

'Grace Gets Angry', or the 'Tactics' of Forgiveness: the Biopolitics of Reconciliation in the Postcolony

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Abstract

This article reconsiders the role of forgiveness in the South African Truth and Reconciliation Commission (TRC). Following the preface, the article situates forgiveness within the Lacanian psychoanalytic registers of real, symbolic and imaginary. These dimensions of forgiveness are presented in dialogical style in order to reflect the spirit of dialogue and voice in accordance with which the TRC took place. Part 6 takes up the discursive problematic of forgiveness and submits it to the genealogy of the TRC as produced by Adam Sitze (2013). Drawing on Sitze, I offer a novel understanding of forgiveness, namely as a Foucaultian norm integral to a biopolitical imperative (here, the imperative of peace). In the concluding parts, I return to the psychoanalytic paradigm in order to consider whether we can nevertheless recognise a certain 'surplus' forgiveness in and around the TRC. Whether this may be the case in spite, or because of, the biopolitical deployment of forgiveness, remains an open question.

Key words

Biopolitics; forgiveness; rage; the real; reconciliation

Resumen

Este artículo reconsidera el papel del perdón en la Comisión de la Verdad y la Reconciliación de Sudáfrica (CVR). Tras la introducción, el artículo sitúa el perdón dentro de los registros psicoanalíticos lacanianos de lo real, lo simbólico y lo imaginario. Estas dimensiones del perdón se presentan en un estilo dialógico para reflejar el espíritu de diálogo y voz con el que tuvo lugar la CVR. La Parte 6 aborda la problemática discursiva del perdón y la somete a la genealogía de la CVR, como la planteó Adam Sitze (2013). A partir de Sitze, se ofrece una nueva visión del perdón, concretamente como una norma foucaultiana integral de imperativo biopolítico (en este caso, el imperativo de la paz). En las conclusiones, se vuelve al paradigma psicoanalítico para considerar si se puede identificar un cierto

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"excedente" de perdón en y alrededor de la CVR. si esto puede ser el caso a pesar de, o debido al uso biopolítico del perdón sigue siendo una pregunta abierta.

Palabras clave

Biopolítica; perdón; rabia; lo real; reconciliación

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1. Preface

This contribution takes its title from the name of one of the critical scenes in Lars von Trier's controversial 2003 film, *Dogville*. I deliberately activate this intertext in order to underscore that the concern of the article is with the subject of forgiveness – with the one who 'gives' it. Those who have seen the film, will know that the name Grace - a clear allusion to forgiveness - turns out ultimately to be an ironic name. Her initial graces, even timidity, aside, Grace turns out to be the figure who does *not* forgive. Instead, when her father finally shows up to rescue her from the oppression and persecution of Dogville's villagers, she orders his cronies to spare the town dog, but to leave none of the villagers alive.

The scene entitled 'Grace gets angry' marks a turning point in the main character – up to this point, Grace proverbially 'grins and bears' the numerous aggressions of the villagers against her. When Grace 'gets angry', she finally begins to imagine what retribution would befit her aggressors - and so the reference in the title of this article is meant to draw attention to an emotional change of heart on the part of the subject 'usually' associated with forgiveness. The subject ordinarily associated with forgiveness is a very specific version, in the transitional justice context, of Lacan's 'subject supposed to believe' (Žižek 2008a, p. 136-137). Only here it is the subject 'supposed to' forgive, because she is the subject 'supposed to believe' in the cathartic power of forgiveness.

Contemporary politics in South Africa, especially over the last year or so, have dramatically demonstrated that the subject supposed to forgive – even, the subject who has forgiven – is passionately angry. From the point of view of Žižek's (2008b, p. 186-188) assertion in his book *Violence – six sideways reflections* that rage is perhaps the highest political emotion, such anger may well be the subjective signs of a re-politicisation and, precisely, of the forms of forgiveness that exemplified the early years of South Africa's transition: indemnity, pardon, amnesty, reconciliation, ubuntu. The ongoing public demonstration of rage by the subject supposed to forgive testifies to a re-politicisation of the 'unfinished business' of the Truth and Reconciliation Commission (TRC) as a whole and the transition from apartheid to post-apartheid South Africa more generally.

Does the above alignment of anger and politicisation imply that forgiveness represents a form of de-politicisation? This is one of the questions which I would like tentatively to explore in what follows. I certainly think that depoliticisation is one of the risks when a political creation with the institutional and symbolic power that characterised the TRC, deploys 'forgiveness' in mediation of feverish spirits on the political scene. For better or for worse, the publicity, so central to the TRC, of forgiveness, were from the outset designed to make a critical contribution to the work of pacifying a body politic that was on the verge of, if not already at, civil war. As such, it can hardly be gainsaid that forgiveness operated as a governmental device during the early years of the transition. Yet, this is precisely what has too often been passed over in all the pious canons of transitional justice that have hitherto been produced in the wake of the TRC. The concern of this contribution is to explore, by several detours, what I think of as Power's carefully 'hidden' relation to forgiveness – hidden, nonetheless, like the purloined letter, in plain sight.

2. Setting the scene

In her introduction to Walter Benjamin's collection of 'essays and reflections', collected under the evocative title *Illuminations*, Hannah Arendt (2007, p. 4) writes that Benjamin was 'a born writer, but his greatest ambition was to produce a work consisting entirely of quotations'. At the end of the passage in which this phrase appears, Arendt writes that she will try to show in the remainder of her introduction that Benjamin 'thought poetically, but that he was neither a poet nor a philosopher'.

We may ask why the 'greatest ambition' of a poetic thinker would be to produce a work consisting entirely of quotations. Jean-Luc Nancy's definition of poetry as 'technique productive of presence' (Nancy 2006, p. 191) offers an explanation for the importance of quotation in poetic thought. If poetry's concern is a presencing, a bringing-forth (*prae-est*), an exposure of the 'between' - the present - that locates itself in the interstice separating past from future, then quotation as a form of presencing - and indeed, of writing - the past, gains attraction. Perhaps Benjamin was already well aware of the deconstructive line of argument according to which quotation is always already a re-writing (of the past).

The next section re-presents forgiveness in the form of an exchange for two voices and by way of the exclusive use of quotation. Specifically, it stages a conversation between two texts: one signed by Thomas Brudholm and the other by the TRC. The aim here is to stage forgiveness as a Borromean knot, showing the 'interconnection between several different threads' (Evans 1996, p. 19), present in the contemporary political discourse on forgiveness - a presence to which Derrida has referred as signifying a 'universal idiom of law, of politics, of the economy, or of diplomacy' (Derrida 2001, p. 28). The prominence of the Borromean knot in Lacanian psychoanalysis - on which this article will rely in later sections - is well known. For Lacan, it is a way of illustrating the interdependence of the three registers of human subjectivity: real, imaginary and symbolic (Evans 1996, p. 19). Staging forgiveness as a Borromean knot, thus implies the presence of the three Lacanian registers in its staging. Accordingly, it gives us to think forgiveness in its real, symbolic and imaginary dimensions.

To the extent that this Borromean / Lacanian representation of forgiveness requires an emphasis on registers of forgiveness that have largely been neglected by the discourse of Power, its staging also amounts to the re-introduction of that which in the politics of forgiveness amounts to what Rancière has called the 'part of no part' (Rancière 1999, p. 15), that which does not 'fit' with and therefore is unintelligible to an extant distribution of the sensible / status quo. This 'part of no part' in the discursive politics of forgiveness is a negative understanding of forgiveness, forgiveness as a political vice or, at the very least, forgiveness as an instrumental, tactical device that obscures, rather than illuminates, the demands of justice and so reduces, rather than augments, the possibility of radical democratic politics. Drawing attention, primarily via Brudholm but also via Sitze (2013), to this dimension of the 'real' in forgiveness means that the choices that are concealed beneath and within this instance of the presencing of forgiveness (and, as such, moves it) are as political as the form of its staging is 'poetic'.

3. An exchange for two voices - in which nothing is resolved

A: 'In an article on the work of Jean Améry (born as Hans Maier in 1912), published in 2006 in the *Journal of Human Rights*, Thomas Brudholm (2006, p. 8) writes about what he calls "certain problematic trends in current discourses on forgiveness or reconciliation after mass atrocity". Noting that "[p]opular as well as scholarly discourses about the question of how individuals and societies can 'move on' in the wake of genocide are permeated with references to 'negative' emotions and attitudes like anger, hatred, and resentment", Brudholm (2006, p. 8) argues that "most of this discourse proceeds without much reflection as to the nature and value of these "negative" emotions and attitudes at stake and, indeed, with a *distinct discreditation of these emotions.*"'

B: 'TRC Report, Volume 3, Chapter 2: Regional Profile: Eastern Cape, page 133, paragraph 353: "Mr Mthetho Ngece, SANCO member and chair of the local ANC Youth League, who is believed to have been the attackers' intended target, told the Commission: 'If I had the strength at that time

and I knew who the perpetrators were I would have gone and revenged, because my family is as it is because of them ... I have no forgiveness for these people.'''

A: 'Unsurprisingly, it does not take long at all for Brudholm to invoke, a few lines later in his text, what has become the contemporary exemplar of the "current discourses on forgiveness or reconciliation after mass atrocity": the South African Truth and Reconciliation Commission (TRC). And the terms in which he invokes the TRC confirms its exemplarity: "The praise of forgiveness and reconciliation that surrounded the proceedings of the South African Truth and Reconciliation Commission *exemplifies* what can be seen as an even more extravagant and even redemptive project of emotional transformation. The ideal articulated during the proceedings and in related writings was that of victims *overcoming* anger and desires for revenge or retribution, not the pacification of such emotions and desires by way of justice in the form of prosecution and punishment"' (Brudholm 2006, p. 9).

B: 'TRC Report, Volume 1, Chapter 1, Foreword by Chairperson, paragraph 71, page 18: "On the whole we have been exhilarated by the magnanimity of those who should by rights be consumed by bitterness and a lust for revenge; who instead have time after time shown an astonishing magnanimity and willingness to forgive. It is not easy to forgive, but we have seen it happen."'

A: 'Brudholm (2006, p. 9) continues to note Martha Minow's observation that there is "a striking prevalence of therapeutic language in contemporary discussions of mass atrocities" of which only one of the many institutional effects is that, according to Brudholm (2006, p. 9-10),"[i]t allows the party to whom the angry protest is directed to reduce the resentment of 'objective' injury and injustice to trauma or a subjective disturbance and is seen as something that the victim/patient should 'get over' for his or her own sake and something in need of counseling and treatment rather than a moral-political response". It is – again, unsurprisingly - not long before Brudholm (2006, p. 10) arrives at what he calls "the writings of Desmond Tutu", irreverently omitting both the ecclesiastic "Archbishop" and the institutional designation, "Chairperson". In "Tutu"'s writing "resentment and desires for retribution appear only as destructive and dehumanizing forces that should be 'avoided like the plague' because they are corrosive of 'ubuntu' and social harmony" (Brudholm 2006, p. 10).

B: 'TRC Report, Volume 5, Chapter 9, Reconciliation, page 351, paragraph 4: "After a visit to Rwanda, Archbishop Tutu said: 'We must break the spiral of reprisal and counter-reprisal ... I said to them in Kigali 'unless you move beyond justice in the form of a tribunal, there is no hope for Rwanda'. Confession, forgiveness and reconciliation in the lives of nations are not just airy-fairy religious and spiritual things, nebulous and unrealistic. They are the stuff of practical politics.'"

A: 'His criticism by now approaching concert pitch, Brudholm (2006, p. 10) continues steadfastly: "During the hearings of the South African Truth and Reconciliation Commission, Tutu and other commissioners repeatedly lauded those victims and relatives who were willing to forgive and reconcile. They were held forth as models of the kind of personal magnanimity and nobility needed to *secure* the transition to a new and better South Africa."'

B: 'TRC Report, Volume 5, Chapter 9, Reconciliation, sub-heading: Forgiveness, page 380, paragraph 48: "Testimony at the Alexandra human rights violations illustrated that forgiveness is not cheap [... Testimony of] Ms Margaret Madlana: 'I would like to apologise before God ... if ever I was to be employed, I was going to poison the white man's children. The way they killed my son hitting him against a rock, and we found him with a swollen head. They killed him in a tragic manner, and I don't think I will ever forgive in this case, especially to these police who were involved, and who were there ...'".

A: 'Brudholm (2006, p. 10), passionately berates Tutu for a lack of concern, at least in his "writings", for "the possible moral value of anger or the possible legitimacy of some victims' resistance to the call for forgiveness". He quotes Tutu's description of the *refusal to forgive* in the TRC's hearings as "exceptional" and concludes: "Tutu does not dwell on the cases of dissent, but hastily returns to the appraisal of the forgiving and more exhilarating kind of victim response. Such lack of attention to the possible legitimacy of anger or the retributive emotions more generally, indeed the vilification of such emotions as destructive of our shared humanity and harmony, is troubling. It is troubling not only because of the way in which it licenses disregard of the possibly valid reasons of those who did not want to forgive, and not only because of the troubles arising from an elevation of social harmony to the status of supreme good. The disqualification of anger and resentment also insinuates and promulgates an uncritical conception of forgiving as always noble and praiseworthy."

B: 'TRC Report, Volume 5, Chapter 1, Analysis of Gross Violations of Human Rights, page 7, paragraph 28: "The focus on the suffering of individuals and the reminders of the reconciling aspects of mourning and of forgiveness were in some cases a deterrent to people who were unwilling to come forward to make statements. Thus, political activists did not regard themselves as 'victims' who needed to weep or to forgive or be forgiven, but rather as participants in the struggle for liberation, who had known they would suffer for their cause."

4. What about the poetry?

It is August 2012. I have just given a staff seminar in my department in the Law Faculty. The topic: 'The work of mourning, refusal, forgiveness', in which I defended Jacques Derrida's (2001, p. 25-60) deconstructive reading of the philosophical heritage on forgiveness as constituting an irreducible aporia. Derrida traces this aporia in the Abrahamic origins of forgiveness and finds in those origins 'two contradictory logics in dispute' with regard to forgiveness (Derrida 2004, p. 161). On the one hand, there is the conditional logic; a logic that demands apology, repentance, self-transformation, in short, something given *in exchange* for forgiveness. On the other hand, there is the unconditional – or impossible – forgiveness: 'I forgive regardless of the attitude of the guilty party, even if he does not ask for forgiveness, even if he does not repent. I forgive him insofar as he (or she) is guilty or even insofar as he (or she) remains guilty' (Derrida 2004, p. 161).

The controversial French thinker affirms that when it comes to the analysis of a pure concept of forgiveness – forgiveness *itself* – there is always already implied the unconditional, the impossible: 'pure forgiveness must forgive the one who or which remains unforgivable' (Derrida 2004, p. 161). Pure forgiveness, the only

forgiveness 'worthy of the name' according to Derrida, is not, *'it should not be, normal, normative, normalizing*. It should remain *exceptional and extraordinary*' (Derrida 2001, p. 32). When forgiveness 'aims to re-establish a normality by a work of mourning ... then the "forgiveness" is not pure' (Derrida 2001, p. 32).

Inspired by these words, I proceeded to make the case for a certain ethico-political refusal in relation to forgiveness (Barnard-Naudé 2009, p. 101-120), which in Derrida proceeds by the name of 'the work of mourning' (Derrida 2001, p. 41). Like Derrida, I was concerned about the way in which forgiveness is set upon, appropriated, instrumentalised and as such reduced and simplified, by contemporary post-conflict political discourse. I was concerned because it seemed to me that 'forgiveness' was being made to stand in for an assemblage of conditions, processes and utterances with which its resonance is far from harmonious. What is lost by way of these appropriations, it also appeared, was precisely the exceptional quality, the 'poetic' dimension if you will, of forgiveness. Most troubling of all was the way in which those who hold power (institutional, discursive, academic, political, etc.) deployed 'forgiveness' in relation to those who do not have power (victims, have-nots, the poor, the displaced, the forcibly removed, the dispossessed, etc.) through a subtle, but nevertheless and precisely, powerfully coercive, because psychical, superego command from the Big Other to forgive – a kind of solicitation of repression, if you will.

To illustrate only the problem of how the complexity of forgiveness escapes and is thus inadequately apprehended by, the discourse, I retold (Barnard-Naudé 2009, p. 101) Wilhelm Verwoerd's telling of the story of Mr Papiyana whose son was killed on the 27th of April 1994 by two members of the Afrikaner Weerstandsbeweging (AWB) in a 'racist drive-by shooting'. After the criminal trial in which the perpetrators were found guilty and sentenced to imprisonment, Mr Papiyana met with one of them, Mr Pyper, who at the meeting apologized to Mr Papiyana for killing his son. Of the meeting, Mr Papiyana says that before it took place he thought that he 'would never have the ability to forgive' his son's murderers.

Verwoerd reads this statement as Mr Papiyana actually forgiving his son's murderer. He then goes on to conclude that 'forgiveness' happened unexpectedly for Mr Papiyana whilst in the same breath noting that the rest of Mr Papiyana's statement made it clear that after the meeting he still struggled 'to overcome some hard feelings'. Verwoerd nevertheless takes Mr Papiyana's statement as a whole as evidence that forgiveness 'is more than a single event', that it is typically 'a process'.

In the remainder of the paper I argued for an understanding of forgiveness from the perspective of complexity which affirms with Verwoerd the processual dimension of forgiveness while insisting with Derrida that, thought through 'the work of mourning', (as Derrida's unique name for politics), forgiveness confirms the paradox that lies at its heart. Stated otherwise, the work of mourning disrupts forgiveness *at the same time as* forgiveness disrupts the work of mourning. And this means, to quote Blanchot's translator, Sara Guyer, that 'to forgive is to render forgiveness impossible' (as quoted in Barnard-Naudé 2009, p. 101). This is, admittedly, a logic that is more than somewhat uncomfortable, but it is a logic that holds up to forgiveness understood from the position of complexity.

After the seminar, one of my lawyerly colleagues comes up to me and says: 'You are so angry and so critical of forgiveness. Why can't you just accept that by some miracle, some enormous grace, forgiveness took place during the TRC process and that we should be thankful for that much, at least? What is the point of this complication, this complexity on which you insist so vehemently? Why don't you just admit what those who were there keep telling us, namely that something happened during the TRC process and that whatever that "something" was, it opened up a space for forgiveness, pure and simple?'

These questions stay with me for a long time after the seminar. A well-known quote from Derrida's (1988, p. 119) *Limited Inc* (emphasis added) comes to mind: 'One shouldn't complicate things for the pleasure of complicating, but one should also never simplify or pretend to be sure of such simplicity where there is none. If things were simple, word would have gotten around, as you say in English. There you have one of my mottos, one quite appropriate for what I take to be the spirit of the type of "enlightenment" granted our time. Those who wish to simplify at all costs and who raise a hue and cry about obscurity because they do not recognize the unclarity of their good old Aufklärung are in my eyes dangerous dogmatists and tedious obscurantists. No less dangerous (for instance, in politics) are *those who wish to purify at all costs*'.

'Pure and simple'? When the point to be made (and that Derrida makes) is that there was no pure and simple forgiveness available at the TRC, that forgiveness as it emerged in the presence of the TRC was, from the outset, contaminated and complicated by a certain impurity? It sounds heretical, does it not, to suggest that the beauty of the forgiveness that emerged at the TRC lies in its impurity, its complexity?

Yet, against my earlier view, I wonder whether this is not *also* what makes forgiveness poetic? Can we really limit the poetry of forgiveness only to the forgiveness of the unforgivable, to the pure and unconditional form of the gift and thereby dismiss all other instances of its occurrence as something else, something lesser? Derrida (2001, p. 37) clearly leaves room for this view when he states that '[i]t is not in the name of an ethical or spiritual purism that I insist on this contradiction at the heart of the heritage' and that the aporetic logic to which this contradiction leads means that forgiveness must enter into all sorts of negotiation precisely because it is in advance conditioned by pure, unconditional forgiveness (Derrida 2001, pp. 44-45).

'Poetry is difficult and hard to please', writes Jean-Luc Nancy (2006, pp. 4, 15), 'poetry is at ease with the difficult, the absolutely difficult ... it is not the slightest bit interested in solving problems: making things difficult is what it does ... it sits there, and refuses to go away, even when we challenge it, cast suspicion on it or detest it'. (Nancy 2006, p. 17). If we apprehend forgiveness in its full complexity (which would include its refusal) at the TRC, shouldn't we, who are so quick to purify and simplify 'at all costs', rather reserve the same adjectives, the same verbs and adverbs, for forgiveness as those that Nancy enlists when he writes about poetry?

5. In which a Lacanian and a Derridean go around in circles while mentioning Foucault

24 February 2014. 'The phrase that came to mind as you were presenting your paper was "the biopolitics of forgiveness"', says the Lacanian analyst as she takes a sip of her lukewarm coffee. She is sitting with the Derridean at the restaurant of the University of Cape Town's famous Baxter Theatre which is so famous because – as its website proudly proclaims - 'it was a pillar of hope during the apartheid era', one of the only transgressive theatres in the country that presented 'multi-racial, progressive work at a time when all other non-racial interactivity was banned or censored' (Baxter Theatre Centre n.d.).

'I agree', says the Derridean. 'And what irks me is that there is so much smoke and mirrors when it comes to forgiveness. No one seems prepared today to admit how enormously precarious the whole affair has been from the beginning. I mean, think about it, you ask people who have been oppressed and dehumanized for centuries suddenly to sit down, face their persecutors and to perform the ritual of forgiveness – all in the name of the possibility that they may come to know a little bit more about their disappeared relatives, the whereabouts of the remains of their dead children, details about the torture of their loved ones, and so on. All of this while

knowing full well that these perpetrators will, in all probability, ultimately and quite literally, get away with murder. Even worse than that: invariably I think of what Žižek has called the "ethical horror" of the truth and reconciliation idea: what about the kind of perpetrator for whom the public confession of his crimes does not result in ethical catharsis in him, the kind of perpetrator for whom public confession generates, on the contrary, a kind of surplus enjoyment, an obscene pleasure? Isn't Jeffrey Benzien's case exemplary here? At the moment after he demonstrated at his TRC hearing the notorious "wet bag" torture method that he used on Tony Yengeni, he returned to his seat and re-addressed Yengeni: "Do you remember Mr Yengeni that it took you thirty minutes before you betrayed Jennifer Schreiner? Do you remember pointing out Bongani Jonas to us on the highway?" About this Antjie Krog has written that Benzien actually managed at his TRC hearing to continue his torture of Tony Yengeni by reminding Yengeni that he broke in under thirty minutes, that in the mind of Benzien, Yengeni, a freedom fighter, was nonetheless a weakling' (Krog 1998, p. 73).

'Derrida talks about the "theatrical space" in which the "grand forgiveness" plays out and of how this space is so often determined by hypocrisy and the coldest of calculations, how it invites parasites to the ceremony of culpability'.

'Not to mention the re-traumatization that this supposedly "cathartic" process almost certainly sparked, at least for some', replies the Lacanian. 'But it seems to me that the irony of what you have just said and also the paper that you presented this morning is that it reveals or exposes two things at once. The first is this "biopolitical" dimension to forgiveness. You know, Foucault says that the mark of the biopolitical mode of rule – governmentality – is when law no longer operates simply in terms of sovereignty but rather as a norm and a normalization. Don't you think that, at least in certain instances, the TRC mobilized forgiveness in this 'normative' way? So we have forgiveness rendered or reduced here within the discursive range of the TRC (and post-apartheid public discourse more generally) as a kind of biopolitical strategy which is, moreover, a *normative* strategy, a strategy to normalize and to install forgiveness as a kind of normal obligation. There is of course a version here of Agamben's point that the *nomos* of the modern is characterized by the extent to which the exception starts to function or is forced to start functioning, as the norm. And yet, at the very same time, the TRC and transitional justice as a whole admits to the difficulty of forgiveness, that it is not cheap, as Tutu once wrote'.

'Precisely', says the Derridean, 'but you see when it comes to candor about the simultaneity of both these ... let's call them processes ... there is little to be found in transitional justice discourse. Yes, Pumla Gobodo-Madikizela speaks of forgiveness as the "emergence of the unexpected", and she insists that the TRC was strictly concerned with the creation of what the former Chief Justice, Pius Langa, has called a "climate" for this emergence. But what is sometimes left unsaid is that on these very terms, the TRC was concerned with the conditioning of forgiveness, its procurement, its solicitation even – and perhaps even its dictation. Yes, Hannah Arendt has been back in vogue for some time now and yes, she defends forgiveness powerfully as a political principle, but the advocates of this position forget all too often that Arendt was talking about forgiveness in relation to trespasses, not crimes against humanity, which you know is for so many reasons characterized as the juridical term at which forgiveness encounters its limit in the unforgivable.' (Langa 2006, p. 359, Gobodo-Madikizela 2016, p. 127).

'True', replies the Lacanian, 'but I know that Pumla insists that what we saw at the TRC was precisely what she called a forgiveness "beyond Hannah Arendt". And Antjie Krog's *Begging to be black* starts from the point of view that there is a magnanimity, a generosity in blackness – ubuntu – that made this forgiving of the unforgivable possible. And if it was not for this who knows where South Africa would have been today.'

'As a Lacanian, you are well aware of the power of fantasy', replies the Derridean. 'And especially the fantasy about what the Big Other – here the post-apartheid order - expects and demands. Don't forget that the Interim Constitution articulated "ubuntu" as a necessity when it quite explicitly stated that ubuntu is a "need", and opposed it to "retaliation". The answer to the eternal 'Che vuoi?' question, was here thus clearly given in the superego's thinly veiled command for the practice of ubuntu. Let me be clear here: I am not simply talking about the super-ego command to forgive. That is only the first half. The full version of the superego command is that you must not only forgive, but that it is obligatory that you enjoy doing so – *that's* what Lacan teaches us when he talks about the obscenity of the super-ego. So we are back at the normalization of the exception that forgiveness is and must be.'

'But what is so bad about this? Why are we concerned about this normalisation?', asks the Lacanian. 'Isn't it a good thing that a principle as morally laudable as forgiveness of the unforgivable was normalized, deployed discursively via ubuntu against the surplus, or oversupply of, retaliation? My own answer is that I worry about the long term cost that is inscribed in this ... let's call it an "economization" of forgiveness. If we accept that in the aims of this process there is an attempt at delivering or actualizing a New Order, the distinguishing feature of which is expressed in the familiar phrase, "national unity", then it seems to me that one of the energies that we must recognize here is the compulsion to deliver the thing itself. And Žižek has shown how the paradoxical upshot of this attempted delivery upon the Real Thing is that under certain circumstances – circumstances that are more and more prevalent today – it turns into its patent opposite, namely extreme violence and discord in the form of *theatrical spectacle*. This is true for events as discordant as May 1968 and 9/11. And this is the case, of course, because, ultimately, the Real Thing is nothing more than a destructive void.'

6. In which the TRC comes back, biopolitically

In 1978, Michel Foucault (2013a, p. 47) announced that at the end of the eighteenth century we stumbled irrevocably over the 'biological threshold of modernity' and that this meant that the life of the human as a species had become 'wagered on its own political strategies'. Later, Giorgio Agamben (1998, p. 121) would clarify that what he called 'the river of biopolitics' runs its course throughout history 'in a hidden but continuous fashion'. Foucault, however, was the first to recognize the increased emphasis towards the nineteenth century on the relationship between power, life and populations. 'Biopolitics' became an avenue for the analysis, or for a genealogy, of modernity from a point of view that would reveal how political power – the subjugation of bodies and the control of populations - became 'situated and exercised at the level of life' and calculated at producing what Foucault called the 'normalizing society' that guaranteed 'relations of domination and effects of hegemony' (Foucault 2013a, p. 46).

That the necessary counterpart of this biopolitics was, from the very beginning, simultaneously a murderous thanatopolitics,¹ was expressed in Foucault's wry quip (Foucault 2013a, p. 42) that 'massacres have become vital'. And it is in this aspect that 'the juridical system of the law' yields to 'the growing importance assumed by the action of the norm' (Foucault 2013a, p 48). 'Law', says Foucault (2013a, p. 48), 'cannot help but be armed, and its arm, par excellence, is death'. Yet, when power's task is to take charge of life, it needs 'continuous regulatory and corrective mechanisms', which is not to say that 'the law fades into the background or that the institutions of justice tend to disappear' with the rise of biopower, but 'rather

¹ Agamben (1998, p. 122) draws out the further implication of this constellation of a simultaneity between biopolitics and thanatopolitics when he writes that '[i]f there is a line in every modern state marking the point at which the decision on life becomes a decision on death, and biopolitics can turn into thanatopolitics, this line no longer appears today as a stable border dividing two clearly distinct zones'.

that the law operates more and more as a norm' (as quoted in Campbell and Sitze 2013, p. 11). In *Society Must Be Defended*, Foucault (2013b, p. 72) goes on to argue that the norm finds both a disciplinary and regulatory application and that the 'normalizing society' is that society where the norm of discipline and the norm of regulation intersect 'to cover the whole surface that lies between the organic and the biological, between body and population'.

Towards the end of his account, Foucault (2013b, p. 73) returns to death as the arm of law (now in its iteration as norm) and asks himself how it is possible for political power to kill and let die, if biopower's 'objective is essentially to make live'. Foucault's answer to this question is that it is precisely at the point at which a State begins to ask itself the question of putting to death, that biopower inscribes racism at the level of the State as the basic mechanism through which the power to kill is exercised. The reason for this connection between execution and racism lies in an understanding of racism as 'a way of fragmenting the field of the biological that power controls' (Foucault 2013b, p. 74). In other words, it is a way of re-inscribing war into the field of politics but in a way that ensures that the warlike confrontation assumes a biological dimension so that 'the death of the bad race, of the inferior race [...] is something that will make life in general healthier: healthier and purer' (Foucault 2013b, p. 75). All of this yields the result that, in the normalizing society, if 'the power of normalization wished to exercise the sovereign right to kill', 'race or racism is the precondition that makes killing acceptable' (Foucault 2013b, p. 75). Of this biopower as state racism, Foucault (2013a, p. 52) writes that Nazism 'was doubtless the most cunning and the most naive'.

To his great credit, Foucault recognizes that the first development of racism at the level of the State, is colonization (Foucault 2013b, p. 76): 'If you are functioning in the biopower mode, how can you justify the need to kill people, to kill populations, and to kill civilizations? By using the themes of evolutionism, by appealing to a racism'. And Foucault (2013b, p. 75) is explicit here, in that 'killing' in this discourse, refers to 'every form of indirect murder: the fact of exposing someone to death, increasing the risk of death for some people, or, quite simply, political death, expulsion, rejection, and so on'. It does not necessitate any kind of thoroughgoing analysis of South African history from the point of view of power and against this discursive backdrop, to recognize that what Foucault goes on to say about Nazism holds true in many respects for colonialism, imperialism and finally, apartheid as its twentieth century form (colonialism of a special type), namely that it was an order of 'generalized biopower', a 'universally disciplinary and regulatory society' that 'unleashed murderous power, or in other words, the old sovereign right to take life' (Foucault 2013b, p. 78).

For what is apartheid, other than, as Derrida (1985, p. 291) writes in 1985, 'the unique appellation for the ultimate racism in the world'? Towards the end of *Society Must Be Defended*, as he discusses atomic power Foucault (2013b, p. 73) explicitly contemplates the future possibility of the excessivity of biopower over sovereign right when he writes about a 'formidable extension of biopower' that will put it 'beyond all human sovereignty'. Legal sovereignty – the power to take life or let live, to put to death or allow to live – in this configuration, thus becomes subservient to and an instrument of, biopolitical imperatives (this is the point, of course, when biopower turns into thanatopower or what Achille Mbembe (2013, p. 173) calls 'necropower'). Foucault's consideration of this hierarchy between biopower and sovereignty is contemplated in a futural mode: a day will come when biopower is extended so 'formidably' that it will be put beyond all human sovereignty; it is already happening in the machinations of power in relation to the atom bomb.

Yet, Foucault was less explicit about the fact that biopower did not wait for the atom bomb in order to overtake and subject sovereign right. Such an overtaking had already taken place by way of colonialism and, specifically, apartheid as a

colonialism of a special type. In his absolutely critical, but as yet little known, book on the TRC, Adam Sitze (2013) has provided this overtaking with a formidable and unprecedented genealogy in which the concept and practice of indemnity in the colonies and in apartheid South Africa looms large and at the origin of colonial sovereignty. Noting a definition of indemnity as the sovereign legalization of illegality, Sitze illustrates convincingly that: 1.) as an exceptional device of colonial sovereignty, indemnity in fact acceded to the status of the norm in apartheid South Africa (Sitze 2013, pp. 84, 94, 97); 2.) this 'accession' of indemnity collapsed the distinction between legal (rule of law) and popular (white supremacy) sovereignty; and 3.) at the moment that this 'collapsed' sovereignty (as the naked right to legally put to death (including, of course, in the Foucaultian sense referred to above)) in imperial and apartheid South Africa was, through the normalization of indemnity, consistently and repeatedly put to use in the interest of biopolitical 'imperatives', the result was the 'race war' (Sitze 2013, p. 84) for which South Africa is infamous to this very day.

The colonial Commission of Inquiry plays a determinative role in Sitze's account of how biopower overtook legal sovereignty in the colonial setting. From the outset, these Commissions originated as 'a biopolitical technique for the management and administration of natural and social resources' (Sitze 2013, p. 12) - a device by way of which the sovereign posed for itself 'the question of how and why its biopolitical strategies had failed', or was failing. In the colonies, the Commission of Inquiry most often arose in the aftermath of a political uprising. For this reason, Sitze (2013, p. 15) calls it the 'Tumult Commission'. The Tumult Commission inscribed political protest, uprising and violence within a biopolitical frame with a view to conceal that the 'tumult' amounted to the expression of the will for self-governance. Instead, the Tumult Commission approached political riots and uprisings as 'problems to be solved within the existing dispensation of the colonial state, only now with new and improved techniques of management' (Sitze 2013, p. 13). Sitze's genealogy of indemnity in apartheid South Africa provides a veritable, concrete exemplar of Agamben's argument in *Homo Sacer* that the subjection of sovereignty to biopolitical imperatives is consubstantial with the norm-alization of the state of exception.

Having provided this genealogy, Sitze (2013, p. 98-127) goes on to consider the way in which the TRC reiterated the legal history of indemnity. It is in this aspect of the TRC that he provides a searing and compelling critique of both the TRC, transitional justice discourse / commentary more broadly and, most pertinently for my purposes, of the strategic biopolitical operationalisation of 'forgiveness' in this discourse.

As regards the role of indemnity in the TRC, Sitze (2013, p. 127) writes that '[a]t best, the Amnesty Committee [of the TRC] was the final resting place for indemnity jurisprudence – its last gasp and dying breath, the place where the self-exculpatory powers of the old, criminal state went to die'. He transposes these words in the more familiar terminology of transitional justice when he writes that, put differently, the Amnesty Committee was the place where 'the sovereignty of the apartheid state, which always had indemnity at its apex, perished in the forgiveness of the postapartheid *Rechtsstaat*, which, in effect, tried to extinguish the exceptional powers of its predecessor by redeploying those exceptional powers *one last time*' (Sitze 2013, p. 127) (emphasis in the original).

But Sitze continues to argue that the way in which the TRC was embedded from the outset in the discourse of 'transitional justice', generated a discursive field of which the blind spot was an inability on the part of the TRC and its advocates to seriously consider what this 'final' repetition of indemnity within it might mean for the postcolonial juridical order. In fact, Sitze (2013, p. 120) charges that within the discursive field of transitional justice, the TRC was unable to 'pose as a question either for its theory or its practice the task of producing a postcolonial legal order'.

This is the case because 'transitional justice', while discussing all manner of events in European history, from the Athenian amnesty of 403 BC to the Nuremberg trials, is, incomprehensibly, 'almost perfectly silent' about the 'history and politics of colonialism'.

It is no excuse to reply to this charge that the limitation of the TRC's mandate to events that occurred after the Sharpeville massacre, rendered an investigation of the 'history and politics of colonialism' impossible. The latter is an excuse available perhaps to the TRC, but it does not apply to the myriad scholars who continue to busy themselves with the TRC and transitional justice. In fact, it is Sitze's argument (2013, p. 121) that transitional justice's pre-occupation with the 'pious and self-confident deployment' of 'its normative lexicon', generates precisely this kind of historical blind spot and the resulting 'deficit of genealogical work'.

That being said, Sitze (2013, p. 121) asks whether 'the normative excesses of transitional justice' has led it to 'embrace and affirm a discourse on forgiveness that, in genealogical terms, is little more than a newly moralistic shell for an old legal kernel – for the legalization of illegality that was at the core of indemnity jurisprudence? In other words, is "forgiveness" simply the name that indemnity jurisprudence gives to its juridical forms under conditions where it is no longer able to recognize either itself or its by-products'? And Sitze arguably shows that, in the end, 'forgiveness' operated as a Foucaultian norm through which the post-apartheid government / sovereign – *not* the TRC - could 'justify' the reprehensible inadequacy of the reparation payments that it disbursed to a handful of victims identified by the TRC. It is arguably the case then that 'forgiveness' became the name of post-apartheid impunity.

Critics might respond that the 'forgiveness' about which Sitze is writing is not the forgiveness that I have presented in the previous sections of this article. But the point is precisely that 'forgiveness' was, within the TRC, simply not maintained in its irreducibly aporetic complexity. The point is precisely that the TRC 'normalised' forgiveness in the way that Derrida (2001, p. 41) summarizes in the following quotation: 'It is always the same concern: to see to it 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. But even where it could be justified, this "ecological" imperative of social and political health has nothing to do with "forgiveness", which when spoken of in these terms is taken far too lightly. Forgiveness does not, it should never amount to a therapy of reconciliation.'

Writing at the close of the twentieth century, Giorgio Agamben has argued that 'the "enigmas" that our century has proposed to historical reason and that remain with us [...] will be solved only on the terrain – biopolitics – on which they were formed' (Agamben 1998, p. 4). For Agamben, the insistence on the biopolitical 'terrain' of the 'solution' for the disquieting biopolitical 'enigmas' of our age, is implied by Foucault's assertion that we have crossed the biological threshold of modernity *irrevocably*.

Considered in the South African context, this argument suggests that apartheid as a problem for critique can be resolved only within a biopolitical horizon, not least for the reason that apartheid is an originally biopolitical formation. This may be an over-determined way of posing apartheid as an 'enigma', but it is nevertheless an accurate claim from the point of view that apartheid was the name of a kind of horrifically realized textbook governmentality. This, in turn, suggests that it is necessary to consider *biopolitically* the extant post-apartheid 'solutions' for the apartheid enigma, of which the TRC can be said to have been the most prominent and, in its amnesty function, the most critical. Yet, the 'transitional justice' discourse which enframed the TRC from the outset, means that a thoroughly biopolitical treatment of the TRC remains entirely in the margins (even if we accept, as I think we should, that Sitze's work on the TRC inaugurates and exemplifies such a treatment).

What does it mean, then, to consider the TRC biopolitically? And more pertinently for the purposes of this work, what does it mean to look into the biopolitical dimension of 'forgiveness', both within and outside the TRC itself? In tentatively considering some answers to these questions, I think it is crucial to begin with the link between biopolitics and governmentality. Without rehearsing the tenets of Foucault's lecture on governmentality, it suffices for my purposes simply to point to the conceptual proximity between governmentality and biopolitics. Governmentality refers, by definition, to the exercise of power in a biopolitical mode. Stated differently, the 'mentality' of governmentality is biopolitical through and through, because the target of governmentality is the population. To consider the TRC biopolitically, then, is to consider it as a formation of post-apartheid governmentality.

Foucault of course distinguishes governmentality rigorously from sovereignty, but the distinction is articulated as a preeminence of governmentality over sovereignty. Foucault insists at the end of the governmentality lecture that sovereignty did not disappear with the rise of governmentality. On the contrary, 'the problem of sovereignty' is 'made more acute than ever' at the dawn of governmentality. We have to think of the paradigm of power in modernity as 'a triangle' of sovereignty, discipline and government, 'which has as its target the population and as its essential mechanism the apparatuses of security' (Foucault 2000, p. 219).

There is no space or time here to get into a thorough analysis of why Foucault comes to this conclusion. Suffice it to say that governmentality poses a question for sovereignty that it does not answer itself, namely 'what juridical and institutional form, what foundation in the law, could be given to the sovereignty that characterizes a state' (Foucault 2000, p. 218). Governmentality as a political modality of power does not *as such* offer a basis for the sustenance of the fragile relation of sovereignty, which is, in the terms of the governmentality lecture, the relation between the prince and his principality and which is constitutively fragile because the prince himself is always external to the principality itself. In other words, governmentality is neither directly nor principally aimed at sustaining sovereignty as the obedience of the subjects to the law of the sovereign. With governmentality 'there is a whole series of specific finalities that become the objective of government' (Foucault 2000, p. 211) such as the maximization of wealth, population growth, health and food provision.

Foucault argues that the rise of biopolitics marks a change, a shift in emphasis, from sovereignty to governmentality in such a way that the law's function changes too. In the governmentality lecture, he puts it thus: 'with sovereignty, the instrument that allowed it to achieve its aim – that is, obedience to the laws – was the law itself: law and sovereignty were absolutely inseparable. On the contrary, with government it is a question not of imposing law on men but of disposing things: that is, *of employing tactics rather than laws, and even of using laws themselves as tactics* – to arrange things in such and such a way that, through a certain number of means, such-and-such ends may be achieved' (Foucault 2000, p. 211 (emphasis added)). In *Society Must Be Defended*, this law-as-tactics will come to be called the norms of discipline and regulation in the service of the 'normalizing society'.

Now, Humphrey (2005) has intimated that *restorative* or transitional justice's focus on victims means that it operates entirely from within a biopolitical paradigm of health and specifically the recovery of the health of the population. Yet Humphrey (2005, p. 204) is unequivocal that, when adopted by a state, this therapeutic focus operates as a discourse of power and the ultimate purpose of the focus on healing becomes the re-establishment of the state's authority and thus its legitimacy, specifically 'the liberal state based on the social contract between civil society and the state'.

With specific reference to the TRC, Humphrey (2005, p. 209) writes that the focus on victims 'was made the basis of an inclusive narrative and membership in the new political community constituted by the post-apartheid state'. This would suggest, as Humphrey (2005, p. 205) readily admits, that 'national reconciliation is being promoted as part of a solution to the general international crisis of sovereignty in postcolonial states'. In other words, the suggestion here is that national reconciliation projects are adopted with the ultimate aim of 'restoring the state's sovereignty'. In the end, the 'therapeutic capacity of the state' is used in post-conflict societies to 'extend its legitimacy' (Humphrey 2005, p. 209).

Yet, there is clearly a price to be paid for this paradigm of the 'therapeutic state' and it is that, to quote Michael Fitzpatrick (2002), it 'promotes victimhood and diminishes individual autonomy'. But perhaps even more important, there is a difference in a 'therapeutic' State having the re-establishment of sovereignty as its aim and actually achieving that aim. Towards the end of his article, Humphrey (2005, p. 215) worries about the extent to which the aim of re-establishing sovereignty through the biopolitical strategy of the therapeutic state fails, ironically but precisely because of the biopolitical processes of 'global liberal governance' that increasingly exceed state sovereignty. This means that the 'basis for peace' that lies at the heart of the re-legitimization effort of sovereignty, is 'networked' in that it is increasingly dependent on regional, continental and global processes (Humphrey 2005, p. 217). It is a reality of our increasingly supra-sovereign condition that sovereignty on its own cannot actually deliver what it promises, namely peace, reconstruction and reconciliation. In the end, Humphrey (2005, p. 215) admits that in this context, reconciliation cannot be more than 'a matter of promoting coexistence between antagonistic groups rather than recovery of sovereignty and an inclusive national political community'. With this admission, Humphrey simply confirms the prescience of Foucault's claim that biopolitics overtakes sovereignty once we have crossed the threshold of modernity and that there is, from that point, as yet no return.

But what does this excavation of the biopolitical governmentality underlying the overlays of transitional justice in the truth commission mean for the discourse of forgiveness? On the one hand, one can follow the logic of Andrew Schaap (2006, p. 618) who has suggested with reference to Gutmann and Thompson, that forgiveness has been absolutely central or at least 'integral' to the politics of reconciliation. The discursive appropriation of forgiveness by power would, on this account, render forgiveness subject to the same biopolitical critique as national reconciliation: ultimately, forgiveness becomes a 'tactics' to pacify and 'manage' the population to a peace that, for all its condemnations of 'the past', ultimately ends up erasing accountability for injustice, all while being incapable *in advance* of actually restoring sovereignty. It is here that forgiveness operates as the disciplinary and regulatory norm through which the post-conflict / abnormal society is carefully stage managed into its becoming as the normalizing society. It is clearly the case that all sorts of conditions and economies of exchange inscribe themselves into forgiveness at this level. As Schaap (2006, p. 626) writes: '[o]n this account, forgiveness is unavoidably ideological to the extent that it is political'. With this, Schaap's political discourse converges with the discourse on ethics practiced in Lacanian psychoanalysis which exposes the political risk of ethics (here the ethics of forgiveness), namely that it can become 'nothing more than a convenient tool for any ideology which may try to pass off its own commandments as the truly authentic, spontaneous and "honourable" inclinations of the subject' (Zupančič 2000, p. 1).

Apart from the way in which this ideological superego-pressure to forgive and enjoy it undermines the moral autonomy and agency of the victims with whom transitional justice says that it is ultimately concerned; and apart from the fact that it is doubtful that the operationalization of forgiveness and reconciliation is capable of actually delivering a re-legitimized sovereignty as the basis of future democratic

participation, the ultimate risk of the politics of reconciliation and forgiveness is the condonation effect, that is, that reconciliation and forgiveness may ultimately function as a contemporary form of Marx's opium of the masses, leading victims to forego their legitimate claims for justice and reparation. For forgiveness, this would mean its complicity with the extension and normalization of a de facto state of exception. The 'ethical horror' of this politics of forgiveness-as-tactics of government may ultimately be that the postcolonial population is pacified to an acceptance of material conditions that correspond to Agamben's spatiality of the camp and a renewed proliferation of *homo sacer* as the occupant of that spatiality: the internally excluded body which may be killed but not sacrificed.

And recent events in South Africa testify to what happens in a state of exception when the people resist the politics that is responsible for the proliferation of the spatiality of the camp: they are 'shot down' by police. This is the moment when all the 'good' intentions of biopolitics to take care of the 'welfare of the population' breaks down, the moment when it starts to function through the sovereignty over life and death and turns itself into a thanatopolitics. The ultimate truth of the Marikana Massacre may be the re-emergence, not of the re-legitimized democratic sovereignty of the people who subject themselves to legal sovereignty (the rule of law), but rather of what Foucault (2013b, p. 61) calls 'classical' sovereignty as the right of life and death where 'the balance is always tipped in favor of death' (Foucault 2013b, p. 62). This constellation is, in our times, strictly coincidental with the concomitant right to *enact*, if not to declare, the exception. It turns out then, that the 'juridical and institutional form' that is given to sovereignty under the preeminence of biopolitical governmentality, is this 'right of the sword' (Foucault 2013b, p. 62).

7. *Les non-dupes errent?*

I would like, in conclusion, to resubmit this political critique to the paradigm of psychoanalysis. At the intersection of politics and psychoanalysis, the question that should be asked is, of course, Lenin's famous 'What is to be done?' and particularly what is to be done with the insight that forgiveness - contrary to the pious and romantic-sentimentalist excess of transitional justice - formed part and parcel of a new and careful strategy of post-apartheid biopolitical governmentality?

I think that the warning psychoanalysis issues to this political critique comes in the form of Lacan's *les non-dupes errant* ('those in the know are in error' (Žižek 2007, p. 33)), but not in the interpretation given to it by Lacan. On the conventional account, *les non-dupes errant* is meant to refer to 'the cynical wisdom that, although our values, ideals, rules, etc are just semblences, we should not disturb them but act as if they are real to prevent the social texture from disintegrating'. On this version, psychoanalysis would warn that the knowledge or conviction that the TRC was ultimately nothing more than the production of a 'theatre of forgiveness' (Derrida 2001, p. 28) i.e. an illusion or semblance, this knowledge, should be treated with a considerable amount of circumspection, because there is a certain necessity in maintaining the fiction that the TRC was the place where forgiveness 'really' did take place in all its ethical splendor and complexity.

According to this version of *les non-dupes errant*, even if we realize that we have been duped and are therefore no longer duped, it would nevertheless be a mistake to insist on the reality that lies concealed beneath the symbolic fictions that pertain to the TRC (that it was 'really' a biopolitical apparatus to pacify the population to peace). *Les non-dupes errant*, in this account, would lead the critic to conclude that we would be 'in error' to reduce forgiveness in the TRC to a biopolitical ruse. In order to prevent 'the social texture from disintegrating', we would have to treat forgiveness in the TRC as nevertheless having had an extra-biopolitical 'surplus', we would have to maintain that a *real* or authentic 'forgiveness' *did* take place in the TRC, *all while knowing full well that this was not the case*.

But Žižek (2012, p. 971) offers a different reading of *les non-dupes errent*, one that he calls 'properly Lacanian'. This is a version that inverts the above reading by insisting that 'the true illusion does not consist in taking symbolic semblances for real' (as those 'duped' by the TRC would do in relation to forgiveness), but rather 'in substantializing the real itself, in taking the real as a substantial in-itself and reducing the symbolic to a mere texture of semblances. In other words, those who err are precisely cynics who dismiss symbolic texture as a mere semblance and are blind to the symbolic efficiency, for the way the symbolic affects the real, for the way we can intervene into the real through the symbolic' (Žižek 2012, p. 971) (emphasis added).

This reading of *les non-dupes errant* holds two counterintuitive implications for forgiveness. First, if there is no substantializing the real-in-itself (of forgiveness), then it could be argued that there is what Žižek calls an 'indivisible remainder' in relation to forgiveness in the TRC: an 'escaped' excess of the real of forgiveness that resisted or did not fully yield to the symbolic biopolitical network of discursive interpellations. Perhaps it is no coincidence that we find this excess or surplus forgiveness at two opposite ends (extremes) of the discursive spectrum of 'forgiveness': in those testimonies (reflected in the exchange for two voices with which this contribution begins) where there is an absolute *refusal* to forgive, despite the TRC's exhortations – a refusal to forgive as what Foucault called an 'utterance' that begins to form the basis of the work of mourning, which is to say, justice; and, at the other end, those cases of pure grace: where forgiveness is given unconditionally, without apology, without the intervention of a third and without further expectation – those cases where the unforgivable was unconditionally forgiven.²

Second, the perspective of Žižek's reading of *les non-dupes errent* would have us admit that while it is a mistake to think that the TRC could ever deliver forgiveness, the Real Thing, it is equally a mistake to reduce the TRC to its biopolitical real. For the TRC's symbolics *did* intervene crucially into the fragile real of social antagonism in the post-apartheid moment and these symbolic interventions *did* contribute considerably to the prevention of the social order from disintegration. Whether this was because the biopolitical strategy of therapy in the TRC was successful or whether it is because there is a forgiveness that exceeded this biopolitical strategy of normalization, remains an open question.

8. Epilogue

When I think about South Africa at this moment in time, I think of a weary mountain climber who, at the end of a long walk (to freedom?), has slipped and now dangles dangerously by one arm off a cliff (perhaps the cliff is better rendered as the famous (now disintegrating?) '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' (Constitution 1993)).

It seems to me that the New South Africa poises in a precarious zone above the abyss of a symbolically unmediated, necropolitical reality / nightmare and an increasingly less visible 'other side', which Derrida called the 'democracy to come' - or what we call in South Africa 'ubuntu'. For now, I am willing to venture the ambivalent conclusion of *les non-dupes errent* that it is the legacy of the TRC and its tactics of forgiveness *that we are*, more than twenty years later, still poised in this way.

² In addition to these, there is the possibility of reading the acts of forgiveness themselves differently, as suggested by Žižek (2013, p. 393) à propos Mozart's *La Clemenza di Tito*: 'the obscene secret of Clemenza: the pardon does not really abolish the debt, it rather makes it infinite - we are forever indebted to the person who pardoned us.'

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