Reconciliation, Identity, and Impiety

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There is value in beginning with a thin conception of reconciliation. Otherwise our understanding of it in political terms is clouded because we will be prone to quickly literalize a metaphor. Our usual context for understanding reconciliation is interpersonal. We imagine a moment of harmony between friends, family members, or co-workers that is disrupted by some injury or misunderstanding that wounds. Reconciliation is then both a process and an outcome where that disruption is overcome, where the wound is acknowledged, and harmony, while not as innocent as before, is restored. That understanding, in a process Kenneth Burke described in the *Rhetoric of Religion*, is carried into other realms: into the realm of political and social institutions, but also and more fundamentally into the immaterial realm of the theological. Reconciliation is understood as not only between humans, but between body and soul, or between men and women and their god. From there, the meaning of reconciliation now mystical returns to the material realm, and inspires us to think theologically about what Burke described as the human barnyard. Reconciliation becomes a rich but ideal concept, marked with such elements as confession, apology, guilt, atonement, and forgiveness that provide a standard by which some debate the nature of "true reconciliation," and the circumstances under which it could be achieved. This is stirring but ultimately misleading stuff, the consequence of a category error or philosophical idealism, which undermines our coming to grips with how "reconciliation," functions. We would be better to think of reconciliation from the ground up, as a mere word, and then consider where it will lead us.

Reconciliation as Appearance

Arguing against linguistic idealism, Michael McGee turned to Ortega Y Gasset's view of language, as developed in his *Man and People,* as consisting in usages. McGee found in this Spanish philosopher a proto-materialist theory of language well suited to rhetorical analysis. McGee saw in this the call to consider words for what they do. Following in this vein, the first

step in understanding reconciliation is to ask: What does "reconciliation," the word and not the thing, do? From McGee, we can understand reconciliation to be an ideograph, which is to say a word that looks like a "high order abstract term" that serves as a warrant for a claim in an argument. While this might suggest that ideographs are concepts, they are no such thing. McGee is clear that ideographs have no necessary meaning, and properly speaking no meaning at all, except in the history of usages that advocates are able to mobilize in seeking to justify their case.[1] That is to say, ideographs have no *a priori* meaning. They are filled with meaning provisionally as they, and the history of their use, are deployed , Of course, reconciliation's orator-advocates will adopt the pose of the pious and the spiritually minded among us, and claim for reconciliation a set of meanings, with just the appropriate amount of theological or psychotherapeutic flavour, but their rhetoric is contingent and strategic, even if they do not realize it, and their meanings do not tell us what the term consists in transcendentally. However, even without such idealism, we can think of reconciliation as powerful nevertheless, even if an ideograph or alibi because, even as only a possibility, if offers a justification for a hiatus from violence. It provides "cover" for elites to explore alternative strategies in the face of failure; it places a brake on and indeed enables a break with a logic of reaction that feeds violence. It provides, as Lyotard puts it, an opportunity to reply rather than react[2]. It adds new rhetorical resources that can be mobilized in subsequent arguments. It offers a breather. It suspends the demands that a duty to the past would impose. In the South African case, the word reconciliation authorizes and motivates a cessation of what was a low-intensity but escalating civil war as well as the political reconstitution of South Africa's as a "non-racial democracy."

For a mere word this is quite remarkable. There is poetic justice in describing this transition as a "miracle." It is a happy metaphor, but a metaphor nonetheless. And while this metaphor might have rhetorical efficacy, we need to be careful not to equate its vision with what

[1] Michael Calvin McGee, "The Ideograph: A Link Between Rhetoric and Ideology." Quarterly Journal of Speech, 66 (1 1980): 1-16.
[2] Jean-François Lyotard, "Lessons in Paganism," in *The Lyotard Reader* (Cambridge: Basil Blackwell, 1989), 137.

is enacted in political "reconciliation" or we will fall prey to unreasonable expectations and have our understanding of the nature of this reconciliation clouded. Looking at a less than happy world, we might become de-bunkers, or ask too much of what is already quite an accomplishment.[3] For this reason, rather than falling into metaphysics, we should follow Erik Doxtader when he describes reconciliation as a faith in the works of words.[4]

To think of reconciliation in thin rhetorical terms does not preclude saying more about it. Even without substantive content, the call to reconciliation is a profession of faith. And, at the very least, whatever reconciliation might be, a rhetoric of reconciliation will carry with it previous usages, taken from personal and spiritual contexts, that warrant transformation in the name of or the hope for an imagined state of political harmony or grace. We could say that reconciliation performs a set of attitudes: an attitude toward communication, an attitude toward history, an attitude toward power and authority, and an attitude toward the other. Consequently, even if only a "mere" ideograph, reconciliation is significant in the way it warrants further communicative or rhetorical activity of a particular sort. Second, reconciliation arises out of historical failure, stands as a time of transformation, and calls for a new future. Third, reconciliation is, or at least seeks to be constitutive of a new order for the ages. It seeks to found anew.

Reconciliation, as a performance of these attitudes, structures communication in distinct ways. There is a pragmatics with attendant *a priori* that make it more than a mere word. Reconciliation is thin: it is not a concept. That is to say, it does not have meaning in the usual sense. Nevertheless, it might very well function as a regulative Idea in the Kantian sense, which is to say that though not definable, reconciliation might stand as a finality toward which communication is directed. In other words, in part reconciliation might be like beauty: beyond definition but not beyond recognition. Reconciliation, as such, could stand as an unrealisable

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[3] Kenneth Burke takes pains to caution us against de-bunking. See, Kenneth Burke, *The Philosophy of Literary Form: Studies in Symbolic Action*, 168-190. Berkeley: University of California Press, Hermes Publications, 1973.

[4] E. Doxtader, "Reconciliation -- A Rhetorical Conception," *Quarterly Journal of Speech* 89, no. 4 (2003): 284.

finality which issues a call. Furthermore, charged with ethical value, reconciliation might also be central to a maxim whose realization must pass through the imagination: "act and speak as if you and your other are reconciled." The various possibilities are not necessarily incompatible. All are consistent with reconciliation existing as sets of communicative moves.

Emptied of meaning, we can understand reconciliation as an *appearance*. Why do I call it an appearance? Because it is no-thing even as it is spoken of and re-organizes the context in which it came to appear. It emerges in time and in doing so breaks the temporal flow. It opens a time and space for itself. It also inaugurates a new order of things in the world, and a new unfolding in time in which it seeks to remain as a moment. Reconciliation not only appears in history at a moment in time but reorganizes time. It seeks a new time and in doing so manifests fundamental impiety.

Reconciliation appears when a call to talk is echoed by the other. The call to reconciliation is a call for a different communicative practice in the face of what has become a dysfunctional or unsatisfying relationship for at least one of the parties concerned. The call implicitly admits the claim that talk has failed, or war has failed, or history has failed. When that call finds its echo, there is a mutual acknowledgement of failure: Both parties acknowledge that history has stopped or is in a downward spiral. This is not *stasis* as understood in rhetorical theory sense. This is not the point of rest, after all has been said, when a judge is called to choose between a claim and its counter-claim. Rather reconciliation appears phoenix-like, but just before historical disaster. In that moment, reconciliation appears as simultaneously as an admission of failure and an instantiation of a new discursive order. There is talk, even if only talk about talk, or about the preconditions for talk. And such talk, as Doxtader also says, stands as an exception to the law. It requires stepping outside of the constitutive opposition between parties.[5] It is impious as each acknowledges one's necessary, even if unwanted, dependence on the other.

[5] Ibid, 281.

Pious Pragmatics

Apartheid was pious. Kenneth Burke cites Santayana who described piety as "loyalty to the sources of our being."[6] Burke also describes piety as a system builder. It establishes what goes with what. In Burke's description, piety has something to do with manners. It is formal and aesthetic, even as it has ideological elements. In Apartheid, we find all of this. As we know, Apartheid had a very clear idea of what goes with what. It was arcane and practically manic in its insistence of developing pure categories. Furthermore, as Leonard Thompson tells is *The Political Mythology of Apartheid,* Apartheid depended upon the rhetorical construction of the Afrikaner in a heroic narrative whose centerpiece is the Great Trek.[7] Apartheid was founded in a constitutive rhetoric whose protagonist's being becomes autochthonous as Dutch colonists head for the interior and battle both nature and nature's savages to found Christian civilization. Apartheid did more than turn classification into a fetish. Much like narratives of the *québécois* or of the American Revolution, it told a story that indebted the future to the past, through the pious call to be true to one's being as told in the story.[8]

Ideological, Apartheid's piety instantiates a law. In the first instance, this law is moral. Being issues a command. It calls on the world to be ordered in its image. It is a call for a return to the same. Derrida might agree that Apartheid was a savage instance of the Metaphysics of Presence founded on the negation of the other. Incapable of either integrating difference or willing it away, the law of Apartheid, itself constitutive of the South African state, was a law traversed with violence, a law directed toward refusing the standing and even the presence of the other, of the non-European. Burke, in his critique of the tragic cycle, in his discussion of "trained incapacity" and in his observation that the most serviceable framework for social relations is comic, saw piety as directed toward disaster.[9] Invoking stark moral categories, piety

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[6] Kenneth Burke, *Permanence and Change: An Anatomy of Purpose.* Indianapolis, Bobbs-Merrill, 1965, 71.
[7] Leonard Thompson, *The Political Mythology of Apartheid.* New Haven: Yale University Press, 1985, 39, 183-187.
[8] For a discussion of constitutive rhetoric and the Quebec case, see Maurice Charland, "Constitutive Rhetoric: The Case of the *Peuple* Québécois". *Quarterly Journal of Speech*, 73 (2 1987): 133-50.
[9] See Burke, *Permanence and Change*, 10-16, 71-96., as well as Kenneth Burke, *Attitudes Toward History,* (Berkeley: University of California Press, 1984), 34-69, 166-175.

might work for a while, but will run up against imperfection and sin, and not be able be shake them off. Reconciliation appears as an effort to "shake off" the law's pious demands or, more accurately is an admission that the law is losing its grip in the face of its failure. In South Africa, the continued state of emergency and the activities of the security forces were not only frantic efforts by the law to sustain itself, but increasing evidence of the law's collapse and of the paralysis of Apartheid narrative. No longer capable of finding sustenance in an increasingly recalcitrant real, Apartheid piety began to crack.

One response to this cracking was disavowal and perversion, as the law's violation of itself became a source of pleasure. During the TRC hearings, we heard of corpse burnings becoming occasions for *braais* (bar-b-qs).[10] A second response was cynicism. It has been said that near the end, most whites did not really believe in Apartheid, but supported the National Party nevertheless. They saw apartheid's moral bankruptcy or lack of efficacy, but saw no other option. They were modern cynics, and suffered from what Pieter Sloterdijk calls "enlightened false consciousness"[11] They followed the law without zeal, being guided only by cowardice, necessity, and denial. A third response, more interesting, was ancient kynicism, in the spirit of Diogenes, which saw Apartheid's absurdity. Against its law and call to duty, this kynicism responded with impious laughter. We see this most clearly in Pieter-Dirk Uys stinging parody and satire. He would reproduce, almost verbatim, P. W. Botha's rants against communists and terrorists, while calling attention to Botha's rhetorical styling and so rendering it worthy not of respect but of laughter.[12] Evita Buizedenhout, his delightfully comic racist matron, made Apartheid appear shallow and tasteless. His performances told a truth by offering degraded replica of his targets, introducing distance and alienation, and so enabling the recognition of artifice. Thus, Uys could confess that he was both Afrikaner and Jewish, and so a member of

[10] Truth and Reconciliation Commission. Republic of South Africa. *TRC Final Report*, vol. 2, ch. 3. CD-ROM version: 30 November 1998.
[11] Peiter Sloterdijk, *The Critique of Cynical Reason.* Minneapolis : University of Minnesota Press, 1987, p 5.
[12] Mervyn Eric McMurtry, "The Playwright-Performer as Scourge and Benefactor : An Examination of Political Satire and Lampoon in South African Theatre, with Particular Reference to Pieter-Dirk Uys" (Ph.D. diss., University of Natal, 1993), 5-7.

two chosen peoples.[13] In both these cynicisms, modern and ancient, we find preconditions for reconciliation's appearance: There is an acknowledgement of Apartheid's failure, and hence of the need to explore something else. Furthermore, to acknowledge failure is to admit that one cannot get on without the other, indeed that each is dependent upon the other.

In South Africa, reconciliation's appearance means a turning away from a monadic identity and identitarian calls for the other's symbolic or physical annihilation. Reconciliation's appearance, although not necessarily its sustenance, requires no moral commitment, and certainly neither apology nor forgiveness. Furthermore, it does not require the strong form of recognition advocated by by Charles Taylor.[14] Indeed, as Doxtader has argued, reconciliation stands in opposition to the logic of identity that calls it forth.[15] In South Africa, white identity was constituted through the negation of consubstantiality with non-whites. Indeed, in the name of South African identity, the Apartheid regime did its best to deny that blacks were citizens at all.[16] Recognition, in Taylor's sense, means an acceptance of the other's identity and an admission of the other's right to sustain that identity. Developed in bilingual and multi-cultural Canada, Taylor's recognition concedes the moral and political propriety of some forms of separate development as protection from the violence of liberalism's denial of the significance of difference. What reconciliation requires, or rather is predicated upon and enacts is not recognition but acknowledgment. Reconciliation appears with the mutual acknowledgment of a stifling failure, of one's incapacity to proceed without the other. As such, it is also implies an admission that motives inscribed within the "being" of identity have become untenable, and following from this that monadic or essential identity itself as a category is downright false, not only contingently, but ontologically. The autonomy that such identity promises is forfeited from the outset as its constitution depends upon and takes meaning from difference, from what it is

[13] Daniel Lieberfeld and Pieter-Dirk Uys, "Pieter-Dirk Uys: Crossing Apartheid Lines. an Interview," *TDR (1988-)* 41, no. 1 (Spring 1997): 68.
[14] Charles Taylor, *Multiculturalism and "The politics of recognition*" : an essay / by Charles Taylor ; with commentary by Amy Gutmann, editor ... [et al.] Princeton, N.J. : Princeton University Press, 1992
[15] Doxtader, 267, passim.
[16] This was the effect of the Bantu Homelands Citizens Act of 1970.

not. The pragmatics of reconciliation, in contrast, enacts what I would like to call an "ubuntu moment," which admits that the identity of each is contingent not only on the identity of the other but on the talk that is to follow.[17] Identity itself, as a substance or being that stands prior to and is expressed in one's acts and time' unfolding "takes a hit" in a humble but impious admission of limitation.

Piety, Reconciliation, and Time

Reconciliation's appearance consists in more that a refusal of discourse choked by pious categories. When reconciliation appears, time is no longer the same. Piety is not an attitude standing outside time, rather it sets up a temporal order where the future is beholden to and figured as directed toward a return to the past. It is based in deep identification. Piety is marked by romantic nostalgia. Nostalgia consists in a longing for a past that never was, for a return to an initial purity that never existed. Romantic nostalgia imagines that its past is real. As such, piety consists in a longing, always frustrated, for a perfected moment where time will stand still, for a moment of everlasting grace. Consequently, what piety offers is a vision of history the unfolding of which is scripted to replay the same tiresome drama on a slightly different stage. Reconciliation punctuates and announces the end of this dead time. It interrupts history's perseveration. It does not erase this time, nor does it imply forgetfulness, but it effects closure.

Reconciliation opens a time of its own. Reconciliation's appearance is not reducible to an instant in the flow of time. It does not imply a simple change of track. Rather, reconciliation's appearance inaugurates a complex domain of talk. This talk has two levels or moments. The first level consists in reconciliation's appearing for own its sake. It is stands like a space-time bubble. It instantiates and holds present a *kairos.*[18] This level consists in a new

[17] I am not certain one can speak of a true or proper meaning for *ubuntu.* Over above its many usages within traditional African communities, it now circulates in the political public sphere, in discussions of reconciliation, restorative justice, and "Africanicity." See, Richard Marback, "A Tale of Two Plaques: Rhetoric in Cape Town," *Rhetoric Review* 23, no. 3 (2004): 253-268. , Timothy Murithi, "Practical Peacemaking Wisdom from Africa: Reflections on Ubuntu," *Journal of Pan African Studies* 1, no. 4 (June 2006): 25-34. . The term term has also been described as imprecise, ethonocentric, and ideological, see Christoph Marx, "Ubu and Ubuntu: On the Dialectics of Apartheid and Nation Building," *Politikon* 29, no. 1 (2002): 49. My use of it here thus is idiosyncratic, as I attempt to capture its usual indication of human interdependence.

[18] See Doxtader, 271-275.

domain of talk whose pragmatics are emergent. This talk, much like Habermas' category of "discourse" in his discussion of post-conventional moral theory,[19] exists in the suspension of time's unfolding. It is talk that is valued in itself as reconciliation, which to continue requires a developing pragmatics that is realized as it proceeds. One might speak of this level as instantiating "true reconciliation." I do not mean this in an idealist sense, where all has been made well, but in the sense that it is talk for talk's sake that establishes a gap between itself and that talk-less time that preceded it. At a second level, reconciliation appears as talk directed toward a time beyond itself, a time when reconciliation would have been accomplished, when there would be a "new normal". Reconciliation imagines and is directed toward its own ending and the collapse of its exceptional moment. We can understand this level and modality as the Time of Transition. In this, reconciliation is both within and struggles to move beyond being an instance of Messianic "now-time," a "time filled by the presence of the now, a redeemed time in which the future would retroactively constitute the past, and make meaningful the present."[20] It is characterized by what Fritzman terms "originary nostalgia," "which seeks to remember what has yet to be imagined"[21] in order to invent a fitting response At this second level, the time of reconciliation is the time of constitution, of founding[22]. It is pragmatic, and seeks to establish the principles that will subtend a new constitution based in reconciliation's spirit. That is to say, reconciliation as constitution is directed toward producing new regimes of talk, subjects that will speak them, and institution to support them that will not simply reanimate the previous dead time.

A Time of Transition

Reconciliation as a time of transition is a bracketed time that mediates between the past and the future. In part, this means that it must look back at what precedes it and consider the reasons for

[19] J. Habermas, "Discourse Ethics: Notes on a Philosophical Program of Justification," in *The Communicative Ethics Controversy* (Cambridge, Mass.: MIT Press, 1990), 60-110.
[20] Fritzman, J M. "The Future of Nostalgia And The Time of The Sublime" *Clio*. 23 (2 1994):
[21] Ibid.
[22] For discussions of time and founding, See Hannah Arendt, *On Revolution*. New York: Viking Press 1963, and the discussion of constitutions in Kenneth Burke, *A Grammar of Motives.* Berkeley: University of California Press, 1969

history's failure in order to then establish the conditions necessary for productive communication, whatever that might be. Apartheid could be accounted for through a number of frameworks that identify communicative failures. Habermas speaks of distorted communication, where at least one of the parties does not recognize that their own discourse fails to meet the validity claims necessary to sustain communication, which he defines as symbolic action directed toward mutual understanding.[23] Seyla Benhabib, developing some of Habermas's concepts, writes that productive (democratic) discourse must be subtended by reciprocity and mutual respect[24]. Thomas Farrell and Thomas Goodnight, in part inspired by Habermas, write of rhetorical failures that are epistemological in character, where one lacks sufficient social and technological knowledge to characterize the real, to develop arguments, and formulate judgments. In the absence of adequate rhetorical resources, including a realm of shared appearances, communication gives way to babble, to spectacle, or to silence.[25] Jean-François Lyotard discusses communicative failure as the product of a *différend*, by which he means the inability to phrase a claim, in particular with respect to an experienced wrong. Lyotard offers many variants. The *différend* might be a consequence of the lack of proper idiom, of a vocabulary or category to articulate a feeling or an experience, or of the lack of a proper witness, or of a proper jurisdiction, of a law and judging instances able to hear and competent to judge a case, or it might be the result of psychodynamic forces, as when those who experience a wound finds themselves unwilling or incapable of speaking their trauma.[26]

Reconciliation as such requires occasions and forms for talk that at the very least bear witness to the sublime terror of Apartheid, even as they seek to contain its hold on the imagination and the future. This was one of the reasons for the Truth and Reconciliation Commission. Debates continue as to whether Desmond Tutu's view of restorative justice can

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[23] J. Habermas, *The Theory of Communicative Action,* (Boston: Beacon Press, 1984), 2-3.
[24] S. Benhabib, *Situating the Self : Gender, Community, and Postmodernism in Contemporary Ethics,* (New York: Routledge, 1992), 29.
[25] Thomas B. Farrell and G. Thomas Goodnight, "Accidental Rhetoric: The Root Metaphors of Three Mile Island." *Communication Monographs* 48 (4 1981): 270-300.
[26] Jean-François Lyotard, *The Differend: Phrases in Dispute,* trans., George Van Den Abbeele. Minneapolis: University of Minnesota Press, 1988, xi, 3-31.

truly be considered justice at all and whether the Commission's work contributed in any real sense to the reconciliation or the healing of the nation. Such questions ask more of reconciliation than the thin conception I am developing here authorizes. The TRC did provide occasions for talk that imagined a moment after itself. As such, we should ask: what kinds of speech does reconciliation as a form of talk constituting a time of transition actualise? Does it enable talk and overcome the communicative failures that led to the call for reconciliation in the first place? In this regard, the TRC has a rich legacy. It instantiated a new dispensation under a new law. It granted standing to victims, and by extension to all those that the old law refused to acknowledge. It signalled the value of their speech. It acknowledged their account of their experience. Furthermore, in offering a forum for victims to speak to a sympathetic and authoritative ear, and sympathetically attending to their tears, the TRC bore witness to the limits of speech and the ongoing possibility of a *différend*. Similarly, perpetrators were called to account for themselves. Without asking for repentance, the TRC required that they subordinate themselves to a new dispensation, even as amnesty – an exception to the law – created the condition for them to be freed from the old law in order that they bind themselves to a new one.

Impious Constitution

Reconciliation's fundamental practical task is to constitute a new order. This means developing both a constitutive rhetoric and a rhetoric of authority. A constitutive rhetoric is a rhetoric that addresses its audience in such a way as to provide a common subjectivity that orients them toward each other as well as a common future. It constitutes the "people" and locates motives for action within subjectivity itself. In contrast, but equally necessary, a rhetoric of authority secures a principle that secures the validity of law and mediates the popular will. Tracy Strong says that politics is the form of life that seeks answers regarding the nature of the self in terms of the "we"[27]. Constitutive rhetoric is one fundamental form that such answers take. Apartheid's constitutive rhetoric sought to finesse the relationship of "I" to "we" by simply excluding those

[27] Tracy B. Strong, *The Idea of Political Theory : Reflections on the Self in Political Time and Space,* (Notre Dame: University of Notre Dame Press, 1990), 34.

that would not fit its grand narrative. It called forth a people, a "we" that gave meaning to and placed obligations on an audience made consubstantial through their refusal of the risk posed by otherness. Apartheid offered a pious story in which Afrikaners were a chosen people. It demanded fidelity, and located its motives in the very identity of its subjects. They were interpellated by Apartheid's story and given the responsibility of being true to themselves. This rhetoric ultimately failed, and certainly was neither democratic nor just, because it did not answer the challenge that Strong argues is necessary for democratic governance. Arguing in an American context against both the excessive rights talk[28] of American liberalism and the moralizing politics of the right, she observes the challenge of contemporary politics is for the "I" to be willing to risk a "we." For different reasons, reconciliation faces the same challenge. Reconciliation is directed toward a new life in common. It requires a way of mediating between "I" and "we" in a landscape fully marked by difference.

What type of constitutive rhetoric and what type of people can reconciliation, as a mode of discourse that is both in its own time and directed to a time after itself, develop? At least two options present themselves. In the first, reconciliation, while still thin and only an appearance could become the object of a story, such as a heroic narrative featuring Nelson Mandela and perhaps F. W. De Klerk that figures the new South African citizen in the new South African republic as the result of a historic compromise. Such a story would set in place a new mythology, which although happier and more generous in spirit than the Apartheid one, still would re-enact a pragmatics of identity and obligation. Not only would it seek to bind the future to the past but it would provide a unitary identity to those it addressed, whether as citizens of a "rainbow nation" or of a liberal democracy that privatizes particularity. Alternately, one could consider reconciliation as constitutive, not through its story, but through its pragmatics. Reconciliation is a mode of discourse with a unique pragmatics of acknowledgment and displacement: Even as the other's presence and irreducibility are admitted, identities are put into

[28] For a discussion on the negative consequences of the language of rights in American politics see, Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse*. New York : Maxwell Macmillan, 1991.

play in a cycle of mutual responsibility that eschews commitment to being. In other words, reconciliation can lead to two distinct constitutive rhetorics, the first would be at least somewhat pious and designed to leave reconciliation as an appearance behind, as a closed chapter, an interregnum. The second, impious in its refusal of origins, would seek to maintain reconciliation as a moment in a new temporality not bound by a duty to the past but by a responsibility toward an uncharted future. This second constitutive rhetoric also posits a subject, a citizen of a new republic, but neither in action nor in a fixed position. Rather, this new subject would be constituted in receptivity, which is to say both as appreciative of otherness but also chastened by the experience of listening to the other's pain, an experience that Charmaine McEachern describes as "uncanny"[29] In a sense, this subject has its own piety, but it is actually an anti-piety, invested not in being but in absence, that does not seek fullness but bears witness to what Lyotard describes as the *différend.*

Time and Impious Founding

I will return to the implications of impious constitutive rhetoric in a moment, but before doing so I want to consider the second element in reconciliation's practical task, that of developing a rhetoric of authority. Here, Hannah 's reflections in *On Revolution* are instructive. In *On Revolution*, Hannah explores the problem of founding. In comparing the French to the American Revolution, she identifies why the latter was a success while the former was a failure, and was incapable of founding a *novus ordo saeclorum.*[30] The French, she argues, deprived of any popular institutions, were forced to start fully anew, but could not distinguish between power and authority. They were incapable of creating stable institutions because they could not imagine any authority above the popular will and its destructive power. At one point, Robespierre hoped to create such an authority by seeking to reinvent without success a God principle. The Americans also invoked God as witness to their revolution, but ultimately, she

[29] Charmaine McEachern, *Narratives of Nation Media, Memory and Representation in The Making Of The New South Africa*. New York : Nova Science Publishers, Inc., 2002, 47-55.
[30] Hannah Arendt, 164, 179-185.

maintains, the American Revolution succeeded because they understood the distinction between power and authority, and located the former in the people and the latter in the law. The Americans appreciated the power of law because, even before the revolution, they had representative institutions, and I might add, the declaration was itself sealed with a pledge. goes on to account for American stability, not from Jefferson's invocation of the Laws of Nature and Nature's God, but from their emulation of the Roman model, based in the veneration of their moment of founding. As describes it, the Romans did not need God to authorize law. Their understanding, which was prior to the Church's occupation of the social sphere, saw law in the original sense of an "'intimate connection' or relationship."[31] The Romans chose to bind themselves (in the sense of "*religare*") to their founding moment, which was the peace between warring parties.[32] For South Africa, reconciliation and the original pre-constitutional principles do not have quite the same standing. They arise from a compact between enemies that are now compatriots, but they did not enter as equal parties. Rather, one party was within the law, even if violent to the point of lawlessness, while the other consisted of outlaws. As such, this compact does not effect a new founding, but rather a transformation of the law from within. In a sense, those within the law relinquish their ownership of it (or is it the other way around?) so that legal continuity covers and authorizes a radical break, or at least the law's self-subversion in order to be born again. Reconciliation, in its appearance, provides the authority for a new dispensation. It establishes the legal and pragmatic framework, which is to say both a new constitution and attendant constitution-behind-the-constitution, which will mediate between its new subjects as they act toward a future. As such, this founding does not provide the people with an identity or subjectivity, but rather offers a law.

Here we see how reconciliation, even if animated by an impious refusal of identity and identity's law, must mediate between piety and impiety. Piety is a system builder and systems are necessary. 's diagnosis of the failure of the French revolution is that it could not offer

[31] Arendt, 188
[32] Arendt, 159.

permanence; the revolution admitted no structure that could stand above the people, who had become like a force in nature. The only law became the revolution itself, which was no law at all. There was terror. Of course, a state of permanent reconciliation is not the same as one of permanent revolution, but reconciliation-in-itself also does not offer the institutions necessary for permanence, lacking sufficient positivity. Conversely, just as no constitution will be viable that fails to incorporate a moment of revolution, albeit tempered through a process where the law can be rewritten from within, no constitution will avoid hubris and moments of terror that does not include reconciliation as a moment.

Directed toward the future, reconciliation must exempt itself from past law, by placing itself under a law that has yet to be. Reconciliation must anticipate itself, just as the post-amble of the interim constitution calls for a process of reconciliation and amnesty as the pre-condition for its enactment. The Amnesty promised by the preamble is both foundational, but authorized only by that which it will enable. It is a foundational exception to the law that can only be validated retrospectively. Like the fitting rhetorical response, it establishes the very criteria by which its fittingness will be judged, the granting of amnesty is an instance of what Lyotard would describe as pagan prudence[33]. It is directed toward justice, but justice before a law that has yet to be written. This prudence judges from a point that has yet to be. It stands in the future perfect.

For Laughter

I began by claiming that within reconciliation's pragmatics we find impiety, which through Kenneth Burke, I linked to the comic frame. For Burke, the comic frame is one of acceptance, based in the principle that imperfection is not caused by evil but by error. It is as such more generous and less exacting when confronted with calls for justice, and certainly does not subscribe to the maxim "of an eye for an eye." Even so, the comic frame does not warrant political amnesia or demand that one "forgive and forget." It merely recognizes limits. And yet,

[33] Lyotard, "Lessons in Paganism," 152.

the comic frame does include laughter. I spoke at the outset of Pieter-Dirk Uys's satire, which by repeating the pronouncements of the National Party in a cabaret, revealed them for what they were: poor theatre. Uys' satire certainly was not conciliatory toward its target, but reconciliation does not begin by admitting the validity of a claim. Reconciliation begins by calling for a shift. Uys, an Afrikaner, could use satire as a form of enlightenment and laughter as a prod to break up the subjectivity constituted in Apartheid's absurd law. As one in whose name the law claimed to speak, he figured himself outside the law, in a radical refusal of its demand for identification. The law and P. W. Botha were of a lower type, and worthy only of laughter, not respect. Such, laughter, I want to suggest, is part and parcel of reconciliation in its appearance. The point is not that one should laugh at the other, although of course that is better than working toward his destruction, but that laughter should undermine the self[34]. Satiric unmasking is a fine starting point, but is inadequate if it only highlights the law's absurdity to those who suffer its violence. Taking Santayana's principle that piety is fidelity to the sources of one's being, impiety consists in infidelity to the sources of one's own being, rather than the other. Burke also observes, in satire we laugh at failings which we also see within ourselves[35]. This laughter, cynical in the ancient sense, is not only about unmasking, but about letting go. Democratic culture, in South Africa as well as in the Americas requires such laughter, so that we can appreciate our own limits and judge others against that horizon.

[34] For a discussion of the power of laughter to undermine identity, see D. Diane Davis, *Breaking Up [at] Totality: A Rhetoric of Laughter*. Carbondale: Southern Illinois University Press, 2000.
[35] Burke, *Attitudes Toward History*, 49.

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