Looking beyond murder: Visions of Reconciliation

by Donald W. Shriver in the August 26, 1998 issue

As a mother I am very happy, but on the other side I am not happy. I feel the pain of Mrs. Biehl. I am not glad because of what my child has done," said Evelyn Manqina, the mother of Mongezi Manqina, after South Africa's Truth and Reconciliation Commission (TRC) granted her son amnesty on July 28. Manqina was one of the four young men who killed Amy Biehl, a 26-year-old Fulbright scholar, in the Cape Town township of Guguletu during the final days of apartheid.

Biehl's parents, Peter and Linda Biehl, who attended the hearing at which the four explained their actions, accepted the amnesty decision. They stated that Biehl's own "vision of forgiveness and reconciliation" has been honored. "It's not really a family issue we're dealing with here . . . this truth and reconciliation process is about a nation."

At about the same time that these events were unfolding in South Africa, Mary Nell Verrett said of her brother James Byrd Jr., who was brutally murdered in Jasper, Texas, on June 7: "My brother would have wanted the world to grow from this, and I think it will. Our family has no use for destructive hate. We have done our best to communicate a message my brother would have wanted the world to know: We are all here to stay. It is just as well we learn to live together as one community."

How should one react to such testimonies? It is astonishing that the parents or siblings of someone who has been murdered can even think about larger goods such as civil harmony, to say nothing of amnesty or its more demanding moral cousin, forgiveness. Such generosity seems almost inhuman, especially to those of us who are parents. Executions of murderers in the U.S. almost always are accompanied by the grim family testimony, "We are glad that justice has been done."

That the Biehls and Mary Nell Verrett have responded to the murder of their loved ones with sensitivity and concern for a broader social good is a point that draws them together, even as it distinguishes them from the typical ways and means of

governments and international institutions. In those settings murders that are committed for political motives are often singled out for special (expedient) treatment. The TRC grants amnesties, among other reasons, for "crimes committed for political motives," and its members are not alone in trying to differentiate political crimes from other sorts of criminal behavior. For example, both sides of the Northern Ireland conflict argue along the following lines: "Since we have killed each other for political reasons, our respective 'terrorists' should be released from prison." Both this too-easy argument for amnesty, and those who seem untroubled by making it, are disturbing.

This *Realpolitik* approach specifically to politically motivated crimes in the cases of South Africa and Northern Ireland is met by an ironic counterpoint in efforts on the international level to prosecute war criminals. As the world community discusses establishing an international criminal court, it assumes that the chief targets of such an institution will be high-placed atrocity planners. This prosecutorial distinction between powerful political leaders and their relatively more passive followers is as troubling as the political distinction being drawn in South Africa and Ireland, although for different reasons. It seems to assume that only people like the top Nazis, not "Hitler's willing executioners," should be targets of an international criminal justice system. But why restrict such inquiries to political leaders? Most of the courts--that is to say, the legal, not the political, regime--that administered "justice" by sending people without political power to prison in Nazi Germany and apartheid South Africa were agents of an evil system. Undoing that system was a priority for the Allied occupiers of postwar Germany, as it is for the present government of South Africa.

Clearly, distinctions between political crimes and "ordinary" crimes--between political murders and ordinary murders--are fragile, as are the distinctions between just and unjust wars. To draw them too finely may be to gain peace at the price of justice, in both the long term and the short term. But another caution is equally important: some forms of justice sow the seeds of peace, some do not. Without peaceful public acceptance of their decisions, courts risk irrelevance at best and social chaos at worst. Justice and peace are not contraries. They are interdependent.

To their ethical credit, the Biehls and Mary Nell Verrett are neither vengeful moralizers nor bland amoral advocates of peace at any price. Their moral priority is the establishment of a just society. At least for the time being, that seems more important to them than the punishment of evildoers. While Verrett surely must

desire that those who murdered her brother be punished for their crime, and doubtless would not look favorably on an appeal for their amnesty, she nevertheless believes that the larger issue at stake in the murder of her brother is whether white and black Americans can "learn to live together as one community." The Biehls have put the building of a new and just nation above their understandable desire to see their daughter's murderers punished.

At the same time Manqina's mother empathizes with the loss suffered by another mother, and is anything but a defender of her son's participation in murder. Were the joy of her son, her neighbors and herself at his release from prison not mixed with sorrow and remorse for his crime, we would tremble for South Africa's future. Indeed, one of the TRC's most questionable rules is that perpetrators do not have to show remorse for their deed in order to win amnesty. It is not a rule I admire. The building of a new legal order in South Africa would be better served by a rule that perpetrators must at least concede that their deed was wrong.

Violence is a risky, if sometimes justified, servant of political society. Forbearance from vengeance and empathy for each other's pain are its far more promising attendants. If violence is not to become the first law of politics, someone must cut the knot of vengeance.

At its worst, politics is a war of all against all, no violence barred. At its best, it is the art and disposition of citizens learning to live together despite sins committed against each other. Living with others sometimes means that we must value the renewal of community more highly than punishing, or seeking communal vengeance for, crimes.

It is a difficult choice, unless one believes, as I do not, that crime should not be punished. But can crimes be acknowledged and punished in ways that do not further alienate all parties to the crime? Can peace between today's sinners anticipate a tomorrow when there will be less sin? That is the moral conundrum with which folks in Guguletu and Jasper are struggling. The hope they express is similar to that voiced in Psalm 85. There, "the fortunes of Jacob" have fallen on evil days. The whole nation has guilt to confess. Will God "forgive the iniquity" of his people? The psalmist hopes so, since only then will the divine "anger to all generations" be cut short.

The psalmist ends with a concrete, political hope that forgiveness will result in a happy polity in which "righteousness and peace will kiss each other." People like the

Biehls, Manqina and Verrett encourage us to hope that despite our sinfulness, we can build a society in which moral righteousness and social peace embrace.