at the aftermath of the war. In addition, others view it as a new discipline that emerged after the end of the Cold War in the late 1980s and early 1990s following the third wave of democratisation (Olsen, Payne, and Reiter, 2010; Hellsten, 2011). However, the conventional approach of transitional justice commonly involves the use of four primary mechanisms: legal proceedings, truth-seeking processes, compensation, and changes to institutional structures. (United Nation, 2010).

According to Hayner (1995, p. 604), a truth commission comprises four key components. First, a truth commission is centred on examining historical events. Secondly, a truth commission does not concentrate on a singular incident but endeavours to present a comprehensive overview of specific human rights violations or breaches of international humanitarian law across a timeframe. Thirdly, a truth commission typically operates on a temporary basis and for a predetermined duration, disbanding upon the submission of a report detailing its discoveries. Lastly, a truth commission is consistently endowed with a certain level of authority, facilitated by its sponsor, which enables it to access information more effectively, ensures enhanced security or protection when delving into sensitive matters, and amplifies the impact of its report.

In Africa, TJ has emerged as a prevalent aspect of peacebuilding over the past thirty years. The continent has faced numerous challenges in the form of intra-state conflicts, spanning from electoral violence to civil war, which can be attributed to a combination of poor governance and external interference following the end of direct colonial rule. These conflicts are deeply rooted in social inequalities that were established during the colonial era, as well as the exploitative practices of dictatorships, military juntas, and the ruling classes in the post-independence era. The presence of intense competition and the absence of consensus among rival elites, particularly in politically charged environments with strong ethnocultural divisions, have further intensified long-standing grievances. In this light, African nations have progressively turned to transitional justice (TJ) to tackle deep-rooted divisions from the past and safeguard against the reoccurrence of conflicts. (African Commission on Human and Peoples' Rights, 2019).

The African Union (AU) defines transitional justice (TJ) as “the various (formal and traditional or non-formal) policy measures and institutional mechanisms that societies, through an inclusive consultative process, adopt in order to overcome past violations, divisions and inequalities and to create conditions for both security and democratic and socio-economic transformation” (AU, 2019).

Transitional justice is defined as the mechanism put in place to redress armed conflicts and state suppression, including the process designed to address past human rights violations after a period of political tensions or crisis. Olsen, Payne, and Reiter (2010) have drawn attention to the fact that transitional justice mechanisms can be subsumed under three large categories. The first includes procedures for providing responsibilities for past atrocities, including lustration policies, truth commissions and trials. Second, victim-targeted restorative justice procedures



such as public memory projects, reparation, and construction of monuments. Finally, the mechanism of security and peace encompasses processes such as institutional reform, amnesties, and pardons, as well as constitutional amendment.

Transitional justice is pivotal for the advancement of effective development and good governance, as well as the promotion of peace and stability, and it is crucial for the implementation of justice and human rights (African Union, 2019).

Transitional Justice within the African Context

From the 1990s to the present, there has been widespread use of the concept of transitional justice in Africa, which has invariably led to a vast knowledge of best practices, challenges, and knowledge (Rubin, 2020). From the Truth and Reconciliation Commission in South Africa to the International Criminal Tribunal of Rwanda in the Prosecutor v. Jean-Paul Akayesu case, to the Equity and Reconciliation Commission in Morocco, to the AU Extra-Ordinary Chambers' Hissene Habre ruling, and finally to the Truth, Reparations, and Reconciliation Commission in the Gambia constitute examples of various transitional justice that have been set up in Africa in the past to redress one injustice and atrocities to another (African Union, 2023).

Moreover, there have been other examples of African Traditional Justice which are culturally relevant, locally owned and context-driven, such as Uganda's *mapo oput*, Rwanda's *Gacaca* and Sierra Leone's *Fambul*. (African Union Forum Report 2019). Transitional Justice processes have been utilised and tested by nearly all nations grappling with significant crises across the African continent, albeit in varying forms (African Commission on Human and Peoples' Rights, 2019).

According to Hellsten (2011), the African response to transitional justice processes is multifaceted and is shaped by historical and political experiences within African societies. To him, from an ideological standpoint, transitional justice is often viewed as a neocolonial tool employed to enforce the Western world order. Critics argue that it undermines the sovereignty of African states and their ability to address governance issues independently. Also, he adds that, in practical terms, African governments may also express reluctance to jeopardise their own stability, particularly in weak, fragile, or failing states where the political balance is delicate. Imposing punishment solely on one side or a few perpetrators could potentially disrupt power dynamics and ignite new conflicts.

Furthermore, civil society actors in Africa, despite their reservations, tend to support international law and transitional justice measures. They believe that these mechanisms can deliver more impartial outcomes in ending the culture of impunity compared to actions taken by national or regional actors. This preference for international involvement stems from a lack of public trust in local leaders.



"Irreversibility and the Power to Forgive" and "Unpredictability and the Power of Promise" in Hannah Arendt

Arendt's reflections on forgiveness and commitment are situated towards the conclusion of the extensive segment in *The Human Condition* that delves into the concept of action. This concept represents the third and most crucial aspect of the *vita activa*, forming a triad alongside labour (which pertains to fulfilling basic life necessities) and work (which involves creating objects that contribute to a shared world capable of outlasting individual human existence). Actions, often characterised by verbal communication, are contingent deeds that shape human interactions and give rise to a network of consequences, narratives, and societal structures (Arendt, 1958, pp. 7-8).

It is pertinent to ask some fundamental questions from the work of Arendt on the power of forgiveness. What makes Arendt's conceptualisation of forgiveness different from other views? What are the conditions for forgiveness? Who does the forgiving, and what does it entail? Did Arendt extend her description/theorisation of forgiveness beyond the private realm to the public realm? While the other preceding questions will be interrogated in this section, the latter question will be explained in the next section on forgiveness and politics.

Many scholars have written on the concept of forgiveness for decades. While some author's conceptualisation of forgiveness and promise are rooted in religious tenets and principles, others wrote from the secular and humanistic perspective (Shriver 1995, 1998; Soyinka, 1999; Boraine & Levy, 1995; Lupton, 2014). However, Arendt's theorisation is distinct from others' view in many ways.

"The discoverer of the role of forgiveness in the realm of human affairs was Jesus of Nazareth. The fact that he made this discovery in a religious context and articulated it in religious language is no reason to take it any less seriously in a strictly secular sense" (Arendt, 1958, p. 238).

As Arendt pointed out, the origin of forgiveness can be traced to Jesus of Nazareth. She adds that forgiveness plays a pivotal role in human affairs. However, she argues that her conceptualisation of forgiveness is not based on religious or spiritual understanding. In contrast, religious conviction on the concept of forgiveness is ensconced in love and belief that "only love has the power to forgive" (AH, p 242). Arendt's theorisation of forgiveness is influenced by the secular orientation. She criticised the concept of love and described it as a rare occurrence in human affairs. Besides, Arendt identified other shortcomings of love recognised in the teachings of Jesus Christ while pointing out that love is not only against politics, but it has no relation with politics. Furthermore, she faulted love as part of forgiveness from a religious perspective as being "the most powerful of all antipolitical human forces" (AH, 1958, p. 242). Her description connotes that love is apolitical and has no connection with politics. In my view, Arendt's criticism is tenable, given that love is infrequent in human affairs, and one should not wait to be in a loving mood before one can demonstrate the act of forgiveness.

Contrary to the religious stance on forgiveness, what distinguishes Arendt's theorisation is that she advances and emphasises respect at the expense of love. In her words, "... Yet, what love is in its own narrowly circumscribed sphere, respect is in the larger domain of human affairs" (AH, 1958, p. 243). Arendt argues that the concept of love as an act of forgiveness is limited in human affairs, but respect occupies an invaluable space. Arendt underscores her description



of forgiveness as laced in respect with the argument that respect does not have to depend on intimacy or closeness; rather, it is a distant regard for someone one has no relation with. Arendt identifies the absence of respect as the underlying constraint or problem in human affairs. The concept of respect rather than love is distinct from Arendt's philosophy on forgiveness from other perspectives. Additionally, she contends that this quality, *respect*, necessitates forgiveness of others instead of love that the religious school supports. To her:

“The modern loss of respect, or rather the conviction that respect is due only where we admire or esteem, constitutes a clear symptom of the increasing depersonalisation of public and social life” (AH, 1958, p. 243).

What are the conditions or processes of forgiveness from the Arendtian's view? There are several processes of forgiveness and promises observable from the work of Arendt. First, it is based on plurality. It cannot be made by a single individual. There are two parties involved in the act of forgiveness – one who forgives and the one who is forgiven. Arendt avers that an individual cannot forgive his/herself; it has to be carried out by another individual. She stated that “Both faculties [promise and forgiveness], therefore, depend on plurality, on the presence and acting of others, for no one can forgive himself and no one can feel bound by a promise made only to himself” (AH 1958, p237). In my view, this plurality evident in the work of Arendt constitutes one of the conditions necessary for forgiveness to take place. By extension, the transitional justice mechanism in Africa has followed this pattern. Those who commit atrocities and ask for forgiveness, and the victims who exercise forgiveness.

Another condition or element in Arendt's principle of forgiveness is that it should take place in the presence of others and not just between the forgiver and the forgiven. To her, promise and forgiveness should be witnessed by others. As Arendt suggested, “the faculties of forgiving and making of promises, rests on experiences which nobody could have ever have with himself, which on the contrary, are entirely based on the presence of other” (AH, 1958, p. 238). Again, this condition of forgiveness has equally been present in most truth commissions and transitional justice in post-conflict Africa. Members of the Truth Commission often invite the public to witness the process.

Additionally, in the Arendtian forgiveness condition, the forgiver should have the potential to punish the forgiven in the first place. In other words, the process of forgiveness involves what men can punish but refuse to act otherwise or carry out the punishment. Arendt pointed out that “... in the realm of human affairs, men are unable to forgive what they cannot punish and that they are unable to punish what has turned out to be unforgivable” (AH, 1958, p. 241). Based on this argument, one cannot claim to express an act of forgiveness without having the power or means to met out punishment to the forgiven. Interestingly, in post-conflict Africa, transitional justice mirrored this condition. This will be explained in the case studies.

Finally, another condition noticeable in Arendt's forgiveness process is that it is unpredictable. This implies that the act of forgiveness is unplanned and novel. The forgiven never had insight into whether he/she would be forgiven before the forgiveness act. As Arendt claimed, “... the act of forgiveness can never be predicted; it is the only reaction that acts in an unexpected way ... but acts anew and unexpectedly; something of the original character of action” (Arendt, 1958, p. 241). This element of forgiveness, according to Arendt, is extemporaneous; thus, it adds layers of newness to the forgiveness process. Also, this feature is the presence of the



African Transitional Justice process. The conditions constitute what forgiveness involves in Arendt's theorisation.

Who does the forgiving? This is another pertinent question that needs clarification from Arendt. She opines that the individual who demonstrated an action or speech would be the subject of forgiveness. Most of the time, this is done by the parties or individuals who have been the victim of an unjust act or past crimes. To put it in her own words, Arendt states clearly that "... the same who revealed in action and speech, remains also the subject of forgiving is the deepest reason why nobody can forgive himself" (Arendt, 1958, p. 243). The forgiving act is done by the victims or recipients of unfair deeds. This also plays out in post-conflict Africa.

However, Arendt's analysis of forgiveness and promise offers overwhelming insight into the processes and procedure of transitional justice and truth commission, given that they are set up to address past crimes and what Arendt would call "inevitable damage" before the society steers forward to a post-conflict era. Against the backdrop that Western theory cannot explain political dynamics and complexities in Africa. This study maintains the argument that Arendt's conditions on forgiveness and promise have been modelled in post-conflict Africa transitional justice and truth commission. African societies have not been spared from what Arendt terms "irreversible and inevitable damage" (Arendt, 1958, p. 236).

Does Forgiveness Have a Place in Politics?

While some scholars argue that Hannah Arendt's (1958) book, *Human Condition*, never indicated if forgiveness and promise can take place in the political or public sphere, others may presume that forgiveness, by default, applies to the political space. It is imperative to draw from Arendt's words:

"Forgiving and the relationship it establishes is always an eminently personal (though not necessarily individual or private) affair in which what was done is forgiven for the sake of who did it (Arendt, 1985; p. 241).

According to Arendt, as connotes in the quote above, forgiveness might be a personal affair, but it transcends individual or private level. Though the act of forgiveness might be personal, it extends to the public sphere, as suggested in Arendt's view. It is not limited to an individual; a group, community and society can collectively express forgiveness. The work also integrates the voices of other scholars about forgiveness and politics.

Donald Shriver (1995), in *Ethics for the Enemies*, asked pertinent questions that explored the dynamics between forgiveness and politics, which provide a different perspective that partly answers the question of whether there can be forgiveness within the political space. Forgiveness is commonly depicted as a personal interaction between individuals within their personal lives, influenced by their individual traits and specific circumstances. Nevertheless, there has been a noticeable shift in the public discourse surrounding forgiveness, especially in the political realm. This shift is particularly evident in the context of nations transitioning from dictatorships to democracies, where discussions about forgiveness have become more prominent (Shriver, 1995, 1998; Soyinka, 1999; Boraine & Levy, 1995).

Acknowledging that forgiveness can transcend individual and private levels, Shriver asserts that if not the accumulation of power to conquer adversaries, "what is politics truly about?" And "if ethics does play a role in political struggles, shouldn't we confine our ethical assertions



to modest political virtues like tolerance, adherence to the law, and the emergence of justice from the delicate equilibrium between power centres?" (Shriver 1995, p136). He contends that throughout Western political ethics, the weight has typically been placed on the pivotal point - justice. Also, he argues that no prominent political philosopher has rarely regarded forgiveness as a crucial ally of justice or as an indispensable element in the early establishment of political alliances (Shriver, 1995).

Shriver argues that forgiveness, typically associated with personal and religious contexts, is crucial in the realm of politics. Through an in-depth analysis of various historical sources, including ancient texts, biblical teachings, Christian philosophy, and significant events of the twentieth century, he asserts that political forgiveness is not only achievable but also essential. Shriver contends that the absence of forgiveness in political matters, such as wartime atrocities or large-scale conflicts, results in a continuous cycle of retaliation. This cycle manifests either through escalating violence or long-standing grudges that eventually lead to catastrophic outbursts (Shriver, 1995, p. 22).

Shriver (1995) proposes four essential components of forgiveness. Firstly, forgiveness commences with a recollection that is infused with moral judgment. According to Shriver, there needs to be an initial consensus among two or more parties that something from the past exists that requires forgiveness. Without this agreement, forgiveness remains stagnant and cannot progress beyond the starting point (Shriver 1995,7). Secondly, forgiveness necessitates the abandonment of seeking revenge or the act of refraining from vengeance (Shriver 1995,7). Thirdly, there must be an element of empathy, distinct from sympathy, towards the humanity of the perceived enemy (Shriver, 1995, p. 8). This condition paves the way for the potential future coexistence of adversaries as fellow human beings (Shriver, 1995, p. 8). Lastly, Shriver identifies the fourth dimension of forgiveness as the pursuit of renewing a human relationship. Forgiveness actively seeks to mend the fractures caused by enmity (Shriver, 1995, p. 8).

In my view, Shriver's (1995) first component on the need for an agreement among the parties that there are some events in the past that must be revisited and forgiven alludes to the creation of a truth commission. More so, he avers that forgiveness in politics or any other human relation does not necessitate the complete elimination of all forms of punishment for wrongdoers. However, it does necessitate the renunciation of vengeance (Shriver, 1995, p. 7). To me, Shriver's first and second components on forgiveness underscore the creation of a truth commission that institutionalizes remembrance, which serves as a mechanism to address past human rights violations that are not aimed at vengeance or retribution on the wrongdoer.

Relatedly, another important work relevant to the discourse on forgiveness is Hannah Arendt's publication *Eichmann in Jerusalem: A Report on the Banality of Evil* (1994). Arendt faced a challenging task as she aimed to draw profound conclusions regarding Eichmann's internal drives solely based on written and oral testimonies from his trial. Despite this, her concept of 'the banality of evil' has become synonymous with the intricate web of influences that drive individuals to perpetrate unimaginable atrocities within totalitarian regimes.

In this light, the next section looks at how African Transitional Justice in Rwanda and the South Africa Truth Commission reflect Arendtian's condition of forgiveness and promise.



Rwanda as a Case Study

In 1994, the Rwandan genocide, also referred to as the genocide against the Tutsi, occurred between April 1994 to July 1994. Members of the Hutu ethnic majority in the east-central African nation of Rwanda murdered over 800,000 people, who are mostly the Tutsi minority. The genocide, which was started by Hutu nationalists in the capital of Kigali, spread across the country so quickly. Ordinary citizens were said to take up weapons against their neighbors. When the Tutsi-led Rwandese Patriotic Front mobilized control through a military offensive in early July, hundreds of thousands of Rwandans were feared dead, and over 2 million refugees, who are mainly Hutus, fled Rwanda. Rwanda is a small country with an overwhelming agricultural economy. It has one of the highest population densities in Africa, and about 85 per cent of its population was Hutu, while the rest were Tutsi (Clark, 2010).

To resolve the legacy of the brutal genocide, which claimed many lives, Rwanda adopted a variety of approaches to deal with its past. Aside from international trials at the Criminal Court for Rwanda (ICTR) in Tanzania as well as Rwandan courts, traditional dispute resolution mechanisms were adopted, which are called *Gacaca* trials. More so, the government utilised a more comprehensive policy of National Unity as well as Reconciliation, which was symbolised by the creation of the National Unity and Reconciliation Commission (NURC) in 1999 (Oomen, 2005, p. 899).

How Rwanda's Transitional Justice Mechanism Reflects Arendtian's Theorisation on Forgiveness and Promise

The National Unity and Reconciliation Commission was set up in Rwanda after the genocide of 1994. In like manner, it contains various processes and acts of forgiveness that overlap with Arendtian's conditions on forgiveness. For illustration, the law that underscores forgiveness was made as stated:

“Law encouraging wrongdoers to admit their wrongdoings, to repent and request for forgiveness (Organic law No 10/2007 of 01/03/2007 modifying and completing Law no 16/2004 of 19/6/2004 establishing the organisation and competence of the *Gacaca* Courts which rewards those who confess their crimes” (NURC Report 2014).

The report quoted above indicates that many approaches to forgiveness were adopted in Rwanda. This parallels with Arendtian's theorisation on forgiveness and promise. From Rwanda's illustration, the quote below mirrors the power of forgiveness and promise. It states:

“Constructive engagement between parties during hearings in *Gacaca* allowed all social groups to discuss their experiences of the Genocide and fruitful interactions beyond *Gacaca*. In such places, profound results including healing, forgiveness and reconciliation are possible.” (Clark, 2010, p. 354 cited in NURC Report, 2014).

As Arendt highlighted in her condition, forgiveness cannot be made by a single individual; it relies on plurality. The Rwandan National Unity and Reconciliation Commission, an equivalent of a post-conflict transitional justice mechanism, entails public hearings made in the presence of others. Also, it involves two parties or plurality – the forgiver and the forgiven, “engagement between parties during the hearings”, as stated in the quote above. Aside from the Rwandan forgiveness conditions being unexpected, the proceedings from the *Gacaca*



hearing were binding on the parties. This case underlines the argument that post-conflict African transitional justice mirrors Arendtian's forgiveness processes or conditions.

South Africa Case Study

The establishment of the Truth and Reconciliation Commission (TRC) was a result of extensive public engagement, with the new government seeking input from both South Africans and the international community on the crucial matters of amnesty, accountability for past wrongdoings, and reparations for victims. A coalition of over 50 organisations, including civil society groups, human rights lawyers, the religious community, and victims themselves, engaged in a year-long consultative process to discuss the necessity and potential benefits of a truth commission. This collaborative effort ultimately led to the enactment of the Promotion of National Unity and Reconciliation Act 34 of 1995 (the Act), which formally created the TRC.

To accomplish these aims, the Act established three committees: the Human Rights Violations Committee, the Reparations and Rehabilitation Committee, and the Amnesty Committee. The commissioners were selected through an open countrywide nomination process and publicly interviewed by an independent selection panel comprising representatives of all the political parties, civil society, and religious bodies in the country. Nelson Mandela, then president of South Africa, appointed Archbishop Desmond Tutu as the chair of the commission and Alex Boraine as the deputy chair.

The commission's focus was on the victims, who provided over 22,000 statements and testified at public hearings about severe human rights violations such as torture, killings, disappearances, abductions, and severe ill-treatment by the apartheid state. In addition to victims of the apartheid regime, individuals who had experienced violations at the hands of liberation movements like the African National Congress, the Inkatha Freedom Party, and the Pan-Africanist Congress also appeared before the commission. More than 7,000 amnesty applications were received, leading to over 2,500 amnesty hearings and the granting of 1,500 amnesties for crimes committed during the apartheid era (Rakate, 2000; Graybill, 1998; Bhargava, 2002; Stanley, 2001; Gobodo-Madikizela, 2010).

How South Africa's Transitional Justice Mechanism Reflects Arendtian's Theorisation on Forgiveness and Promise

According to the Truth and Reconciliation Commission of South Africa Report (2003), *Volume Six*, the reconciliation and national unity process contains acts of forgiveness and amnesty as part of the deliberation. For example, the committee indicates in one instance that:

"... from animosity towards applicants to embracing them in forgiveness and reconciliation. Often, they merely stated that they had learnt the truth and now at least they understood how and why particular incidents had happened" (Truth and Reconciliation Commission of South Africa Report Volume 6, 2003, p 90).

The report from the Truth Commission contains acts of forgiveness for past injustices and atrocities. As a recipient of the Nobel Peace Prize and chairman of South Africa's Truth and Reconciliation Commission, Desmond Tutu (1999, p. 272) writes: "Forgiving means abandoning your right to pay back the perpetrator in his own coin, but it is a loss that liberates the victim". On the other hand, being forgiven liberates the offender too, as Hannah Arendt (1958) says: "Without being forgiven, released from the consequences of what we have done,



our capacity to act would, as it were, be confined to one single deed from which we could never recover”.

Furthermore, the South Africa Truth Commission contains many examples, approaches and acts of forgiveness from the victims of injustices and crimes. Some participants in the truth commission relinquished the act of vengeance and retribution towards their adversaries, as indicated in the paragraph below.

“MR MTHEMBU: *I do forgive them because I knew we were not enemies. It was politics that caused the animosity in the whole world and even today when we talk to them, they are so nice to us, and they also wish for reconciliation*” (Truth and Reconciliation Commission of South Africa Report Volume 6, 2003, p 237).

The above quote from the South Africa Truth Commission indicates that the act of forgiveness was performed by the victim of past injustice and atrocity. Moreover, it suggests the plurality of forgiveness, “I do forgive them”. The forgiver demonstrates forgiveness to another party – forgiven. Besides, this act of forgiveness was done in the presence of others before the Truth Commission, which was a public hearing. The Truth Commission in South Africa reflects Arendt’s principle and conditions on forgiveness in many ways.

CONCLUSION

The central claim of this study asserts that Arendt’s understanding of forgiveness is based on the principles of respect, consistency, and continuity rather than on love or singular actions. Furthermore, I argue that the application of transitional justice in post-conflict African countries like Rwanda and South Africa aligns with Arendt’s criteria for forgiveness.

In Hannah Arendt’s (1958) *Human Condition* theorisation on the irreversibility and the power of forgiveness, as well as unpredictability and power of promise, she highlighted some conditions for forgiveness. Some of the conditions emphasised that forgiveness should be pluralistic and binding. Also, the elements of forgiveness should be unpredictable, consistent, and continuous. Furthermore, she contends that the conditions of forgiveness should be based on the presence of others, and it should involve what the forgiver can punish.

The post-conflict Africa transitional justice mirrors some of the conditions articulated by Arendt in her theorisation on forgiveness. This study shows how the Rwandan and South Africa Truth Commission reflects the process and conditions of Arendt’s principle of forgiveness and promise. The act of forgiveness in post-conflict Africa transitional justice is based on respect rather than love and a single deed, which aligns with Arendt’s conditions for forgiveness.



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