Ubuntu Does Not Require Forgiveness: A Critique of the TRC's Pressure on Apartheid Victims to Forgive Their Perpetrators

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Abstract

This article argues that South Africa's Truth and Reconciliation Commission (TRC) instrumentalised ubuntu to promote forgiveness as a moral obligation for victims of apartheid violence. It argues that the TRC's ethical framework misrepresented ubuntu by conflating it with amnesty and emotional closure, thus imposing undue pressure on victims to forgive in service of national unity. Drawing on transitional justice theory, the article traces how the TRC positioned restorative justice as a "third way" – a mechanism meant to achieve the goals of both retributive and reparative justice. Through public truth-telling and full disclosure by the perpetrators, the Promotion of National Unity and Reconciliation Act 34 of 1995 (PNURA) sought to validate the victims' suffering while ensuring a form of moral accountability. However, in practice, truth-telling was framed as a substitute for accountability, and reconciliation was treated as contingent on the victims' willingness to forgive. The article contends that this framework not only marginalised those unwilling to forgive but also transformed personal trauma into a political tool, thereby reinforcing state narratives of unity at the expense of the victims' autonomy. Through a critical reading of ubuntu – particularly as interpreted by the philosopher Mogobe Ramose – the article shows that genuine ubuntu is not reducible to forgiveness, but rather grounded in accountability, restitution, and relational integrity. It concludes that the TRC's approach betrayed the very ethical principles it claimed to uphold, undermining both justice and reconciliation. Instead of fostering healing, the TRC's demand for state-mediated forgiveness risked retraumatising victims and distorting ubuntu into an instrument of political expediency rather than a meaningful path to communal restoration.

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Introduction

In 1993, following decades of apartheid rule, the drafters of the Interim Constitution of South Africa Act 200 of 1993 (RSA 1993) described it as "a historic bridge between the past of a deeply divided society ... and a future founded on the recognition of human rights, democracy and peaceful co-existence". The Postamble of the Interim Constitution (RSA 1993), which came into effect on 27 April 1994, outlined a vision for achieving lasting peace – one grounded in reconciliation – and emphasised the need for "understanding", "reparation" and "ubuntu", rather than "vengeance", "retaliation" or "victimisation". To fulfil this vision, the Interim Constitution called for a mechanism to grant amnesty to those who made full disclosures of politically motivated human rights violations committed as a result of participation in either anti-apartheid activism or as an agent of the apartheid state. This gave rise to the Promotion of National Unity and Reconciliation Act 34 of 1995 (PNURA) (RSA 1995b), which established the legal foundation for what would become the Truth and Reconciliation Commission (TRC). The PNURA was designed to legislate the structure and goals of the TRC in line with the Interim Constitution's (RSA 1993) call for "the reconstruction of society". The TRC was conceived not only as a mechanism for regulating the granting of amnesty but also for the healing of victims at the micro level, and the healing of the nation at the macro level.

An additional rationale, absent from the Postamble of the Interim Constitution (RSA 1993), but present in the Preamble to the PNURA (RSA 1995b), was the inclusion of truth-telling as a key component in facilitating national healing and reconciliation. The Preamble stated that rebuilding society also required the TRC to "establish the truth in relation to past events ... and to make the findings known in order to prevent a repetition". This mechanism had to promote national unity, and its core epistemic aim was to create a widely accepted and objective account of the past – one that was comprehensive and credible enough to be embraced by all South Africans as a shared national history. As per the TRC Report (TRC 1998, 116) (hereafter the Report), "inclusive remembering of painful truths about the past is crucial to the creation of national unity and transcending the divisions of the past". An essential assumption behind the PNURA was that the relationship between truth and reconciliation, with reconciliation being understood as depending on healing, was that "reconciliation depends on forgiveness and that forgiveness can only take place if gross violations of human rights are fully disclosed in the Explanatory Memorandum to the Parliamentary Bill (RSA 1995a). The aim was for a holistic, cohesive "remembering" that would contribute to the solidification of a unified South African identity; in other words, a collective memory in service of a collective identity. A key way to achieve this necessary healing and subsequent national unity, according to the logic of the TRC, was for victims to forgive those apartheid-era political offences perpetrated against them.

The rationale for this expectation of forgiveness aligned with these stated virtues of understanding, reparation and, most pertinent to our inquiry, ubuntu.

In the article, I aim to interrogate and denounce this misuse of the philosophy of ubuntu emblematic of the TRC ethical paradigm, particularly as it pertains to the expectation for victims of politically motivated apartheid-era harms to forgive their perpetrators. I argue, contra the allegation in the Explanatory Memorandum (RSA 1995a), that ubuntu does not require forgiveness and at times resentment is not only allowed but justified. Firstly, I will give an account of the logic subtending the establishment of transitional justice mechanisms, such as retributive justice and reparative justice. Thereafter, I will demonstrate how restorative justice is conceived of in transitional justice literature as meeting the ideals of both retributive and reparative justice, while fostering a common national identity in post-conflict nations.

Next, I will build on this exposition of restorative justice to illustrate why truth commissions would advocate for victim hearings and conceive of a version of ubuntu that is amenable to the goal of forgiveness. Lastly, I will interrogate the assumption that ubuntu requires or at least implies that a "good" victim will by necessity forgive their perpetrators. In other words, I will *not* be conducting an investigation into whether the TRC should have used ubuntu as a guiding principle of its machinations, nor whether the TRC should have been created at all. I will argue, rather, that even if ubuntu may be conceived of as a proper virtue to instil into the ethics of truth commissions, South Africa's TRC used it wrongly by pressuring victims to forgive and contributed further harm to the people it purported to help. In essence, I will argue with the philosopher Mogobe Ramose that the "inclusion of ubuntu in the epistemological paradigm of the TRC could have been demonstrated by the visible and sustained implementation of traditional African cultural principles and methods of reconciliation" (Ramose n.d., 6), instead of the inauthentic version peddled by the creators and advocates of the TRC.

Transitional Justice: Thoughts and Mechanisms

Transitional justice has emerged as both a scholarly and practical field concerned with addressing injustices of former regimes to establish a just new order (Bothmann 2015; Kasapas 2008; Teitel 2003). Although there is no consensus on its precise definition, or when a transition begins or ends, it is generally understood as a multifaceted approach to confronting large-scale human rights violations during periods of political transformation (Turgis 2010, 15). Terms such as "revolutions", "transfers of power", "regime change" or "restorations" reflect the contested nature of the term "transition". Kaminsky, Nalepa and O'Neill (2006, 296) describe transitional justice as "formal and informal procedures implemented by a group or institution of accepted legitimacy around the time of a transition out of an oppressive or violent social order". Similarly, Teitel (2003, 69) defines it as "the conception of justice associated with periods of political change, characterised by legal responses to confront the wrongdoings of repressive predecessor regimes".

While transitional justice remains a contested concept, what unites its various definitions is the pursuit of societal transformation following systemic harm. This pursuit gives rise to different conceptions of justice, each tailored to the specific goals and contexts of a given transition. In what follows, I will examine how these distinct notions of justice – retributive, reparative and restorative – are operationalised through mechanisms such as trials and tribunals, reparations programmes, and truth commissions. Trials and tribunals are often grounded in the notion of justice as retribution. While reasons for punishment may include deterrence or rehabilitation, the argument that amnesty constitutes impunity is typically premised on retributive justice. These mechanisms involve prosecutions for past atrocities and may be pursued at both local and international levels (Yusuf 2021, 7). The standard view of justice as retribution is that justice entails the punishment of a criminal offender for having committed a wrong. Trials and tribunals provide an opportunity to hold perpetrators accountable – either through incarceration or, when that is not feasible, by identifying them as morally blameworthy and expressing communal disapproval of their actions or character (Minow 2003, 35). In this way, they symbolically affirm the equal moral worth of victims and perpetrators alike. Punishment, then, becomes an embodiment of values such as the equality of persons, the right to fair treatment, and accountability – values that are typically upheld through the punishment of wrongdoers (Rachels 1997, 475).

Another cornerstone of transitional justice is reparative justice, which consists of the provision of reparations. At their core, reparations aim to "repair" and provide recompense for the harms inflicted upon victims and communities (Hayner 2011, 166). These may take various forms – "restitution, compensation, rehabilitation, satisfaction, and guarantees of non-recurrence" (Garcia-Godos 2021, 195) – and can be symbolic, material, or both. Symbolic reparations "include various forms of recognition and acknowledgement for the suffering of victims," while material reparations consist of "all tangible assets which are provided to repair the harm done; this includes money, goods or services" (Garcia-Godos 2021, 196). Both types serve important complementary purposes. Material reparations directly address the impact of specific violations, such as the financial costs of medical treatment or the need for services to alleviate burdens on victims (Sharpe 2013, 27). Symbolic components, including official apologies, are significant in acknowledging the wrongfulness of the acts themselves (Sharpe 2013, 28). Fundamentally, reparations are rooted in the concept of redressing wrongs and injustices. They pursue multiple vital aims – providing avenues to "repair damage" and officially "vindicating the innocent" – by recognising the injustices suffered (Sharpe 2013, 28).

The TRC positioned restorative justice as a "third way" to achieve the goals of both retributive and reparative justice; thus, it can also be expressed through both trials and reparations, emphasising the communal effort to restore the victim's ability to flourish as a member of the social collective, and the potential reintegration of perpetrators into the moral community. Restorative justice aims to "involve, to the extent possible, those who have a stake in a specific offence to collectively identify and address harms, needs

and obligations in order to heal and put things as right as possible" (Gohar and Zehr 2002, 40). This opportunity extends to offenders as well, to the degree that they are willing to participate in repairing the relational rupture they have caused. In this light, "justice is not based on punishment inflicted but the extent to which harms have been repaired and future harms prevented" (Gilbert and Settles 2007, 32). In many instances, rather than conducting trials, truth commissions hold perpetrator hearings in which individuals are expected to fully disclose their offences. This serves as an alternative means of accountability, allowing victims to learn the circumstances under which they or their loved ones were victimised. Such disclosures are intended to illuminate the extent and context of human rights violations and are also viewed as a form of reparation in the sense of truth recovery.

The epistemic function of truth commissions is central to this process of truth recovery as reparation. These bodies investigate and record human rights violations committed during repressive political orders (Yusuf 2021, 101). Their role is to "uncover" hidden or suppressed information; to establish and construct a historical truth; and to bring it into the public domain. As Ignatieff (1996, 25) observes, "the past is an argument", and truth commissions seek to combat the denial of historical atrocities. In addition to perpetrator hearings, victim hearings are employed to counter the psychological harm inflicted during unjust political regimes, often referred to as epistemic trauma. This form of trauma involves the denial of a person's capacity to "claim, make sense of, and heal through their lived experiences" (Samuels 2022, 130). Such trauma represents an assault on the victim's claim to moral recognition. Truth-telling through hearings is promoted as a way to restore the "human and civil" dignity of victims, whose "pain is real and worthy of attention" (TRC 1998, 114). Allen (1999, 332) articulates justice as recognition, describing it as "a public marker of these citizens' rightful passage into equal consideration and respect". The opportunity for victims to relate their experiences of historical injustice affirms them as "equal sources of truth and bearers of rights" and as "legitimate sources of truth with claims to rights and justice" (Du Toit 2000, 136). Truth-telling is not only about countering the dismissal of victims as truth-bearers. It is also designed to enable healing – or at least initiate it – by restoring both the victims' moral recognition and psychological well-being. The victims' testimonies are not necessarily presented for historical verification but serve a psychological function, namely, catharsis. The TRC hearings were meant to create a space for healing through storytelling and emotional release. As the Report (TRC 1998, 128) states, the hearings functioned as the "public unburdening of [victims'] grief".

The South African TRC and Its Extended Truth Paradigm

The South African TRC was composed of three arms with different functions and duties, namely: the Committee on Human Rights Violations; the Committee on Amnesty; and the Committee on Reparation and Rehabilitation. The task of the Committee on Human Rights Violations was to investigate gross human rights violations committed during apartheid and provide the context in which these violations occurred, as well as establish

the identity of the victims (RSA 1995b). The human rights violations were categorised under the categories of killings, abductions, torture and acts of severe ill-treatment (KATS) (RSA 1995b). The Committee on Reparation and Rehabilitation was tasked with identifying the immediate material needs of the people determined to be victims and recommending reparations to alleviate their material difficulties (TRC 1998, 125). The task of the Committee on Amnesty was "to consider applications for amnesty for acts associated with a political objective and to grant amnesty" (RSA 1995a). The perpetrators of human rights violations would be granted amnesty and thus avoid criminal and civil liability if they gave full disclosure of their crimes. The TRC was also tasked with publishing a Report into the results of the investigations and testimonies given at the TRC proceedings. The Report was intended to be a record for a collective memory and shared historical understanding of the brutality that was visited upon people during apartheid; an understanding which was intended to promote the achievement of reconciliation and national unity (SABC 2019).

The idea of the PNURA "closing the chapter on the past" was accompanied with the discourse of a new beginning and a transformed national identity. The results of the investigations and the testimonies coming from the hearings were considered types of truth and were to cumulatively serve as the narrative designed to create discontinuity with the former political order. The Report explains the four notions of truth as: "factual or forensic truth; personal or narrative truth; social or 'dialogue' truth; and healing and restorative truth" (TRC 1998, 110–114).

It is attested in the Report that this "extended truth paradigm" (Moon 2008), when understood and accepted, "would contribute to the reparation of the damage inflicted in the past and to the prevention of the recurrence of serious abuses in the future" (TRC 1998, 114). These kinds of truth are intended to form the chronological anchor of historical injustice and some are based on history, some are based on memory, and some are hybrid, and they each contribute to the construction and legitimation of this grand narrative. Forensic truth is described in the Report as "the familiar legal or scientific notion of bringing to light factual, corroborated evidence, of obtaining accurate information through reliable (impartial, objective) procedures" (TRC 1998, 111).

The victims' testimonies were categorised as a form of "personal or narrative truth" that would create a "national memory" (TRC 1998, 114). This national memory would consist of multifaceted and diverse personal experiences of apartheid of both the perpetrators and victims of apartheid (TRC 1998, 112). Storytelling, it is averred, holds "healing potential" "unique insights into the pain and complexities of South Africa's past (TRC 1998, 112). Social or dialogue truth is described as "the truth of experience that is established through interaction, discussion and debate" (TRC 1998, 113). This type of "truth", as articulated in the Report (TRC 1998, 113), derives from interaction and debate. According to the Report, the establishment of this truth, requires a careful consideration of the diverse motives and perspectives of all stakeholders. The Report

(TRC 1998, 114) posited that the intrinsic link between the truth-seeking and the process of "truth-telling" in the hearings was the affirmation of human dignity.

Lastly, according to the Report (TRC 1998, 114), healing and restorative truth is "the kind of truth that places facts and what they mean within the context of human relationships". It emphasises the importance of acknowledging the pain experienced by victims as a means to contribute to the repair of past harm and the prevention of future abuses. This acknowledgement involves publicly recording known information about past human rights violations, affirming the reality of the victims' pain and the necessity of addressing it. Acknowledgment, from the TRC's perspective, is the "affirmation that a person's pain is real and worthy of attention [and] is thus central to the restoration of the dignity of victims" (TRC 1998, 114). It is to this healing and restorative truth that I will turn next, making the argument that, as opposed to bringing healing to all victims, the presumptions behind this conception or categorisation of truth bore the capacity to inflict further harm on victims.

Truth, Reconciliation and the Manipulation of Victims' Voices

According to Desmond Tutu, the then chairperson of the TRC, the spirit of restorative justice is "ubuntu [which is embodied in] the healing of breaches, the redressing of imbalances [and] the restoration of broken relationships" (Tutu 1999, 31). This "restoration of broken relationships" was an imposed closure of the urgent inquiry into the continuity of the ethical disputation of the PNURA. "Imposed closure" refers to the deliberate enforcement or imposition of an end or resolution to the pursuit of holding the perpetrators accountable and to the harbouring of feelings of racial animosity on the part of victims. However, Eisikovits (2006, 494) makes the point that giving victims the chance to tell their stories and share their experiences does not necessarily correlate with restoring their dignity. Some victims may feel that the punishment of their perpetrators fulfils this function. Others may reject the victim hearings in favour of receiving some sort of compensation. These victims, as Madlingozi (2007, 111) shows, believe their dignity to be respected or restored when they are financially compensated by those responsible for their victimhood or by the government holding such mechanisms as the TRC. Madlingozi (2007, 111) calls attention to the juxtaposition that truth commissions may make between "good victims" and "bad victims". While good victims are "those who argue that the past must be put behind and that the struggle was not about money", bad victims are those "who continue to claim and struggle for reparations and social justice" (Moon 2008). Good victims, for mechanisms such as the TRC, are those who respond favourably to the national project of inaugurating a unified nation, that is, those who respond with forgiveness.

The "expanded truth paradigm", comprising the "four kinds of truth" developed by the PNURA, effectively limits the agency of victims in narrating their own stories, even before the victim hearings take place (Moon 2008). This paradigm, which includes forensic, personal, social, and healing truths, is designed with a specific goal in mind: national reconciliation. As Moon (2008, 112) points out, "each truth is directed towards

reconciliation". This predefined framework constrains the victims' narratives by setting rigid expectations for how their stories should be told and interpreted. The paradigm does not allow for truths that might either conflict with or challenge the reconciliatory outcome, effectively silencing voices of dissent or demands for alternative forms of justice. The TRC's emphasis on healing truth "asserts the palliative effect of the testimonial and of official recognition" (Moon 2008, 112). This framing imposes an expectation of catharsis and healing through the truth-telling process, regardless of whether this aligns with the victims' actual experiences or desires. It creates a narrative structure that victims are expected to fit into, rather than allowing them to express their stories freely.

Furthermore, the expanded truth paradigm serves as a substitute for retributive justice. Moon (2008, 112) argues that this expansion is "a compensatory gesture towards victims for the fact that retribution was not a possibility". By positioning truth-telling as an alternative to judicial proceedings, the TRC effectively foreclosed the victims' ability to seek other forms of redress or justice. The structure imposed by the TRC's approach actively constrained victim narratives. As Moon (2008, 113) states, "victims could not simply relate their accounts 'as they saw them'. They could not demand justice for what they had endured". This limitation is built into the very framework of the truth-telling process, restricting the victims' narrative freedom from the outset. Moreover, the TRC's truth categories, while ostensibly favouring victim truths, actually "compound victim subjection to the TRC process" (Moon 2008, 112). As Moon (2008, 113) succinctly puts it, "Victims, in short, had to be reconciled to reconciliation". The epistemic framework in this regard solicited testimonies from the victims that were a response not to an exhortation to "tell the truth" or even "tell your truth", but rather, "tell the predetermined story in your own words", which speaks to the idea of legitimising the grand narrative of reconciliation by "voluntarily" incorporating your own story into it.

By subsuming all types of truth under the goal of reconciliation, the paradigm leaves no space for narratives that might oppose or question the current political order. To expand on this limitation, the Explanatory Memorandum (RSA 1995a) placed a significant burden on victims for the initiation or attainment of reconciliation, a process so nonlinear and unpredictable, according to Charles Villa-Vicencio, the research director of the TRC, that it "requires restraint, generosity of spirit, empathy and perseverance" (Villa-Vicencio, Doxtader and Goldstone 2004, 4). Plausibly, the forgiveness hoped for acted not only as a strong suggestion, but as a prescription. In assuming that victims would embrace giving forgiveness as opposed to affording them the opportunity to choose it for themselves, the PNURA was essentially asking victims to treat a wrong as something for which no perpetrator of gross human rights violations who gives full disclosure could be ostracised.

Catharsis versus Purging: Ubuntu without Forgiveness

The expectation and pressure for victims to forgive their perpetrators shows that the requirement for national reconciliation mediated by individual forgiveness does not concern catharsis but rather purging. The TRC did not so much require catharsis of painful emotions as it did purging of resentful emotions. The difference between catharsis and purging is that catharsis is an experience a person undergoes, whereas purging is an act. The act of purging carries with it a connotation of expelling impurity, while catharsis has a connotation of the psychological relief of pain. As an act, purging has a moral element, whereas catharsis does not. If purging is a moral issue, then this creates the possibility to label certain victims as doing something "bad" if they do not reject their ressentiment and "impure" emotions and desires such as vengeance, retaliation and victimisation. Trauma manifesting in feelings of anger, frustration and hate is to not only be neutralised but also repudiated for the sake of building the nation. If these victims become an obstacle to national unity and reconciliation in this way, then the logic can be stretched to say that in the ethical framework of restorative justice as espoused by the logic of the Explanatory Memorandum and the PNUR, the resistance to or refusal to purge these "impure" emotions and desires is in itself moral harm. Thus, not only are those victims who refuse to purge their resentful emotions "bad" in terms of their actions (refusal to purge), but in terms of their character as well. In actual fact, the moral closure supposedly achieved through the recognition and acknowledgement of the violations suffered by victims could represent closure of psychological trauma even where many victims may not have closure at that time, which constitutes the moral harm of enforced silencing. Hamber and Wilson (2002, 50) warn that truth commissions like the South African one,

> may also cause further psychological trauma when individuals are treated as the social embodiment of the nation and are expected to advance at the same pace as the state institutions which are created in their name, but which are primarily pursuing a national political agenda.

Once it is mediated by the state, forgiveness is no longer forgiveness proper because the agency of the victim is taken away and replaced with an obligation for the victim to overcome their impulse to justice. If forgiveness is fundamentally personal and involves the voluntary overcoming of resentful emotions, then it cannot and should not be mediated; that is, offered or given on behalf of the offended party. If it is mediated, forgiveness ceases being forgiveness and becomes relinquishing the right of the offended party to blame the offender. Thus, once forgiveness is mediated by the state, it becomes "amnesty, reconciliation, reparation", and then it is no longer forgiveness because the agency of the victim is taken away and replaced by the obligation for the victim to overcome their claim to justice as well as their negative feelings. While this obligation may not necessarily be explicitly solicited, it is assumed to be forthcoming, which indicates that the logic of understanding in operation required the victim's *obedience* to the process. Here again the motif of "good" versus "bad" victims rears its ugly head, where those who "obey" are good victims, while those who "rebel" are bad

victims who derail and paralyse the national project of transcending "the past" towards unity, well-being and peace. According to the philosopher Jacques Derrida, this concern for the emanation of reconciliation from forgiveness actually "has nothing to do with 'forgiveness'", but rather with the concern that "the nation survives its discords, that the traumatisms give way to the work of mourning, and that the Nation-State not be overcome by paralysis" (Derrida 2001, 42 56). This concern is for the victims to abide by a timetable of nation-building that imposes involuntary acts on them, such as the demand to purge their resentful emotions and "close the books on the past". This imposition of a "time for forgiveness" on the victims' testimonies and psychological processing of their own victimhood dismisses victims' unfolding trauma and the ongoing demand for redress.

Usurping the right to withhold forgiveness is an affront to the agency and self-respect of the victim as someone who affirms that a wrong has been committed against them and deserves redress and rectification of the wrong. This usurpation of the victim's agency is an affront because it strips the victim of their autonomy to decide how to process and respond to the harm they have suffered. According to Butler (2002, 67), resentment is a "settled and deliberate" response to injustice and moral injury, distinguished from anger by its deliberateness and its connection to the recognition of an offense as unjust. By withholding forgiveness and harbouring resentment, victims assert that their moral agency and self-respect is worth preserving and honouring. If someone else, such as societal pressure or an authority figure, demands forgiveness without considering the victims' readiness or willingness, it undermines the victims' autonomy and their ability to affirm the wrong committed against them, which means that victims are stripped of the respect they are due, which in turn means that they are further victimised under those circumstances. The harbouring of resentment, in essence, is the right of the victim, and further, it demonstrates that the victim recognises the seriousness of the injury and motivates them to affirm their right to seek rectification.

While the conception of ubuntu portrayed in the Interim Constitution and the PNURA is used to *temper* the resentment of the victims of human rights violations, the importance of restitution and retribution in communities defined by the praxis of ubuntu proper is most acutely demonstrated within this context of one's offence against another person. While the emphasis on developing ubuntu is included in the aims of the PNURA's process of reconciliation, it is mentioned only three times in the Report. This lacklustre conception of ubuntu in the PNURA and the Report has given rise to the critique that ubuntu was used as a buzzword for any kind of conciliatory sentiment by African people. A key contestation in the conceptualisation of ubuntu lies in the translation of the word ubuntu itself. Indeed, as explained by Tutu (1999, 31) (published just after the formal proceedings of the TRC), "Ubuntu is very difficult to render into a Western language", but it is an ethic the meaning of which is commonly understood to be *umuntu ngumuntu ngabantu*, which is loosely translated as "a person is a person through other persons" (Mangena 2012, 13). Tutu (1999, 32) articulates this dictum as "a person is a person through other persons", and its moral weight, according to him, is

defined by the understanding that "I am human because I belong. I participate; I share". For some non-speakers of Bantu languages, it would be sufficient to say that ubuntu is translatable as "humanism", but Ramose (2019, 261) cautions that this translation is both misguided and dangerous (Gade 2017, 5). For Ramose (2019, 262), ubuntu is better translated as "humanness", as he explains, a faithful explanation of the maxim *umuntu ngumuntu ngabantu* is that "a human being is a human being in the ethical sense only through the recognition, respect, affirmation, and promotion of the wellbeing of other human beings, including the whole of nature".

However, ubuntu being characterised by shared humanity does not mean that the promotion of the wellbeing of humans would never require that others be harmed. Whereas "humanism" would denote an ideology or ideological practice grounded on the idea of the human being as an immutable state of existence, "humanness", distinguished by the suffix -ness, is grounded on a conception of the human being as a being whose humanness is both immutable and contingent (Ramose 1996, 330). This interplay between "contingency and mutability" extends to the ethical norms of ubuntu (Dladla 2024, 177). To illustrate this point, I turn to Dladla's (2024, 177) discussion of killing in his work, wherein he shows that, while in communities of abantu, humanness most often requires the avoidance of killing, "the promotion of life may require precisely that one kill when faced with hostility towards life." This viewpoint is diametrically opposed to one in which *all* have a right to life, as would be the case with humanism. It is this mistake that is made by some philosophers, like Leonhard Praeg (quoted in Dladla 2024, 167), interpret ubuntu as emblematic only of the maxim "I am because we are". According to that logic, one's "existence is conditional only on one thing [which is] the ineradicable presence of the other" (Praeg quoted in Dladla 2024, 169). The logical extension of Praeg's reading of ubuntu is that a person's personhood is entirely contingent on not only their relations with others, but their unconditional relational attachment with others as well. It is this same logic that can be traced back to the ethical framework governing the TRC process and the Report. For instance, Tutu (1999, 31), who co-wrote the section on the mandate and objectives of the Report, says in his polemic that the phrase "my humanity is caught up, is inextricably bound up, in yours" is emblematic of ubuntu ethics. Given this inextricability of oneself to other human, it is evident that, for Tutu and Praeg, it is ubuntu which "constrained so many to choose to forgive rather than to demand retribution, to be so magnanimous and ready to forgive rather than wreak revenge" (Tutu 1999, 31).

Tutu's and Praeg's "ubuntu" is that to which Ramose (n.d.) refers when he argues that this "inclusion of ubuntu in the epistemological paradigm of the TRC could have been demonstrated by the visible and sustained implementation of traditional African cultural principles and methods of reconciliation". Dladla (2017, 43) bemoans "anthropologically and culturally hollow versions" of ubuntu that have come to characterise the scholarly discourse; "'Ubuntus'" without "*abantu*" and without "*isintu*" as embodied by Tutu's and Praeg's iterations. Dladla's (2017, 63) analysis reveals how the Achilles Heel in these "ubuntus" is that they "obfuscate historical injustice and

defend their conquest and continued domination" of the conquered indigenous peoples. The enduring ontological dehumanisations experienced by the indigenous people are avoidable harms that cannot be reconciled with any serious form of ubuntu (Dladla 2017, 63). This dehumanisation is compatible, rather, with the idea revealed in Praeg's ubuntu that the relationship between a victim and offender must always be rescued from complete collapse because one's personhood is inextricable from the existence of other people. It is in this sense that, in order to assert their personhood, the victim is doomed to constant forgiving, or what Dladla (2024) terms "forgivism". It is not an ubuntu that is workable in an authentic form, which would not justifiably oblige the victim to forgive their offenders, as I will argue next.

It is quite possible to say in a Bantu language that "*motho ole ga se motho*", translatable as "that human being is not a human being" (Dladla 2017, 6). The metaphysical identification of a human being is not the same as the ethical quality of acting as a human being. In contrast to Gade's (2017, 5) understanding of ubuntu as "being about interconnectedness between persons [and] understood as *all* members of the species *Homo sapiens*", Dladla (2017, 6) contends that, while "being born of the species Homo sapiens may be a necessary condition to be a human being", becoming a human being is an ongoing process whereby an individual "become[s] – in an ethical sense – a human being". A human being's humanness and human *be-ing*, this gradual unfolding of humanness, is contingent on whether they treat other people and the rest of nature with "recognition, respect, affirmation, and promotion of their wellbeing" (Ramose n.d.). However, human relationships are also contingent on the prioritisation of ubuntu in that relationship. Relationships are not important for their own sake, but for the sake of *umuntu* and *abantu* (*person* and *people*). An offence, in this sense, is an action that does not promote the well-being of relationship. An offence is not forgotten or ignored or set aside for the sake of a relationship, rather its rectification is considered an exigency to the restoration of the relationship of abantu because an offence is a threat to the abantu of the community.

There is a strong emphasis in communities of abantu on a collaborative observance of the moral codes of the community (Joubert 2015, 631). Should an individual violate these codes, that offence puts the integrity of the community at threat due to the capacity of that offence to influence others to believe that they are not subject to the moral code. Consider the case of a member of the community violating laws that concern the entire community in particular, such as disobeying ordinances from the community leader. The impression given is that he is "leading the masses astray" and must be penalised as a form of retribution or deterrence (Joubert 2015, 639). This punishment is based on retribution since he is penalised for the wrong committed, regardless of what he may do to make restitution. This legal response does not prioritise redress per se, but rather retribution for threatening the relational bonds and common commitment of all the members of a community to its success. Further, in the case of an offender found to have violated a law who persists in resisting the injunction to submit to the community's leadership, the leadership "will despatch armed men, to either take his possessions from

him, or to kill him" or he is banished because he is no longer umuntu, and the individual against whom the offence was initially committed "retires entirely from the case" (Joubert 2015, 633).

This explanation of the wrong committed against an individual extending to the violation of the integrity of abantu in the community is true to authentic ubuntu. Ubuntu in this sense is then diametrically opposed to the form of ubuntu offered by the Interim Constitution and the PNURA, which presupposes that abantu and the community as a whole will necessarily and prospectively prioritise the retention of offenders and will eschew retributive sentiments and decisions in the name of "restorative justice". Even in the case where offenders undergo punishment, being punished does not negate the requirement to regain their ubuntu through restitution and a large measure of reformation. It is a fundamental note, therefore, that while the PNURA narrows down ubuntu to forgiveness, restoration, understanding, reconciliation and amnesty (and perhaps even remorse from the offender), a faithful rendition of ubuntu demands a measure of restitution by the victim or punishment by the leadership of the community, and at times both. Some may dispute the notion that while, in the ubuntu worldview, the initiation of maintenance of relational bonds in the "aftermath" of wrongdoing requires accountability and restitution, reconciliation and forgiveness are not demanded even if they often accompany these moral norms. It is evident, then, that accountability and restitution are fundamental for the offender to regain their status as umuntu in the community. Reconciliation is not demanded by ubuntu on the basis of absolute requirement for the preservation of the relationship with the offender (as with forgivism), but rather on the basis that an offence has become void on account of reasonable restitution. This reasonable restitution is not an event, but a relationship between victim and offender that reflects reciprocal treatment based on "recognition, respect, affirmation, and promotion of the wellbeing of other human beings, including the whole of nature" (Ramose 2019, 262). Treatment will supersede the psychological processing of emotions that accompanies forgiveness. The dynamism of ubuntu will most often require this reconciliatory relationship. Only then can both parties be "a person through other persons".

Conclusion

I have critiqued the TRC's appropriation of ubuntu to promote forgiveness, arguing that this expectation misrepresents the philosophy and places undue moral pressure on victims. I have demonstrated how the TRC conceptualised restorative justice as a "third way" – an integrative mechanism designed to achieve the goals of both retributive and reparative justice. Rather than treating justice as either punishment or compensation, the TRC sought to address past harms through truth-telling and full disclosure, which both recognised the victims' suffering and secured moral accountability from the perpetrators. In so doing, restorative justice was framed as a holistic strategy for healing individuals and the nation.

However, the TRC's emphasis on reconciliation came at the cost of the victims' moral agency. By framing forgiveness as a civic virtue and emotional closure as necessary for national unity, the TRC transformed personal trauma into a political tool. Truth-telling became a substitute for retribution, and the victims were implicitly judged as "good" only if they forgave. This narrative marginalised those who withheld forgiveness or demanded justice, portraying their continued pain or resentment as a failure to reconcile. Forgiveness, however, must be voluntary to have ethical meaning. When mandated or expected by the state, it strips the victims of dignity and autonomy. Resentment is not only rational but at times necessary to affirm the reality of injustice and demand redress. Suppressing such feelings can amount to further harm. Finally, I have argued that the TRC's interpretation of ubuntu reduced it to an ethos of amnesty and forgetting, neglecting its deeper ethical commitments to accountability, relational integrity, and communal restoration. As Dladla (2024, 159–160) argues, the form of ubuntu operational in the TRC's legislation was conjured up "in order to eliminate the spectre of historical justice … and aid in the safe transition of white supremacy … into neo-colonial democracy". Authentic ubuntu requires more than reconciliation; it demands justice. Through this lens, resentment is not antithetical to healing but a valid and potentially necessary response to moral injury and disrupted human relationships.

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