

Introduction

Crimes of Allegiance

Someone who is perennially surprised that depravity exists, who continues to feel disillusioned (even incredulous) when confronted with evidence of what humans are capable of inflicting in the way of gruesome, hands-on cruelties upon other humans, has not reached moral or psychological adulthood.

Susan Sontag, *Regarding the Pain of Others*¹

In July 1997, Captain Jeffrey Benzien sat before the Amnesty Committee of South Africa's Truth and Reconciliation Commission and gave testimony about his illegal activities during apartheid. In the course of this testimony, Benzien provided extended accounts of his activities with the "terrorist tracking unit" of the South African Police, finding and detaining antiapartheid activists and locating their ammunition and weapons. He described his general duties and he recalled the specifics of his most notorious expertise: the "wet bag" method of torture interrogation. He would force a wet canvas bag over the head of a bound prisoner and then alternately tighten and release the bag, repeatedly bringing the prisoner to the brink of asphyxiation while conducting his interrogation. He disclosed this procedure in his testimony:

It was a cloth bag that would be submerged in water to get it completely wet. And then the way I applied it, was I get the person to lie down on the ground on his stomach . . . with that person's hands handcuffed behind his back. Then I would take up a position in the small of the person's back, put my feet through between his arms to maintain my balance and then pull the bag over the person's head and twist it closed around the neck in that way, cutting off the air supply to the person.

He detailed the torture interrogations of several activists, describing the various cruelties he inflicted on these men, including torture through the application of electric shocks, and he gave extensive testimony regarding the killing of an antiapartheid activist during a covert operation. During the hearings, Benzien's former victims listened to his sworn testimony, and one at a time, they confronted Benzien with questions, disputing some of the testimony and offering alternative accounts.

Over two full days of testimony, Jeffrey Benzien exhaustively described what he called his "heinous" acts and endeavored at length to explain his thought processes and motivations at the time he committed these acts. He said that he was genuinely sorry for the mistreatment of the individuals he interrogated but not for his efforts to maintain security and to fight the efforts of antiapartheid activists. His perspective was that of a diligent professional who tried to accomplish all that was asked of him, but whose very diligence had led him astray. Although inconsistent and incomplete, Benzien's testimony offered a sincere and revealing account of how one human being became a killer and serial torturer for the apartheid state and began answering the general question of how ordinary people develop into violence workers (Benzien, July 14–15, 1997).

After the amnesty hearings, discrepancies between Benzien's testimony and the testimony of his former victims remained unresolved, and the limitations of an individual perpetrator to recall years of illegal violence work became a matter of record. Even with these limitations, however, the case of Jeffrey Benzien ultimately showed how unconstrained testimony can disclose the phenomenology of the perpetrator, the existence of multiple truths, and the possibilities for reconciliation.

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A remarkable set of events occurred in South Africa in the final half decade of the twentieth century—events that are now mostly forgotten. Many people outside South Africa still remember the stormy transition from apartheid to democracy and Nelson Mandela's triumphant victory in May 1994 as South Africa's first democratically elected president, but few recall the truth commission that followed. In 1995, guided by President Mandela and mandated by an act of Parliament, South Africa

created the Truth and Reconciliation Commission (TRC), a massive, temporary institution whose mission was to reveal the specifics of widespread human rights abuses and to begin repairing the damage from nearly half a century of violent oppression known as apartheid.

Officially introduced in 1948 as a policy of forced segregation, apartheid was designed to control the nonwhite majority of South Africa and to preserve a privileged way of life for the white minority. Over a period of decades, the ruling National Party then enacted apartheid through a succession of increasingly oppressive laws restricting every major aspect of the lives of nonwhite South Africans, beginning with the forcible removal of millions of people from their homes and communities and deportation into segregated homeland areas and overcrowded, underserved townships (Adam 1997; Mamdani 2000; Thompson 2000). Those who resisted faced imprisonment, torture, and death at the hands of the government security forces. As the oppression of apartheid grew and the brutal enforcement of the apartheid government became more widespread, so did the violent conflicts between the government forces and the various organizations fighting to end apartheid and establish a democracy. As these conflicts escalated throughout the 1970s and 1980s, and into the early 1990s, deadly clashes eventually enveloped much of the country, with horrific violence committed by all sides.

It was during the hearings of the TRC that the brutal violence of apartheid was publicly investigated and openly discussed. Many of the government's atrocities that had been covered up for decades within South Africa and only briefly glimpsed in the world media were uncovered and documented. Names not heard of outside South Africa and no longer talked about today, even within South Africa—Jeffrey Benzien, Dirk Coetzee, Eugene de Kock, Robert McBride, Adriaan Vlok—commanded the attention of millions of South Africans with their testimony about the violent political crimes they committed during apartheid.

Analyses and critiques of the South African TRC have now resulted in the largest literature ever produced about a truth commission, with dozens of scholarly books and scores of research articles, representing a distinctive biblio-monument to the TRC—its goals, its accomplishments, its compromises, and its legacy. In the process, the TRC created a comprehensive archive of the proceedings, housed in the National Archives, with its final report serving as a road map for the TRC archive.

Today, however, as new challenges have overwhelmed the second decade of democratic South Africa—the AIDS epidemic, widespread poverty, debilitating unemployment, and violent crime—political leaders in South Africa have devoted their efforts to addressing these challenges, placing apartheid and the TRC behind them. In the West, the TRC is largely absent from contemporary discussions of national and geopolitical conflicts, pushed aside by the demands of current economic, environmental, and military urgencies. More broadly, the TRC has faded from view because it occurred during a period of time that is obscure for us now: in the words of noted publisher and correspondent Rupert Hart-Davis, “too old to be news and too young to be history—the day before yesterday” (Hart-Davis 1978, 116).

Yet it was the TRC that transformed an emerging set of principles for finding truth and resolving long-term national conflicts into an established tradition, a tradition that continues today in a handful of countries working to adapt its principles to their own national traditions (Amnesty International 2009; Bronkhorst 2006; Hayner 2011; Lobb 2010; U.S. Institute of Peace 2009). For those countries traumatized by sustained violence, the findings of the TRC represent news in the making, but for the rest of the world, the TRC remains the day before yesterday.

Over the next generation, however, all this will change. Inevitably, growing economic and social forces will demand creative methods for resolving long-standing confrontations that do not involve the expense and destructiveness of prolonged lethal force. At the local level, community leaders and participants in the justice system are recognizing the effectiveness of restorative justice in resolving protracted civil conflicts and reconciling victims and perpetrators in criminal cases (Johnstone 2003; Sherman and Strang 2007; Strang and Braithwaite 2002; Zernova 2007). As these methods continue to be studied and implemented, awareness of the TRC will grow and propagate. More generally, now that the foundational concepts of restorative justice and truth commissions have entered our cultural lexicon, it is only a matter of time before they enter our political discussions and our national public policy. Within a generation, the TRC is likely to become both news and history. The extensive analyses of the TRC will be rediscovered and the TRC itself—along with its struggles and limitations—will achieve lasting historical significance as the foundational national institution for

uncovering truth and for helping to promote the reconciliation of long-standing conflicts.

Beginning a Study of Perpetrators

The research for this book took root at a provocative 1998 conference at Yale University entitled “Searching for Memory and Justice: The Holocaust and Apartheid.” Cosponsored by the Fortunoff Video Archive for Holocaust Testimonies and the Orville H. Schell Jr. Center for International Human Rights, the conference brought Holocaust scholars together with researchers and officials from South Africa at the time the TRC was conducting its hearings. It was at this conference that I first encountered what seemed to me a radically new concept: restorative justice. Until that time, for me, justice was retributive: people who committed crimes were apprehended by the police, tried by the state, and punished by the criminal justice system. At the conference, I learned that restorative justice is rooted in the concept of Ubuntu, which translates generally as “humaneness,” and is conveyed in the expression “A person is a person through other people” (Simpson 2002, 248; TRC 1999a; Tutu 1999b, 31). Ubuntu seeks to redefine crime away from offenses against the state and toward an understanding of crime as violations against other human beings and their communities. In the context of Ubuntu, restorative justice seeks full accountability, with perpetrators facing the people they victimized and working to repair the damage they inflicted. Based on reparation, it endeavors to heal all sides of a conflict, encouraging victims and perpetrators to be directly involved in resolving the conflict (TRC 1999a).

I was invited to participate at the Yale conference as a Holocaust scholar. I had been studying oral testimonies of Holocaust survivors in the Fortunoff Video Archive as a way of learning about deeply traumatic memory and its enduring aftermath. At the time of the conference, I had analyzed nearly seventy videotaped testimonies from victims of Nazi ghettos and concentration camps and had begun characterizing the distinctive patterns of Holocaust memory. In these testimonies, Holocaust survivors detailed the brutal acts of the SS officers, the Wehrmacht, the camp guards, the ghetto officials, and local police, but they remained understandably uncomprehending about how their

tormenters could have behaved with such relentless cruelty and brutality. Martin S., for example, described this incredulity as a child in the slave labor camp of Skarzysko:

I just kept asking, Why? And I couldn't get the answer. I remember, I walked by a spot, and a guard hit me very hard over the head. After I recovered—because he did put me into a sort of semiconscious state for a few minutes—I turned around and I said, he doesn't know me. I wasn't even thinking of the fact that I was a child. He doesn't know me. I don't know him. Why does he have such a hatred for me? . . . I could not understand the brutality. (Tape HVT-641, testimony of Martin S. 1986)²

As I continued to study the testimonies, the unanswered questions of Martin S. grew more and more insistent, and I became increasingly aware of my ignorance of the people who were offscreen: the perpetrators of the Nazi monstrosity. I also recalled the words of Primo Levi from *The Drowned and the Saved* (1988), after he acknowledged the importance of recording the perpetrators' accounts of their atrocities: "Much more important are the motivations and justifications: Why did you do this? Were you aware that you were committing a crime?" (26).

In 2002, after seven years of studying Holocaust testimonies, I completed my work in the form of the book *Memory Perceived: Recalling the Holocaust* and then directed my research toward the study of perpetrators. But the Nazis were not talking. The problem then was to find an archive with extensive testimony from perpetrators. At the time, however, no such archive existed, and it was this lack of perpetrator testimony that led me back to the Yale conference four years earlier and to the monumental work of the South African TRC.

In terms of testimony, the TRC consisted of two great halves: the collection of victim testimonies by the Committee on Human Rights Violations (HRV) and the documentation of perpetrator testimonies by the Amnesty Committee. Victims gave testimony to the HRV to document the crimes committed against them and their families and to apply for reparations. Perpetrators gave testimony to the Amnesty Committee to inform the nation of the specific crimes they carried out during apartheid and to obtain amnesty for these violent crimes. The newly constituted South African Broadcasting Corporation then recorded every

public hearing of the HRV and every public hearing of the Amnesty Committee, making a permanent record of the victims' testimonies and the perpetrators' testimonies, with the TRC posting the transcripts of these hearings on its website (www.doj.gov.za/trc).

Thus it was that the difficult work of the Amnesty Committee resulted in the most extensive collection of perpetrator testimony ever recorded. All that remained to begin my research on perpetrators was to select a representative sample of videotaped perpetrator testimonies from the hearings of the TRC Amnesty Committee and to proceed with a detailed analysis of this testimony.

I should note that my juxtaposition of the Holocaust and apartheid in this introduction does not imply that the two historical events are somehow comparable. Each historical event should be studied in depth and not *in relation to* the other. In fact, framing one historical event in the categories of another distorts our understanding of both and diminishes the distinctive consequences of each. Regarding the Yale conference on the Holocaust and apartheid, the archivist of the Fortunoff Video Archive made it clear that "there was no intent or effort to make comparisons" and that the conference "offered a unique opportunity for examining and discussing the impact and memory of two different traumatic histories." She also addressed *commonalities*, saying that much could be learned by studying "oppressive governments that legally inflict such suffering upon their own citizens" (Rudof 2000, 9). It is with this perspective that I analyzed the perpetrators in apartheid South Africa: as one distinctive example of widespread oppression that also revealed the universal themes of systemic cruelty, sustained repression, and ideology unmotivated by compassion. After studying more than 120 hours of perpetrator testimony, it is clear to me that the testimony given to the Amnesty Committee of the TRC provides the comprehensiveness, the immediacy, and the unsummarized specificity for a thorough and generalizable analysis of violent perpetrators.

A Qualitative View

The unlived analysis is not worth doing. Studying the testimony of perpetrators in apartheid South Africa demanded an initial examination of my own attitudes toward the events at the time and my limitations in

understanding these events. Raised and educated in the American Midwest during the second half of the twentieth century, I grew up mostly unaware of the history and struggles of South Africa. In the 1960s and 1970s, the evening news occasionally depicted the tragic events in the townships—the massacre in Sharpeville, the mass killing in Soweto—and I interpreted the antiapartheid movement in South Africa in terms of the civil rights movement in the United States. Later, in the 1980s, as the apartheid government came under more intense media scrutiny, my awareness of its injustices and cruelties increased appreciably. The international media stepped up their coverage of apartheid South Africa during the politically volatile years of the early 1990s, which then came to a celebratory end in May 1994 with the election of Nelson Mandela as president of the new South Africa.

It was only after the fall of apartheid that I began a social scientific study of South Africa's struggle with the painful memories of apartheid and with its devoted efforts to reconcile. As a foreign observer without experiential knowledge of life under apartheid, my perspective will always be that of an outsider, with the outsider's advantage of distance and the corresponding disadvantage of missing the shared knowledge and obvious subtleties of daily life.

As a qualitative researcher, it is necessary not only to reflect on my own experience with the subjects of my study but also to reflect on the analytical process itself. My original motivating goal for this book was to understand violent perpetrators in violent organizations by studying testimony from the amnesty hearings of the TRC. My analysis then began by identifying generalizable patterns of thought, motivation, and social influence that cause ordinary people to perpetrate extraordinary brutalities for a political cause. An extensive analysis of testimony from these violent perpetrators is presented in chapter 3.

As my analysis of perpetrators proceeded, however, related goals emerged. The confrontations between perpetrators and victims during the amnesty hearings revealed enduring insights about collective violence, but they also disclosed honest and profound discrepancies between the memories of the perpetrators and the memories of the victims for the violent crimes being investigated. These discrepancies and the interactions between the testimony and the goals of the Amnesty Committee could only be accommodated by the existence of

multiple—and sometimes contradictory—truths. The study of perpetrator testimony therefore required an analysis of these discrepancies and of different kinds of truth. This analysis is presented in chapter 4.

As perpetrators and victims offered new facts and narratives about the crimes of apartheid, and as the confrontations between victims and perpetrators defined the contours of acceptable discrepancies, the interactions that occurred between victims and perpetrators directly influenced the opportunities for reconciliation. These confrontational interactions then demanded an analysis of the complexities of reconciliation, identifying those interactions that promoted reconciliation and those that foreclosed it. This analysis of testimony and reconciliation is presented in chapter 5.

Finally, as these analyses came to completion, it became apparent that my findings about perpetrators, about multiple truths, and about face-to-face confrontations between victims and perpetrators needed to be integrated and *applied* to the challenge of implementing future truth commissions as well as other programs of restorative justice. This integration and application is presented in chapter 6.

Each chapter, then, presents a different topic in the study of perpetrator testimony, moving from methodology (chapter 1) to the history of apartheid and the TRC (chapter 2) to an analysis of violent perpetrators (chapter 3) to the kinds of truth that emerged during the amnesty hearings (chapter 4) to the complexities of reconciliation between perpetrators and victims (chapter 5), and finally to the applications of the findings (chapter 6). Throughout the book, all the analyses were motivated by the same underlying goal: to understand the etiology, maintenance, and aftermath of collective violence through a comprehensive analysis of testimony from the amnesty hearings of the TRC.

As social-cognitive research on collective violence, the book asks two overarching questions: How do mostly ordinary people transmogrify into individuals who repeatedly perpetrate illegal acts of violence against others and how do perpetrators and victims manage in the aftermath? To answer these questions, the book presents a qualitative study of testimony from violent perpetrators who operated within governmental and political organizations in apartheid South Africa, focusing on the thoughts and motivations of the individual perpetrators, as well as the social-political context for their destructive actions. Based on the

analysis of this testimony, the book offers several interrelated findings. It reveals the stepwise interactions between decisions and consequences that move individuals to cruelty and violence, the cognitive basis for maintaining brutality against others, the unexpected insights that arise when victims confront their tormentors, the reality of multiple truths, the complexities of reconciliation, and the lessons that transcend the particulars of the South African TRC.

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My method involved close analysis of individual testimonies, with a focus on the remembered experiences of the perpetrators and the observations about these remembered experiences by the perpetrators and the confronting victims. My general strategy was to study each testimony repeatedly and to identify patterns of thought and motivation across the different testimonies. By studying many testimonies, the analysis revealed commonalities in the individual experiences of the perpetrators, with the particulars of the testimonies coalescing into generalizable themes. My method was consistent with other phenomenological approaches by analyzing each testimony as a valid source of information about the perpetrator's own thoughts and beliefs and by identifying descriptive commonalities across individuals. My method differed from established phenomenological analysis by generalizing beyond the particular sample of participants in the study, moving from individual experiential descriptions to categories of specific experience to an organization of these categories that constituted an explanatory framework, with existing theoretical concepts informing the final stage of the inductive analysis. In general, this method integrated the personal and experiential immediacy of phenomenological analysis with the goal of identifying broader theoretical principles.

A necessary reference throughout the writing of this book was the final report of the TRC, a set of seven volumes, with the first five volumes published in 1999 and the final two in 2003, two years after completion of the TRC. This final report is not a work of literature. Rather, it is a patchwork of historical scholarship, reportage, descriptive statistics, psychological interpretation, tables, graphs, lists, maps, cartoons, photographs, financial records, and policy recommendations.

Although flawed and inconsistent, it is also a remarkably comprehensive document, reflecting the ambitious scope of the TRC hearings, the demanding research of the TRC staff, and the improvisations of the TRC commissioners during six years of hearings, challenges, political interventions, and internal decisions.

In fact, in this final report, one of the commissioners suggested, “A qualitative analysis of the data that has been collected . . . would have made a very valuable contribution to a better understanding of our society and the underlying endemic risks of the conflicts of the past repeating themselves in different forms” (Malan 1999, 455). In that sense, this book begins a new volume of the TRC report.