

# Truth, Justice, and Reconciliation: Judging the Fairness of Amnesty in South Africa

**James L. Gibson** Washington University in St. Louis

Nations in transition to democratic governance often must address the political atrocities committed under the *ancien regime*. A common response is some sort of “truth commission,” typically with the power to grant amnesty to those confessing their illicit deeds. Based on a survey of the South African mass public, my purpose here is to investigate judgments of the fairness of amnesty. I employ an experimental “vignette” to assess the contributions of various forms of justice to judgments of the fairness of granting amnesty. My analysis indicates that justice considerations do indeed influence fairness assessments. Distributive justice matters—providing victims compensation increases perceptions that amnesty is fair. But so too do procedural (voice) and restorative (apologies) justice matter for amnesty judgments. I conclude that the failure of the new regime in South Africa to satisfy expectations of justice may have serious consequences for the likelihood of successfully consolidating the democratic transition.

One of the most difficult challenges facing transitional regimes is the problem of *the past*. Regimes undergoing transitions from dictatorial to democratic government are often faced with dealing with their histories, in one form or another, since it is rare that those who fought for and against democratic change are willing to simply “forgive and forget.” How new regimes deal with the past has much to do with the likelihood that their democratic transitions will be successfully consolidated.

One method of addressing the past is through granting amnesty to those who committed crimes during the transition. Especially when the struggle for political change produces no unequivocal winner, negotiation characterizes the transition. One of the key points under negotiation is often accountability for the abuses of the past. Countries throughout the world have established processes through which amnesty may be given to the combatants in the transitional struggle in exchange for truth, reconciliation, and acquiescence to the new political order.

But amnesty does not come without a price. One important cost is that expectations of retribution are unsatisfied. To the extent that amnesty contributes to unrequited expectations for justice, a *justice deficit* may be created for the new authorities, with the possibility that the new regime and its institutions will be deprived of life-giving legitimacy.

Nowhere is this problem of amnesty and justice more acute than in South Africa. During the transition, the leadership of the African National

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James L. Gibson is Sidney W. Souers Professor of Government, Department of Political Science, Washington University in St. Louis, Campus Box 1063, 219 Eliot Hall, St. Louis, MO 63130-4899 (jgibson@artsci.wustl.edu).

This is a revised version of a paper delivered at the 59th Annual Meeting of the Midwest Political Science Association, April 19-21, 2001, Palmer House Hilton, Chicago, Illinois. The research is based on work supported by the Law and Social Sciences Program of the National Science Foundation under Grant No. SES 9906576. Any opinions, findings, and conclusions or recommendations expressed in this material are those of the author and do not necessarily reflect the views of the National Science Foundation. The project is a collaborative effort between Amanda Gouws, Department of Political Science, the University of Stellenbosch (South Africa), and me. I am indebted to Charles Villavicencio, Helen Macdonald, Paul Haupt, Nyameka Goniwe, Fanie du Toit, Erik Doxtader, and the staff of the Institute for Justice and Reconciliation (South Africa), where I am a Distinguished Visiting Research Scholar, for the many helpful discussions that have informed my understanding of the truth and reconciliation process in South Africa. Eric Lomazoff provide valuable research assistance on this project. I am also thankful to James Alt, Ronald Slye, and John T. Scott for comments on an earlier version of this article. Finally, I very much appreciate the advice and assistance provided by Kathleen McGraw on many aspects of this article.

*American Journal of Political Science*, Vol. 46, No. 3, July 2002, Pp. 540–556

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ISSN 0092-5853

Congress (ANC) made a Faustian bargain in order to secure majority rule in a democratic South Africa (de Lange 2000, 17–18). The ANC traded amnesty for peace; the leaders of the apartheid government accepted freedom from prosecution for human rights abuses in exchange for power sharing. The bargain succeeded—the ANC acquired power through peaceful and legitimate elections, and few if any white South Africans have been punished for the misdeeds of the apartheid system. The desire of many if not most South Africans for justice—including some sort of reconciliation with the past—continues to play a significant role in contemporary South African politics.

My purpose here is to investigate the importance of justice expectations for the South African transition. I focus on the truth and reconciliation process, and in particular on amnesty. I begin from the premise that granting amnesty to those who have admitted gross human rights violations is an inherently unfair policy in the sense that evil deeds seem to be excused, if not rewarded. Amnesty seems to make retributive justice elusive, if not impossible. This research asks specifically whether other forms of justice can compensate for this apparent unfairness, rendering amnesty less difficult for South Africans to stomach.

The compensatory justice contemplated by those who created the truth and reconciliation process is primarily distributive—those who came before the Truth and Reconciliation Commission (the TRC) and told their stories of abuse were promised at least some compensation for their injuries. But other forms of justice may be important as well. For instance, many argue that the opportunity for the victims and their families to discuss their injuries publicly (a form of procedural justice) has done much to defuse anger over the granting of amnesty to perpetrators. No one knows, however, whether alternative forms of justice—including nondistributive forms—can ameliorate the apparent affront of failing to get at least some degree of vengeance against those who have admitted to engaging in gross human rights violations.

Thus, my purpose here is to examine the judgments ordinary people make about amnesty, testing hypotheses about whether four types of justice perceptions—distributive, procedural, retributive, and restorative—influence assessments of the fairness of amnesty to those who were victimized by the amnesty applicants. These hypotheses are grounded in extant literature on the psychology of justice. I test these hypotheses through an experiment embedded within a nationally representative survey of roughly 3700 South Africans, conducted in 2000/2001. As a consequence, this research has strong claims to both internal and external validity (causality

and generalizability). By assessing the efficacy of different forms of justice motives, this article seeks to contribute to a more general understanding of the role of justice considerations in the political judgments of ordinary South Africans. I begin with a brief review of South Africa's truth and reconciliation process.

## Truth and Reconciliation in South Africa

One of the central issues in the talks over ending apartheid in South Africa was amnesty. In South Africa, in contrast to other nations emerging from a tyrannical past (e.g., Argentina and Uganda), the *ancien regime* was not defeated; consequently the transition was brokered. The National Party and the leaders of other powerful white-dominated institutions (e.g., the security forces) made amnesty a nonnegotiable centerpiece of their demands (see Omar 1996). The creation of the Truth and Reconciliation Commission, with the power to grant amnesty, was the price the liberation forces had to pay in order to secure a peaceful transition to majority rule (Rwelamira 1996).

The parliament granted the TRC the authority to give amnesty to acts motivated by political objectives.<sup>1</sup> Those whose actions were committed for personal gain or out of “personal malice, ill will or spite” were not eligible for amnesty.<sup>2</sup> Those seeking amnesties are to be judged by their motives, whether the act was associated with a political uprising, the gravity of the offence, whether the act was “committed in the execution of an order” issued by an “organisation [sic], institution, liberation movement or body of which the person who committed the act was a member, an agent or a supporter” (National Unity and Reconciliation Act, 1995 (20) (3) (e)).

The amnesty process was certainly controversial, with many (including Amnesty International) arguing that international law and convention forbade granting amnesty to crimes against humanity. Nonetheless, the

<sup>1</sup>Hayner (2000, 33) distinguishes the South African truth and reconciliation process in the following ways: “a public process of disclosure by perpetrators and public hearings for victims; an amnesty process that reviewed individual applications and avoided any blanket amnesty; and a process that was intensely focused on national healing and reconciliation, with the intent of moving a country from its repressive past to a peaceful future, where former opponents could work side by side.”

<sup>2</sup>Promotion of National Unity and Reconciliation Act, 1995, (20) (3) (f) (ii). The text of the act is available at <http://www.truth.org.za/legal/act9534.htm> [accessed 9/17/2001].

South African Constitutional Court passed on the constitutionality of the act (Azanian Peoples Organization (AZAPO) and others v. President of the Republic of South Africa and others 1996 (4) SALR 671 (CC)), and the TRC began functioning in 1995.

The TRC received roughly 20,000 statements from victims and their families and approximately 7,000 applications for amnesty.<sup>3</sup> As of November 2000, the TRC had granted 849 amnesties, but rejected 5,392 applicants. The most common reason for denying an application is that no political motive was attached to the action for which amnesty was sought.<sup>4</sup> Some of the amnesties granted were in highly visible cases (e.g., the murder of Amy Biehl).<sup>5</sup>

The release of the "Final Report" of the TRC on 29 October 1998 generated a new storm of controversy and protest over the Commission and its activities, from every quarter, including the ANC (see for example Ngidi 1998, and generally the Spring 1998 issue of *Siyaya!*). Debate continued through the end of 2000, focused mainly on the issue of providing compensation for the victims who came forward to tell their stories. Many believe that the truth and reconciliation process continues to be an important source of dissatisfaction with the current Mbeki regime.

Addressing human rights violations under the apartheid regime has been a painful one for South Africa.<sup>6</sup> The amnesty hearings have revealed atrocities almost beyond belief (e.g., de Kock 1998), reopening many old wounds. Many South Africans have been appalled that such vicious perpetrators should receive amnesty for their actions (see Gibson and Gouws 1999). But what consequences flow from the state's failure to punish admitted miscreants? To answer this question, we need to assess how a mix of justice considerations might compensate for the apparent unfairness of amnesty.

<sup>3</sup>These statistics are taken from the TRC's Web site ([www.truth.org.za](http://www.truth.org.za)), an extremely useful source of information about the proceedings of the commission.

<sup>4</sup>The Amnesty Committee received a large number of applications from prisoners serving time for ordinary criminal convictions. Most of these applications were judged to be frivolous because no political motive for the crime could be demonstrated.

<sup>5</sup>In May 2001, President Mbeki dissolved the Amnesty Committee and formally revived the TRC for the exclusive purpose of adding two volumes to its "Final Report." These volumes will address the experiences of the victims and the work of the Amnesty Committee.

<sup>6</sup>For a moving account of some of these incidents see Krog 1998. The TRC's web page also reports full details of the atrocities committed by those seeking amnesty.

## Theories of Justice and Reactions to Amnesty

The research literature suggests that four types of justice may be relevant to how ordinary South Africans perceive and evaluate amnesty as provided for in the truth and reconciliation process. The most obvious of these has to do with compensation for the victims and their families, or distributive justice.

### Distributive Justice

Those who designed the amnesty process placed a great deal of emphasis on compensating the victims of apartheid for their losses. For instance, the TRC Final Report asserts: ". . . in the context of the South African Truth and Reconciliation Commission, *reparation is essential to counterbalance amnesty*. The granting of amnesty denies victims the rights to institute civil claims against perpetrators. The government should accept responsibility for reparation" (Truth and Reconciliation Commission 1998, Volume 5, 170, emphasis added). From the beginning of the process, most expected that monetary reparations would be paid by the government (see, for example, Daniel, 2000,4). Though the government has provided limited interim reparations,<sup>7</sup> by 2001, criticism of the government for failure to provide compensation became increasingly widespread and even virulent.<sup>8</sup> The most obvious justice hypothesis is therefore that compensation can correct for amnesty: If those who were victimized receive some form of reparations, then perhaps people will judge the truth and reconciliation process to have been fair.

### Restorative Justice

Though the most obvious hypothesis of this research concerns distributive justice, I also anticipate that expectations of *restorative* justice are important for judgments of the truth and reconciliation process. Some argue that

<sup>7</sup>President Mbeki has asserted that the issue of reparations will be addressed after the Amnesty Committee of the TRC files its final report (in late 2001). The President also said that 16,501 applications for urgent interim relief had been made and that 9,605 had been acted upon (Mann 2000).

<sup>8</sup>See for example, Daniel, who complains about: ". . . the extraordinary meanness the government has displayed to the paying of the modest and affordable (for the state fiscus) financial reparations recommended by the Commission to those found to have been victims of apartheid abuse" (2000,4). See <http://www.mg.co.za/mg/za/archive/2000may/10maypm-news.html#trc>.

restorative justice is especially significant in the African context:<sup>9</sup>

In traditional African thought, the emphasis is on restoring evildoers to the community rather than on punishing them. The term *ubuntu*, which derives from the Xhosa expression *Umuntu ngumuntu ngabantu* (People are people through other people), conveys the view that an environment of right relationships is one in which people are able to recognize that their humanity is inextricably bound up in others' humanity. *Ubuntu* emphasizes the priority of "restorative" as opposed to "retributive" justice (Graybill, 1998, 47, emphasis in the original).

Or, as Desmond Tutu has described *ubuntu*:

*Ubuntu* says I am human only because you are human. If I undermine your humanity I dehumanize myself. You must do what you can to maintain this great harmony, which is perpetually undermined by resentment, anger, desire for vengeance. That's why African jurisprudence is restorative rather than retributive (Gevisser 1996, quoted in Graybill 1998, 47, emphasis in the original; see also Tutu 1999, 54–55).

When South Africans talk about restorative justice, they often refer to processes such as restoring the "dignity" of the victims (e.g., Villa-Vicencio 2000, 202)

One important form of restoration involves an apology.<sup>10</sup> An apology can be influential since "an apology is a gesture through which an individual splits himself into two parts, the part that is guilty of an offense and the part that dissociates itself from the delict and affirms a belief in the offended rule" (Goffman 1971, 113). A considerable literature in political psychology investigates the effectiveness of apologies in mitigating blame (e.g., Ohbuchi, Kameda, and Agarie 1989; see also Vidmar 2001, 52–54). Generally, that literature concludes that apologies can contribute to forgiveness and reconciliation under some circumstances (e.g., Scher and Darley

1997). Apologies seem to mitigate blame, and may well make the failure to get retributive justice palatable.

Those who designed the truth and reconciliation process in South Africa chose not to require an apology from amnesty applicants, largely due to skepticism about the sincerity of such expressions of regret, rather than doubts about whether sincere apologies would be useful and effective. Thus, it is reasonable to hypothesize that apologies *recognized as sincere* ameliorate the negative effects of amnesty. When sincere apologies are given, I expect that South Africans will judge amnesty as more fair to the victims and their families.

### Procedural justice

Also important is the expectation of procedural justice,<sup>11</sup> especially through processes by which victims are given "voice" (Tyler and Mitchell 1994). A great deal of emphasis can be found in South Africa on the importance of the TRC hearings at which victims and their families were able to come forth and tell their stories (e.g., Orr 2000). As Justice Mohamed wrote in the Constitutional Court decision legitimizing the truth and reconciliation process: "The Act seeks to . . . [encourage] survivors and the dependants of the tortured and the wounded, the maimed and the dead to unburden their grief publicly, to receive the recognition of a new nation that they were wronged and crucially, to help them to discover what did in truth happen to their loved ones, where and under what circumstances it did happen, and who was responsible" (Azanian Peoples Organization (AZAPO) and others v. President of the Republic of South Africa and others 1996 (4) SALR 671 (CC)). In general, the literature on procedural justice suggests that procedure—even apart from distributive outcomes—can contribute much to perceptions of fairness (e.g., Tyler et al. 1997; Tyler and Lind 2001). That is one of the hypotheses of this research.

### Retributive Justice

Recently, increasing attention has been given to the importance of *retributive justice* for political and legal systems (see for examples Tyler and Boeckmann 1997 and Vidmar 2001). "Retribution is a passionate reaction to the violation of a rule, norm, or law that evokes a desire for punishment of the violator" (Sanders and Hamilton 2001, 6). Retribution concerns the desire of individuals who are dissociated with the victim or the act and its consequences for punishment of offenders and is thought by some to be

<sup>9</sup>The basis of law in much of rural South Africa remains "customary law," and restorative justice is a central element in that system. The new constitution did not abolish customary law, even if it did subordinate it to civil law. For a useful recent analysis see Chambers (2000).

<sup>10</sup>Those writing about restorative justice typically refer to more than apologies when they speak of restoring dignity of a victim and the relationship between the victim and the perpetrator (e.g., Kiss 2000). Still, few disagree that apologies are a central element of the concept.

<sup>11</sup>For an excellent review of the literature on procedural justice, see Tyler and Lind 2001.

“older, more primitive, more universal, and socially more significant” than any other justice feeling (Hogan and Emler 1981, 131).<sup>12</sup>

The starting point for my analysis is the assumption that amnesty subverts retributive justice. Nonetheless, many have argued that having to make a public confession of one’s dastardly deeds is itself punishment (e.g., Tutu 1999, 51–54). For instance, Justice Richard Goldstone has asserted: “. . . the perpetrators suffered a very real punishment—the public confession of the worst atrocities with the permanent stigma and prejudice that it carries with it” (2000, x). Moreover, many perpetrators experienced other penalties, ranging from having to pay large fees to their attorneys to receiving condemnations from their friends and family. Thus, I hypothesize that when the perpetrator is portrayed as having experienced some degree of punishment, South Africans will judge amnesty to be more fair to the victims and their families.

### Summary

Thus, the overarching hypothesis of this research is that it may be possible to compensate for the inherent injustice of amnesty. If South Africans perceive that the victims and their families are given other forms of justice—procedural, retributive, restorative, and distributive—then amnesty may become a more acceptable part of the transitional process.

### Justice Priorities

Ideally, I would be able to deduce from theory the priorities that individuals attach to each of these forms of justice. Unfortunately, little theory exists indicating when one form of justice will become more salient than other forms. From the point-of-view of contemporary politics in South Africa, however, it seems likely that distributive justice concerns will have the most substantial impact on attitudes toward amnesty, since the original theory of amnesty was that it would be counterbalanced by com-

<sup>12</sup>Vidmar (2001) and others refer to third-party reactions to moral wrongs as “disinterested” justice judgments in the sense that people are concerned about the injustice done to others. This may occur either through an identification with the victim or through concern over violations of a “social contract.” The latter refers to judgments that are grounded in concerns for social peace and order and in desires to reaffirm the community’s consensus about right and wrong (Vidmar 2001, 42). A bystander may not experience a direct and tangible injury, but the lack of injury often does not mitigate the moral outrage over the act. Many South Africans (if not most) were outraged at the human rights abuses revealed by the truth and reconciliation process, and concern about unfairness to the victims and their families is essentially the same thing as concern about unfairness to the moral order in South Africa.

penation. Since procedural justice was widely seen as such an integral part of the truth and reconciliation process, I expect its influence to rival that of compensation. The law, on the other hand, explicitly rejected restorative justice (apologies) as a part of the process, so I therefore expect its influence to be less than that of distributive or procedural justice. Finally, since being relieved of all civil or criminal penalties for one’s gross human rights violations most likely overshadows any subsidiary penalties imposed on perpetrators, I predict that retributive justice will have the smallest influence on judgments of fairness.

## Research Design

This analysis is based on a survey of the South African mass public conducted in 2000/2001. The fieldwork began in November 2000, and “mop-up” interviews were completed by February 2001. The sample is representative of the entire South African population (18 years old and older). A total of 3,727 interviews was completed. The average interview lasted eighty-four minutes (with a median of eighty minutes). The overall response rate for the survey was approximately 87 percent. The main reason for failing to complete the interview was inability to contact the respondent; refusal to be interviewed accounted for approximately 27 percent of the failed interviews. Such a high rate of response can be attributed to the general willingness of the South African population to be interviewed, the large number of call-backs we employed, and the use of an incentive for participating in the interview.<sup>13</sup> Most of the interviewers were females, and interviewers of every race were employed in the project. Most respondents were interviewed by an interviewer of their own race. The percentage of same-race interviews for each of the racial groups is: African, 99.8 percent; white, 98.7 percent; Coloured, 71.5 percent; and South Africans of Asian Origin, 73.9 percent.

Interviews were conducted in the respondent’s language of choice, with a large plurality of the interviews being done in English (44.5 percent). The questionnaire was first prepared in English and then translated into Afrikaans, Zulu, Xhosa, North Sotho, South Sotho, Tswana, and Tsonga.<sup>14</sup> The methodology of creating a multilin-

<sup>13</sup>The incentive was a magnetic torch (flashlight), with which the respondents were quite pleased. Some research indicates that providing incentives has few negative consequences for survey responses (e.g., Singer, Hoewyk, and Maher 1998).

<sup>14</sup>Many of the ideas represented in the survey were developed and refined by the experience of the focus groups we conducted. In 2000, we ran six focus groups, involving roughly sixty participants.

gual questionnaire follows closely that recommended by Brislin (1970). Producing an instrument in this many languages that is conceptually and operationally equivalent is a very difficult task, and we have no doubt that a considerable amount of measurement error was introduced by the multilingual context in which this research was conducted. Nonetheless, we took all possible steps to minimize this error.

Because the various racial and linguistic groups were not selected proportional to their size in the South African population (so as to insure sufficient numbers of cases for analysis), it is necessary to weight the data according to the inverse of the probability of selection for each respondent. In addition, we have applied post-stratification weights to the final data in order to make the sample slightly more representative of the South African population.

### Race in South Africa

I have already made reference to the major racial groups in South Africa—blacks, whites, Coloured people, and South Africans of Asian origin. Though these categories were used by the apartheid regime to divide and control the population, these are nonetheless labels that South Africans use to refer to themselves (see, for example, Gibson and Gouws 2000). Nothing about my use of these terms should imply approval of anything about apartheid or acceptance of any underlying theory of race or ethnicity.<sup>15</sup>

### General Views of Amnesty in South Africa

Before turning to the results of the experimental vignette, it is useful to consider how South Africans view the amnesty process in general. Fortunately, several questions during the interview addressed this issue. We first asked:

<sup>15</sup>For a more detailed consideration of race in South Africa, see Gibson and Gouws 2002, chapter 2. Note as well that Desmond Tutu felt obliged to offer a similar caveat about race in South Africa in the Final Report of the TRC. In general, I accept the racial categories as identified by the editor of a special issue of *Daedalus* focused on South Africa: “Many of the authors in this issue observe the South African convention of dividing the country’s population into four racial categories: white (of European descent), colored (of mixed ancestry), Indian (forebears from the Indian subcontinent), and African. The official nomenclature for ‘Africans’ has itself varied over the years, changing from ‘native’ to ‘Bantu’ in the middle of the apartheid era, and then changing again to ‘black’ or, today, ‘African/black.’ All of these terms appear in the essays that follow.” See Graubard 2001, viii. I use the term “Coloured” to signify that this is a distinctly South African construction of race and “Asian origin” to refer to South Africans drawn from the Indian Subcontinent.

“The TRC has granted amnesties to those who have come forward and admitted committing atrocities during the struggle over apartheid. Do you approve of amnesty being given to those who admitted committing atrocities during the struggle over apartheid?” In general, South Africans are *not* opposed to amnesty, with a majority (57.3 percent) approving of amnesty to at least some degree.<sup>16</sup> Racial differences are statistically significant ( $\eta = .30$ ), with black South Africans being far more likely to approve of amnesty than those of any other race (71.6 percent of blacks approve, with less than a majority of whites, Coloured people, and those of Asian origin supporting amnesty). It is perhaps a bit surprising that amnesty is so widely supported among Africans since the most common reports about amnesty in the truth and reconciliation process generally concerned agents of the apartheid state being given amnesty for gross human rights violations they committed against liberation forces.

Approval of amnesty does not necessarily mean that one views it as fair, however. We asked whether amnesty is fair to four groups: those who died during the struggle over apartheid, the victims, and “ordinary people like you.” Judgments of fairness vary significantly depending upon the frame of reference. A large majority of South Africans (72.7 percent) believe amnesty unfair to those who died in the struggle, and most (65.2 percent) believe it unfair to the victims. Further, a majority (52.6 percent) of South Africans view amnesty as unfair to ordinary people, with only 33.5 percent viewing it as fair. On this question of fairness to ordinary people, racial differences barely achieve a low level of statistical significance and the strength of association between race and opinions is slight indeed ( $\eta = .05$ ).<sup>17</sup> Thus, generally speaking, amnesty may be acceptable to most South Africans but its unfairness renders it a necessary evil.<sup>18</sup>

<sup>16</sup>The responses to this question were collected on a four-point response: “strongly approve,” “approve somewhat,” “disapprove somewhat,” and “disapprove a great deal.”

<sup>17</sup>Despite the differences in the univariate frequencies, these fairness judgments all reflect a single underlying fairness propensity. When factor analyzed, a sole dominant factor emerges (and this is also true when the factor analysis is conducted within the racial groups), strongly suggesting unidimensionality.

<sup>18</sup>Why would people approve of amnesty even if they judge it unfair? A full analysis of the responses to these questions is beyond the scope of this article, but it seems likely that many accept amnesty because they view it as contributing to the peaceful transition to majority rule in South Africa. For instance, when asked whether they agreed or disagreed with the following statement: “The TRC was essential to avoid civil war in South Africa during the transition from white rule to majority rule” the percentages agreeing (either “somewhat” or “strongly”) with this proposition are: black, 65 percent; white, 18 percent; Coloured, 36 percent; and Asian Origin, 47 percent.

In light of the analysis that follows, it is also important to note that abstract and general judgments of fairness to the victims and fairness to ordinary South Africans are very strongly correlated ( $r = .56$ ;  $\phi = .89$ ).<sup>19</sup> None of the other correlations across fairness judgments is as strong. These findings support the view that *judgments of fairness to the victims are roughly the same thing as judgments of fairness to the larger South African society.*

In the analysis that follows, I analyze judgments of fairness of amnesty to the families of the victims. These judgments are important since they concern the aspects of amnesty most likely to be offensive to most South Africans. The failure of the victims' families to receive any sort of retributive justice—since the perpetrator is allowed to go free after admitting her or his gross human rights violations—is perhaps the most salient and egregious aspect of the unfairness of amnesty. When South Africans talk about perpetrators “getting away with murder” what they mean is that amnesty represents a fundamental unfairness to the victims, and hence to the larger society. *Because* the victims fail to receive justice, society itself fails to receive justice. Moreover, as I have already noted, it is not fruitful to distinguish empirically between perceptions of overall fairness and fairness to the victims and their families. Thus, the interesting question addressed in this article has to do with how ordinary South Africans evaluate the fairness of amnesty in terms of its impact on the aggrieved.

Of course, these general views are devoid of context. In order to understand the influence of different types of justice on amnesty attitudes, a different methodology is necessary.

## Analysis The Experiment

Included in our survey was the Justice and Amnesty Experiment. The experimental vignette employed four manipulations, in what is technically referred to as a  $2 \times 2 \times 2$  fully-crossed factorial design.<sup>20</sup> That is, four (dichotomous) characteristics were manipulated, resulting in sixteen versions of the vignette. This portion of the interview began with a short story about “Phillip” and his

<sup>19</sup>Only 18.7 percent of the respondents reached opposite conclusions about the fairness of amnesty to the victims and to ordinary people.

<sup>20</sup>I use the term “vignette” to refer to a short story told to the respondent. Vignettes nested in surveys have been used widely in the social sciences—see for examples: Hamilton and Sanders (1992); Gibson (1997); and Gibson and Gouws (1999).

effort to gain amnesty for crimes he committed under apartheid.<sup>21</sup> Each respondent heard only a single story, and respondents were randomly assigned to vignette versions. The manipulations were orthogonal to each other, and the four resulting dummy variables are therefore uncorrelated. Embedding an experiment within a nationally representative survey yields the substantial advantages of both internal and external validity.<sup>22</sup>

### The Structure of the Experimental Vignette

All vignette versions began with the following: “Phillip was a member of [*the group the respondent dislikes the most*]. Phillip sought amnesty for setting off a bomb that killed several innocent people.” We then manipulated four types of justice in the vignettes.<sup>23</sup>

(1) *Procedural Justice*: Victims can be given procedural justice by giving them an opportunity to tell their story. Research has shown that giving people “voice” is the most important aspect of fair procedure (Tyler and Mitchell 1994; Tyler et al. 1997), and during the TRC hearings there was much discussion of the cathartic effect of being able to tell one's story publicly. Thus, the procedural justice manipulation is:

[1A.] At his amnesty hearing, the families of the victims got to tell how the bombing has affected their lives.

[1B.] At his amnesty hearing, the families of the victims were denied a chance to tell how the

<sup>21</sup>We expended considerable effort in finding a racially and ethnically neutral name. In South Africa, “Phillip” implies very little about the actor, and it is not uncommon to find men named “Phillip” within every racial/ethnic group. Note that we consciously decided not to vary the actor's gender, since a very large majority of the South Africans appealing to the TRC are male.

Note that “Phillip” was identified as a member of a political group that the respondent disliked a great deal, via the “least-liked” technology developed by Sullivan, Piereson, and Marcus (1982). This insures that each subject was reacting to an amnesty application from a member of one of the political groups he or she disliked a great deal.

<sup>22</sup>The distinction between internal and external validity was first made by Campbell. See for an explication Cook and Campbell (1979).

<sup>23</sup>Though some ambiguity exists about whether each of these manipulation *exclusively* represents these different types of justice—for instance, compensation might be considered by some to be a form of restorative justice—it is clear that all relevant forms of justice are included in the experiment. Moreover, since the statistical analysis controls for the other forms of justice, the effects I observe are to some degree purified and come to represent each form of justice more independently. To avoid confusion, I tend to refer in the analysis that follows to the variables in more literal than conceptual terms.

bombing has affected their lives, even though they had insisted that they wanted to tell their story.<sup>24</sup>

(2) *Retributive Justice*: Though the amnesty law rules out formal retribution, some argue that simply having to admit publicly one's crimes is a form of punishment. This is especially likely if the admission is associated with some level of shame at what the perpetrator did. We tried to capture the punishment that a perpetrator might have experienced with the following:

[2A.] Phillip then told his version of the bombing. In reaction to Phillip's disclosures, Phillip's family says that they are deeply ashamed of what he has done, and his wife divorces him.

[2B.] Phillip then told his version of the bombing. In reaction to Phillip's disclosures, Phillip's family says that they understand why he did what he did, and that they stand by him.

Throughout the truth and reconciliation process, there were several well-covered incidents in which perpetrators were publicly condemned by their families.

(3) *Restorative Justice*: The idea here is that the victims get something from the process that restores them to their status prior to the atrocity. Of course, nothing can really compensate people for the losses they endured under apartheid. But the truth and reconciliation process is based, at least in part, on the assumption that the "dignity" of the victims can be restored through the process. Dignity is an amorphous concept but it may have something to do with apologies. The issuing and receiving of apologies establish clearly that a wrong has been committed, and creates a relationship of equality—however tenuous—between the victim and the perpetrator. Thus, we included the following manipulation:

[3A.] Philip apologized for his actions and his apology was accepted by the families of the victims.

[3B.] Philip apologized for his actions but his apology was rejected as insincere by the families of the victims.

(4) *Distributive Justice*: Compensation is the clearest form of distributive justice, so we manipulated the outcome for the family of the victim (even in light of the general finding that people rate punishing of-

fenders as more important than compensating victims—e.g., Hogan and Emler 1981).

[4A.] Philip was granted amnesty. Afterwards, the families of the victims were given financial compensation by the government for the loss of their loved ones.

[4B.] Philip was granted amnesty. Afterwards, the families of the victims were not given any financial compensation because the government says it doesn't have any funding for compensating victims. The government did, however, express its sympathy for the families.

Thus, the general hypothesis is that the outcome will be judged most fair and the amnesty most likely to be accepted when the families of the victims were given

procedural justice—an opportunity to tell their story  
restorative justice—an apology  
retributive justice—perpetrator shame and punishment  
distributive justice—compensation

The vignette version I hypothesize to generate the highest fairness judgments is one in which all four types of justice are realized:

Philip was a member of [*the group the respondent dislikes the most*]. Phillip sought amnesty for setting off a bomb that killed several innocent people. [1A.] At his amnesty hearing, the families of the victims were allowed to tell how the bombing has affected their lives. [2A.] Phillip then told his version of the bombing. In reaction to Phillip's disclosures, Phillip's family says that they are deeply ashamed of what he has done, and his wife divorces him. [3A.] Philip apologized for his actions and his apology was accepted by the families of the victims. [4A.] Philip was granted amnesty. Afterwards, the families of the victims were given financial compensation by the government for the loss of their loved ones.

### Manipulation Checks

Whether each manipulation was actually perceived by the respondents can be assessed through "manipulation check" questions that parallel each of the experimental factors. We asked the respondents how certain they are about their perceptions of various aspects of the stories. For instance, the procedural justice check asked: "Do you think that the families of the victims were given a chance to tell how the bombing has affected their lives?" The response set varied from "certain they were" to "certain they were not." I have reflected the variables so that

<sup>24</sup>Not all victims wishing to give public statements at the human rights violations hearings were in fact allowed to give them. The criteria for selecting who was allowed to speak and who was not allowed varied enormously, and were largely determined by community leaders where the hearings were held (source: conversation with Charles Villa-Vicencio and Paul Haupt, now at the Institute of Justice and Reconciliation but formerly of the TRC).

**TABLE 1** Perceptions of the Experimental Manipulations (Manipulation Checks)

	Percentages <sup>a</sup>		Certainty of Perception <sup>b</sup>		
	Not Perceived	Perceived	Mean	Std. Dev.	N
<i>Manipulation: Procedural Justice<sup>c</sup></i>					
Family Got Voice	26.0	71.4	3.70	1.42	1883
No Voice	74.4	22.4	2.06	1.38	1835
<i>Manipulation: Retributive Justice<sup>d</sup></i>					
Phillip Was Punished	31.5	63.9	3.48	1.45	1864
Not Punished	73.8	21.1	2.03	1.34	1855
<i>Manipulation: Restorative Justice<sup>e</sup></i>					
Family Received Apology	34.5	63.5	3.43	1.50	1879
No Apology	78.8	18.7	1.89	1.27	1842
<i>Manipulation: Distributive Justice<sup>f</sup></i>					
Family Got Compensation	23.3	73.5	3.81	1.43	1855
No Compensation	84.2	13.2	1.66	1.19	1862

<sup>a</sup>These two percentages total to 100%, except for “don’t know” responses.

<sup>b</sup>The dependent variable for each manipulation check is a five-point scale, with higher scores indicating greater degrees of certainty that the action happened.

<sup>c</sup>Difference of Means test:  $p = .000$ ;  $\eta = .51$ .

<sup>d</sup>Difference of Means test:  $p = .000$ ;  $\eta = .46$ .

<sup>e</sup>Difference of Means test:  $p = .000$ ;  $\eta = .48$ .

<sup>f</sup>Difference of Means test:  $p = .000$ ;  $\eta = .63$ .

Note: The questions used to check the manipulations are:

Do you think that the families of the victims were given a chance to tell how the bombing has affected their lives? Certain they were, Probably were, Probably were not, certain they were not. [Don't Know]

Do you think that Phillip's apology was accepted by the families of the victims? Certain it was, Probably was, Probably was not, Certain it was not. [Don't Know]

Do you think that Phillip was punished by the actions of his own family? Certain he was, Probably was, Probably was not, Certain he was not. [Don't Know]

Do you think that the families of the victim received compensation for what happened to them? Certain they did, Probably did, Probably did not, Certain they did not. [Don't Know]

higher scores always indicate great certainty. Table 1 reports the results of these manipulation checks.

The data in this table provide *very strong* evidence that the manipulations in this experiment “succeeded” in the sense that they were accurately perceived. Indeed, compared to other research based on this methodology (e.g., Gibson and Gouws 1999), the experimental manipulations were extremely and uniformly successful.<sup>25</sup> For example, 71.4 percent of those told that the family was allowed to tell its story correctly perceived this manipulation, while 74.4 percent of those told the family was denied the chance to tell its story accurately answered the manipulation check. Perhaps because the truth and reconciliation process has been so salient in South Africa, these vignettes seem to have caught the attention of our respondents.

<sup>25</sup>One should not assume that manipulations routinely pass their “checks” since in fact many do not—see for example Gibson 1997.

## Fairness Judgments—The Dependent Variables

The dependent variable in this analysis is judgments of fairness. We asked: “First, considering all aspects of the story, how fair do you think the outcome is to the families of the victims?”<sup>26</sup> The mean fairness scores reveal that the first vignette—the story in which the family received

<sup>26</sup>The question continued: “If 10 means that you believe the outcome is completely fair to the families of the victims and 1 means the outcome is completely unfair to them, which number from 10 to 1 best describes how you feel? For example, you might answer with a 4 if you think the outcome is only somewhat unfair, or a 7 if you think the outcome is somewhat fair to the families of the victims.”

In the pretest we also measured perceptions of how fair the outcome was from the respondent's own perspective rather than from the families' perspectives. Since responses to this question were very strongly correlated with responses to the family fairness question, we concluded that when people view an outcome as fair to the family they are also asserting that they believe the outcome is fair from their own viewpoint. (See also the evidence presented above.)

**TABLE 2** The Effect of Justice Manipulations on Judgments of Fairness to the Victims

	Percentages <sup>a</sup>		Mean	Std. Dev.	N
	Unfair	Fair			
<i>Manipulation: Procedural Justice<sup>b</sup></i>					
Family Got Voice	70.1	28.4	3.88	2.99	1883
No Voice	78.2	20.2	3.30	2.77	1833
<i>Manipulation: Retributive Justice<sup>c</sup></i>					
Phillip was Punished	74.2	24.1	3.64	2.86	1863
Not Punished	74.0	24.6	3.58	2.93	1853
<i>Manipulation: Restorative Justice<sup>d</sup></i>					
Family Received Apology	70.1	28.5	3.85	3.00	1877
No Apology	78.2	20.2	3.36	2.76	1839
<i>Manipulation: Distributive Justice<sup>e</sup></i>					
Family Got Compensation	63.1	34.9	4.47	3.07	1853
No Compensation	85.1	13.9	2.75	2.42	1862

<sup>a</sup>The percentages are based on dichotomizing the continuous variable and placing “uncertain” or “don’t know” responses in between “unfair” and “fair.” The percentages in the table do not total to 100 % since some small proportion of the respondents was unable arrive at a view of whether the families of the victims were fairly treated in the vignette.

<sup>b</sup>Difference of Means test:  $p = .000$ ;  $\eta = .10$ .

<sup>c</sup>Difference of Means test:  $p = .ns$ ;  $\eta = .01$ .

<sup>d</sup>Difference of Means test:  $p = .000$ ;  $\eta = .09$ .

<sup>e</sup>Difference of Means test:  $p = .000$ ;  $\eta = .30$ .

all four types of justice—is judged to have produced the fairest outcome ( $\bar{y} = 5.2$ ), while the last vignette—in which the family got no justice—is perceived as the least fair ( $\bar{y} = 2.2$ ). This is a quite encouraging finding. Generally, the mean fairness scores vary considerably—using a dichotomous measure of the ten-point dependent variable (less than or equal to 5 versus greater than 5), the percentages judging the outcome to be fair range from 6.7 percent (version 16) to 45.7 percent (version 1). From the point-of-view of the politics of amnesty, this is substantial variation indeed.

Generally speaking, the outcome in this vignette (Phillip’s amnesty) was not judged to be very fair to the families of the victims.<sup>27</sup> Across all vignette versions, only 24.3 percent of the respondents found the outcome fair, and only a minority of these considered the outcome to be quite fair (8.7 percent of all respondents). Indeed, fully 51.2 percent of the South Africans judged the outcome quite *unfair* to the families of the victims, with another

22.9 percent assessing it as somewhat unfair.<sup>28</sup> Though the combination of the four types of justice significantly influences fairness judgment, when the families are portrayed as receiving all four types of justice, 45.7 percent judge the outcome fair, while 52.7 percent believe it still unfair to at least some degree. Thus, in the analysis that follows, the bulk of the variability being considered concerns how *unfair* the outcome is judged. This finding of course confirms the original intuition undergirding this project—that amnesty, even under the best of circumstances, is not thought fair by most South Africans.

### The Effect of the Experimental Manipulations

Table 2 reports the effect of each of the experimental manipulations on judgments of fairness to the families. I report several statistics—the percentage viewing the outcome as to any degree unfair, the comparable percentage for those who judge the families to have been fairly treated<sup>29</sup>, and the mean and standard deviation of the continuous fairness judgment.

<sup>28</sup>I created a four-category variable from the continuous fairness judgments, as follows: 1–2: very unfair; 3–5: unfair; 6–8: fair; and 9–10: very fair.

<sup>29</sup>This is based on dichotomizing the continuous variable and placing “uncertain” or “don’t know” responses between “unfair” and “fair.” The percentages in the table do not total to 100 percent since some small proportion of the respondents was unable to judge whether the families of the victims were fairly treated.

<sup>27</sup>Not unexpectedly, these judgments of fairness to the families of the victim are not strongly related to general assessments of the fairness of amnesty. The strongest correlation is with perceptions of the fairness of amnesty to ordinary people, but that correlation is only .23. This suggests that context does indeed matter, since the conclusions people draw when they have some details about amnesty are only modestly related to their attitudes toward amnesty in general. And of course in the vignettes, the details heard varied across respondents according to the version of the vignette to which the respondent was assigned.

Perhaps not surprisingly, the single strongest predictor of perceived fairness is the distributive justice manipulation (see the eta coefficients in the footnotes to the table). The mean scores on the fairness index differ substantially (and of course statistically significantly as well). When the government provided compensation, over one-third of the respondents thought the families were fairly treated, as compared to only 13.9 percent when compensation was denied. This is a substantial statistical and substantive effect.

Two other manipulations proved to influence fairness assessments as well. When the families were given the opportunity to “tell their stories” (voice) they were judged to have received significantly more fairness than when they were denied the opportunity to speak. The restorative justice manipulation also influenced fairness judgments—when the family accepts the apology, the outcome is judged to be more fair than when no legitimate apology is forthcoming, with a statistically significant difference of 8.3 percentage points in (dichotomized) justice judgments and a highly significant difference in the continuous measures of perceived fairness.<sup>30</sup>

Finally, the retributive justice manipulation had no influence—24.1 percent of those hearing that Phillip was punished thought the outcome fair, compared to 24.6 percent of those who heard that Phillip was *not* punished. Perhaps because so many viewed Phillip as profiting from the amnesty process, whatever incidental punishment he may have received is inconsequential to most.<sup>31</sup>

### Summary

Both the positive and negative findings from the experiment are substantively important. That the distributive justice manipulation is the most influential variable is significant in light of the continuing controversy in South Africa over the reparations issue. But it is also noteworthy that the influence of compensation is not enormous, and *even when compensation is posited, most South Africans view the treatment received by the families of the victims as unfair*. Indeed, only slightly more than one-third of the respondents thought the outcome fair even when the gov-

<sup>30</sup>This finding is all the more significant since the research literature would not expect apologies (even sincere ones) to be very effective under the conditions of the truth and reconciliation process: The apology is for a serious offense (a gross human rights violation), there is little doubt about the culpability of the perpetrator, and no formal punishment is given to the amnesty applicant.

<sup>31</sup>None of the interactions among the manipulations achieves statistical significance, and therefore the influence of the variables is adequately captured by their linear effects.

ernment provided compensation. There is clearly more to fairness in South Africa than monetary restitution.

Why is not the influence of distributive justice stronger? This finding may have something to do with the unresolved nature of the compensation issue at the time of the survey. Perhaps if people thought that compensation would be more substantial and more likely, then the effect of this manipulation would be larger in terms of convincing people that amnesty is fair to the families of the victims.

The influence of procedural justice also warrants emphasis. The simple act of giving people the opportunity to describe their plight publicly is more than one-third as influential on fairness judgments as monetary compensation. Procedural justice is less influential than distributive justice, but it is nonetheless important to remember that simple and relatively inexpensive processes can often contribute significantly to perceptions of fairness. Similarly, a sincere apology from the perpetrator has an important influence on perceptions that the families of the victims are treated fairly. Indeed, the effects of procedural and restorative justice together are roughly two-thirds the size of the effect of distributive justice. Clearly, compensation is not the only palliative for the injustice of amnesty.

### Multivariate Analysis

It remains to consider how the conclusions are affected by the inclusion of the perceptual variables in the equation predicting fairness assessments. Table 3 reports the results of two OLS analyses of fairness perceptions. Model I considers only the four dichotomous manipulations as predictors; Model II adds the four perceptions of the manipulations (the manipulation check variables) to the equation. The results from Model I are identical to those discussed above, so no further comment is warranted. Model II provides the data of most interest.<sup>32</sup>

The first thing to note from the analysis reported in Table 3 is that the direct effects of the experimental manipulations are strongly mediated by the perceptual variables, as they should be. For instance, the coefficients for the procedural and restorative justice manipulations achieve statistical significance in the first equation but not in the second. Only the distributive justice manipulation has a direct effect in the multivariate equation. This means that even controlling for perceptions of whether

<sup>32</sup>Since the four manipulation variables are, by design, orthogonal, the bivariate and multivariate results for the experimental variables do not differ. The perceptual variables are not orthogonal; instead they are weakly to moderately intercorrelated (average correlation = .18).

**TABLE 3** The Effect of the Experimental Manipulations and Perceptions of the Manipulations on Fairness Judgments

	Model I				Model II			
	b	s.e.	β	r	b	s.e.	β	r
<i>Manipulations</i>								
Procedural Justice	.56	.09	.10***	.10	-.06	.10	-.01	.10
Retributive Justice	.06	.09	.01	.01	-.16	.10	-.03	.01
Restorative Justice	.48	.09	.08***	.09	-.07	.10	-.01	.09
Distributive Justice	1.73	.09	.30***	.30	.91	.11	.16***	.30
<i>Perceptions of Manipulations</i>								
Procedural Justice					.30	.03	.17***	.25
Retributive Justice					.12	.03	.07***	.13
Restorative Justice					.31	.03	.17***	.27
Distributive Justice					.32	.03	.19***	.36
Intercept	2.19	.10			.41	.13		
R <sup>2</sup>			.11***				.21***	
Standard Deviation–Dependent Variable	2.90				2.90			
Standard Error of Estimate	2.74				2.58			

N = 3710 \*\*\* p < .000.

the families would get some form of compensation, something about the compensation story had a net influence on perceived fairness.<sup>33</sup> To the extent that each of the other manipulations influences the dependent variable, its effect is mediated through perceptions.

The explanation of this first finding may well lie in supplementary meaning the respondents attach to the compensation manipulation. In addition to providing information about compensation given the families of the victims (information that was quite accurately perceived), additional certification of the legitimacy of the families' claim may have been implicitly provided by the fact that the government gave the families compensation. And indeed, those who were told the family received compensation were, according to the data, more likely to assert that the families received *restorative* and *procedural* justice as well (but not retributive justice—data not shown). But even beyond these specific forms of justice, something else about getting payment for one's pain enhances perceptions of the fairness of the outcome of the amnesty hearing.<sup>34</sup>

<sup>33</sup>This finding is particularly surprising in that this manipulation is the most accurately perceived of the four (as shown by the η coefficients reported in Table 1) and therefore its effect should be funneled through perceptions.

<sup>34</sup>Perhaps the manipulation check for compensation is contaminated by those who perceive some compensation in the experiment but judge it inadequate, and therefore answer that compensation was not received. It is possible that manipulation checks

Three of the perceptual variables—procedural, restorative, and distributive justice—have roughly equal influence in shaping fairness judgments (see both the standardized and unstandardized regression coefficients in Table 3). The statistical advantage that objective distributive justice has is reduced to parity when the perceptual variables are considered. Those who *perceive* a legitimate apology are almost as likely to judge the outcome fair as those who perceive that the families were compensated. The cumulative effect of these three forms of justice is fairly substantial: The mean fairness rating for the 418 South Africans who strongly perceive no justice on all three of the relevant justice variables is 1.8 (with 97.4 percent judging the outcome as unfair), while the mean for the 170 respondents asserting strongly that the families received all three forms of justice is 6.1 (with 40.2 percent judging the outcome as unfair and 59.8 percent perceiving it as fair). This is substantial variation indeed.

The lack of a dominant influence of distributive justice is a crucial finding. Whether the families are perceived to have gotten compensation is influential, but is little more important than whether the families were given voice through the truth and reconciliation process, and whether the families received a credible apology. South Africans are not much influenced by retribution

sometimes capture both perceptions and judgments of reality. This possibility cannot be explored with the data at hand.

(at least as represented in the vignette), but they think about fairness in the truth and reconciliation process in terms of far more than simple compensation.

### Racial Differences in Judgments of Fairness to the Families of the Victims

The analysis to this point pertains to all South Africans. But race continues to divide the country, perhaps particularly on matters of truth and reconciliation, so it is therefore necessary to consider whether these results characterize all four racial groups in the country.

I began this analysis with a saturated interactive model. That is, I supplemented Model II with (a) a set of three dummy variables representing whites, Coloured people, and South Africans of Asian origin, (b) a set of interactions between the race dummy variables and the formal manipulations in the experiment, and c) a set of interactions between the race variables and the indicators of perceptions of the experiment. The addition of each of the sets of variables to the basic equation was highly statistically significant, confirming the hypothesis that at least some differences exist in how the experiment affected various racial groups. Consequently, a more refined analysis of racial differences is required.

The central question here is whether other racial groups in South Africa differ from the African majority. Therefore, I conducted three regression analyses, in each instance comparing a group with the views of blacks. These results are reported in Table 4. For instance, the first equation compares whites with blacks, with the null hypotheses for the dummy and interactive variables predicting no racial differences in the coefficients. Because I am interested in testing for racial interactions with the experimental and perceptual variables—and because the primary finding is that few interactions exist—the most useful information to report in Table 4 is the results of the various significance tests.<sup>35</sup>

The findings for the black versus Coloured regression are unequivocal—neither the dummy variable nor the interactions achieve statistical significance. When it comes to judgments of fairness, black and Coloured South Africans differ little.

South Africans of Asian origin do indeed differ from Africans in a few respects. First, the intercept varies significantly (represented by the dummy variable), with

<sup>35</sup>For instance, the entry of .029 in the first column for the restorative justice–race interaction indicates that there is a statistically significant difference in how whites reacted to the restorative justice manipulation as compared to the reactions of black South Africans. Most coefficients achieving statistical significance are discussed in the text, where the actual regression coefficients (and their standard errors) are reported.

those of Asian origin being more likely to judge the outcome fair to the families of the victims ( $b = 1.06$ ,  $s.e. = .50$ ). Second, there is a slight tendency for those of Asian origin to be less influenced by their perceptions of the apology ( $b = -.27$ ,  $s.e. = .13$ ), and perhaps by their perceptions of procedural justice ( $b = -.24$ ,  $s.e. = .13$ ), with each of these perceptions having little effect on the fairness judgments of Asians but some effect on the judgments of Africans.<sup>36</sup> None of the other differences achieves statistical significance—overall, Asian South Africans and black South Africans reacted to our experiment fairly similarly.

The largest and most significant racial differences are between blacks and whites. Each of the sets of race-based interactive variables contributes to a significant increase in explained variance. Whites tend in general to view the outcome as more fair ( $b = 1.16$ ,  $s.e. = .29$ ), to be less influenced by their perceptions of compensation ( $b = -.25$ ,  $s.e. = .08$ ), to be less affected by the apology manipulation ( $b = -.52$ ,  $s.e. = .24$ ), and perhaps to be more affected by their judgments of how severely Phillip was punished by his family ( $b = .15$ ,  $s.e. = .08$ ). This last finding, though only marginally significant, is the only instance in which punishment has any influence on fairness judgments. None of the other interactive coefficients achieves statistical significance.

In general, racial differences in reactions to amnesty in South Africa are not as pronounced as such differences are in many other areas of political life. While two of the three dummy variable coefficients achieve statistical significance (whites and South Africans of Asian origin), only 3 of 24 interactive coefficients are significant at .05, with only 2 additional coefficients significant at  $.05 < p < .10$ . Black South Africans are somewhat more likely than other South Africans to judge the fairness of amnesty in terms other than strictly distributive outcomes. Nonetheless, it is worth reiterating that the dominant view in all racial communities is that the outcome of the vignette—Phillip getting amnesty—was unfair.

This last point requires an important qualification. As I noted above, the vignette referred to a scenario in which a representative of a group the respondent dislikes a great deal was given amnesty. Presumably, not many South Africans object to amnesty being given to groups with whom they are affiliated or of whom they approve. Amnesty is controversial in South Africa because the people who are going free are those who did dastardly things to one's compatriots—and this is true for blacks,

<sup>36</sup>Indeed, South Africans of Asian origin are the only group for whom the addition of the perceptual variables to the experimental equation (i.e., Model II) does not result in a statistically significant increase in explained variance.

**TABLE 4** Racial Differences in Reactions to the Amnesty Experiment

Independent Variables	Equation Comparing Blacks With		
	Equation 1: White	Equation 2: Coloured	Equation 3: Asian-Origin
<i>Manipulations</i>			
Procedural Justice	n.s.	n.s.	n.s.
Retributive Justice	n.s.	n.s.	n.s.
Restorative Justice	n.s.	n.s.	n.s.
Distributive Justice	.000	.000	.000
<i>Perceptions of Manipulations</i>			
Procedural Justice	.000	.000	.000
Retributive Justice	.037	.038	.034
Restorative Justice	.000	.000	.000
Distributive Justice	.000	.000	.000
Race Dummy Variable	.000	n.s.	.033
<i>Race-Manipulation Interactions</i>			
Procedural Justice	n.s.	n.s.	n.s.
Retributive Justice	n.s.	n.s.	n.s.
Restorative Justice	.029	n.s.	n.s.
Distributive Justice	n.s.	n.s.	n.s.
<i>Race-Perceptions Interactions</i>			
Procedural Justice	n.s.	n.s.	.068
Retributive Justice	.058	n.s.	n.s.
Restorative Justice	n.s.	n.s.	.039
Distributive Justice	.002	n.s.	n.s.
<i>Equation Statistics</i>			
Intercept (s.e.)	.21 (.18)	.21 (.18)	.21 (.17)
R <sup>2</sup>	.20 ***	.23 ***	.24 ***
Standard Deviation-Dependent Variable	2.86	2.92	2.87
Standard Error of Estimate	2.56	2.57	2.52
N	2979	2476	2245

Note: This table reports the results of three independent regressions, in each instance comparing the black respondents with those of the other race. Cell entries are the significance of the test of the null hypothesis that the regression coefficient is indistinguishable from zero. H<sub>0</sub>: b = 0. The independent variables representing the race interactions test for the bi-racial differences in the effects of the manipulations and the perceptions of the manipulations.

n.s. = not statistically significant at  $p < .10$ .

All probabilities less than .10 are shown. When coefficients are statistically significant, the actual coefficients are reported in the text of this article.

for whites, for Coloured people, and for those of Asian origin. Because everyone feels aggrieved by the unfairness of amnesty<sup>37</sup>, racial differences in fairness assessments are not large.

### Discussion

This analysis supports conclusions about three important topics: (1) assessments of amnesty by ordinary South Africans; (2) the political psychology of justice

judgments; and (3) the possibility that the democratic experiment will be consolidated in South Africa.

Most South Africans oppose granting amnesty to those who committed gross human rights violations during the struggle over apartheid. However necessary amnesty may have been to the transitional process, the failure to achieve any sort of retributive justice is deeply unpopular. Even when all four forms of justice investigated here are present, only half of the South African population approves of amnesty. The other half seems unable to reconcile with granting amnesty to those committing gross human rights violations during the struggle over apartheid.

*But justice does matter.* Whether people are willing to tolerate amnesty depends in part on whether other forms

<sup>37</sup>It is worth reiterating that racial differences in how fair amnesty is thought to be to people in general are trivial (see above).

of justice are present. That judgments of the fairness of amnesty change by nearly 40 percentage points—from the condition under which no justice is received to that in which all four types of justice are received—is highly significant for the politics of amnesty. To some important degree, alternative forms of justice can make up for the inherent unfairness of amnesty, at least for a sizable portion of the South African population.

And justice is about more than compensation. Of course reparations matter, and in the objective portions of this experiment (the formal manipulations), compensation to the families of the victims has the strongest influence on perceptions of fairness in the granting of amnesty. But other, far less costly types of justice are influential as well. Sincere apologies matter, as does the opportunity for victims to tell their stories. Those contemplating truth and reconciliation processes elsewhere should take note of the importance of these two non-monetary factors in generating popular acceptance of amnesty.

In this sense, strict economic instrumentalism is not the only motivating factor in judging amnesty. We are slowly beginning to understand that even rational actors attempt to maximize many types of benefits, including symbolic, nonmaterial benefits (see Chong and Marshall 1999). That people's political judgments are influenced by more than how much the victims get—that it is crucial *whether what they get is considered fair*—cannot any longer be questioned. Theories of political behavior must pay far more attention to the role of justice considerations in politics.

I have made little progress here toward understanding the dynamics of when different forms of justice expectations will become salient and dominant. My analysis is able to order different aspects of justice according to their salience within the South African context, and the empirical results generally satisfy those expectations. Unfortunately, we have little understanding about how various aspects of justice get mobilized, adjudicated, and applied in general. In this experiment (as in most experiments), the vignettes were structured so that the four types of justice were orthogonal to each other. Such is surely not often the case in actual disputes over justice. Indeed, real controversies perhaps make inseparable some of the dimensions of justice—without at least some distributive justice, for instance, no restorative justice may be possible.<sup>38</sup> Experimental research can dissect and disassemble the various components of a problem, which is invaluable for ascertaining causal structures and processes. But figuring out how all of these justice considerations fit back together in real controversies is a task much in need of additional theoretical and empirical attention.

In terms of theories of justice, this article demonstrates the utility of moving beyond the conventional emphasis on distributive and/or procedural justice. Justice is a multi-faceted concept, and research ought to be sensitive to the importance of different aspects of justice. And of course one can only ascertain which type of justice is relevant to a particular dispute if all types are simultaneously measured and tested in the analysis. Future research should also make an effort to test theories of justice more directly against material theories.

Though I have made some progress here, we certainly need to understand more about the role of public apologies in political controversies. In my research, I purposefully neutralized the issue of the sincerity of the apology, but of course suspicions of insincerity dog most apologies in real political controversies. One value of experimental vignettes is their ability to incorporate contextual factors into the analysis. Understanding how context shapes the influence of apologies is an important area for future inquiry.

These findings have clear implications for the current South African government. First, the original assumption of the truth and reconciliation legislation was that the inherent unfairness of amnesty could be assuaged through compensation. That assumption has empirical validity. If the Mbeki government wants to influence South Africans to judge the amnesty process as acceptable, it ought to provide adequate compensation to those who established themselves as victims of gross human rights violations during the apartheid era. Indeed, at this stage in the process, few mechanisms are available to the government to enhance the perceived fairness of amnesty, so perhaps the only option available to the government to affect perceptions is to properly compensate the victims.

At one level the TRC seems to have been fairly successful in South Africa, and certainly the procedures the TRC employed are procedures that influence judgments of fairness. It seems unlikely that more formal processes of dealing with those admitting gross human rights abuses (e.g., trials) would be as successful at giving voice to the victims and their families and at making apologies meaningful. Truth and reconciliation hearings seem to be an instance in which informal justice has some significant advantages over formal justice mechanisms (see, for example, Tyler and Lind 2001, 84–85). Whatever the liabilities of less formal justice mechanisms—and there are many—the goal of rendering amnesty decisions more acceptable seems to be well served by processes like those employed by South Africa's TRC.

Finally, for South Africans leaders to ignore the demand for justice emanating from the mass public would

be a serious mistake. The new South African regime is unlikely to be able to satisfy economic expectations in the foreseeable future. But people want more from politics than economic success. They want fairness as well. The failure to satisfy expectations of justice can quite readily undermine the legitimacy of the regime, and ultimately of the democratic transition itself.

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