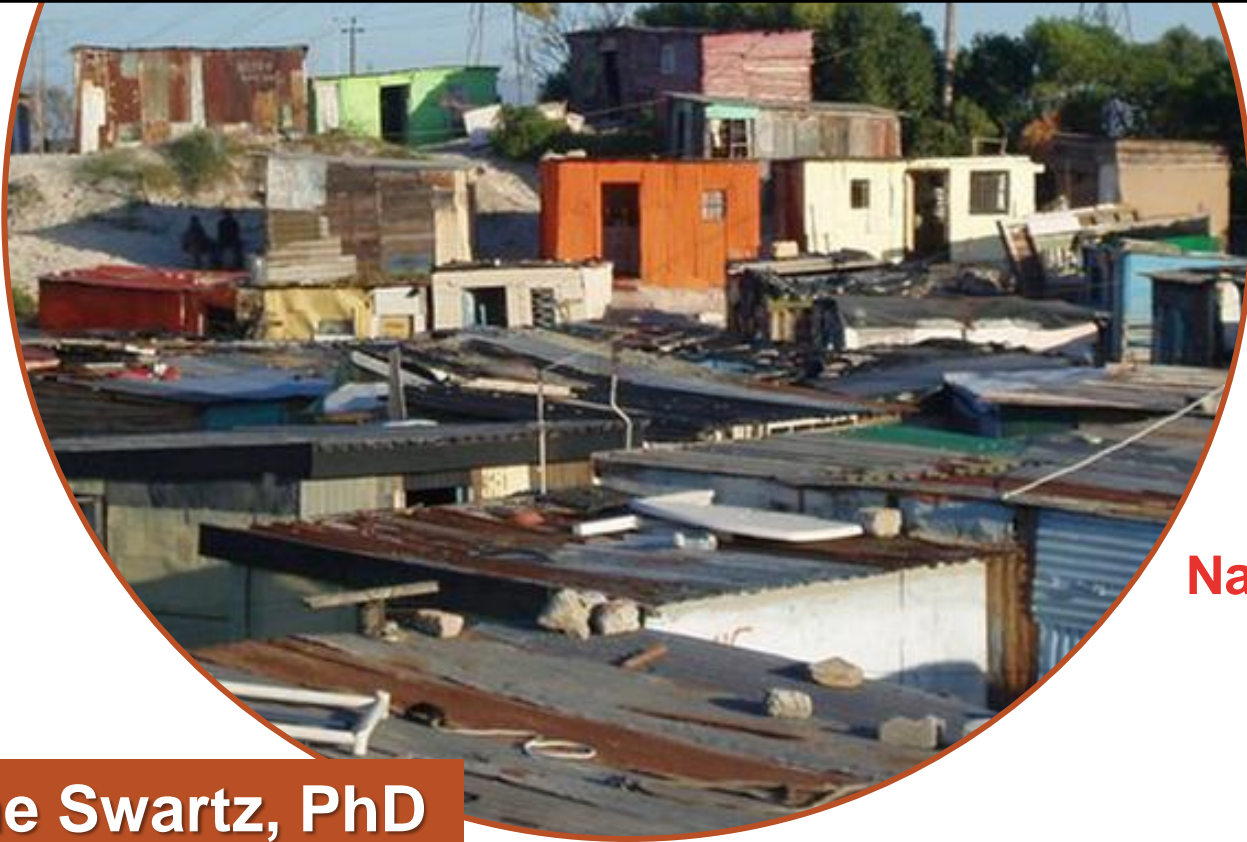


Bicycles

Jabu and Johnny are two boys who live next door to each other. Both have bicycles. One day Johnny steals Jabu's bicycle. Jabu tries hard to get it back but can't. Of course they stop being friends. A year passes and they do not talk or even look at each other. But Johnny misses his friend and goes over to Jabu's house one day and says 'Jabu lets be friends again'. Jabu agrees and so they shake hands and make up. A few days later Jabu says to Johnny, 'Johnny, what about my bicycle?' to which Johnny replies 'Look Jabu, this is about becoming friends again, not about bicycles'.

Restitution as moral framework: Exploratory views from South Africa regarding its meaning and necessity



26
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AME,
Nanjing, China

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Social science that makes a difference

Background

1. What is the salience and relevance of the notion of 'restitution' to moral education and moral research, especially as a means towards social justice and transformation?
2. How do we 'Do Sorry' in contexts of:
 - Interpersonal conflict
 - Environmental degradation
 - Civil conflict
 - International conflict

Overview

1. Locating restitution
2. Restitution as we know it
3. Researching student views
 - Background, Literature, Methods
 - Sample, Analysis, Findings
4. Implications for moral education
5. What's the plan?

Locating restitution

1. Within transitional justice

- Legal tribunals
- Truth commissions
- Restoration
- Reconciliation
- Peacebuilding



Truth and Reconciliation Commission

1. Restorative
2. Narrative of reconciliation
3. Criticised for narrow focus
4. Reparations inadequate
5. Structural inequities unchanged
6. 'Social dynamic' not realised

Within a sociological perspective

1. Young's social connection model
2. Continuing structural injustice
3. Dynamics of postconflict restitution
4. Power relations

Restitution as we know it

1. Legal definition – land and property
2. Restitution in postconflict societies
3. Extent of injustices – problematising justice
4. Challenges to legal restitution
 - Who receives restitution?
 - Who is liable for restitution?

Researching student views on restitution

Research questions

1. How do young university students understand the notion and importance of restitution; and
2. How does this aid in setting a research agenda for restitution as a moral framework?

Literature

- Elazar Barkan (2000) – ‘Guilt of Nations’, international morality
- Martha Minnow (1998) – ‘Between vengeance and forgiveness’
- Todd Calder (2010) – shared responsibility; forward-looking and backward-looking restitution
- Arthur Eglash (1958) – ‘Creative restitution’
- Wendy Lambourne (2009) – ‘Transformational justice’
- Mahmood Mamdani (2002) – reparations to groups not individuals
- Braithwaite (1999) – restoration of groups
- Chandran Kukathas (2006) – liability and agency

Sample and analysis

1. Sample - 25 third year sociology students, and 200 participants in student's research projects.
2. Demographic data (2 'white', 2 'coloured', 3 'Indian, 18 'black', 8 men, 17 women)
3. Thematic analysis

Methods

1. Literature review
2. Students' research projects in a social research methods class
3. Interviews with students following their research projects on restitution
4. Student's findings from their studies

Student project themes

| # | TOPIC | GROUP |
|----|--|--|
| 10 | BEE / Affirmative action | Students' views [4]; White male views [2]; (Affluent) black views [2]; Rural inhabitants |
| 2 | Higher ed affirmative policies (admissions, extended, bursary) | Faculty views; Student's views |
| 2 | Attitudes towards R for crime | Female prisoners; Juvenile offenders |
| 2 | General perceptions of R; as legal or moral construct | Race/SES; Students |
| 2 | Land removals and R | Black victims; Coloured victims |
| 2 | Gender R and economic opportunity | Women |
| 1 | Gender violence and R | Female survivors |
| 1 | Reparations as R | SA Jewish Holocaust survivors |
| 1 | Damage payments in pregnancy as R | Young mothers |
| 1 | Vigilante justice as R | Township inhabitants |
| 1 | Relationship of amnesty to R | Student views |

Sample interview questions

1. What are some of the highlights and lowlights of living in South Africa?
2. In what ways does the past affect people in South Africa today?
3. What steps have been taken to lessen or end these effects? What more could be done?
4. What does the term 'restitution' mean to you?
5. What role should government, NGOs and individuals play in making restitution?
6. When can a country like South Africa say that restitution has been completed?

Findings

1. Varied interpretation of restitution
2. Mostly aligned with affirmative action
3. Lack of conceptual clarity
4. Mirrored in students' project data.
5. General understanding of restitution; not able to agree who was responsible for recompense
6. Views varied by gender, SES and 'race'
7. Provides tentative and initial future directions for research on restitution as moral imperative.

Findings – Affirmative action & BEE

- “Contradicting views and statements”
- “Isolation and detached view of reality”
- “Self-interest”; “Individualism”; “Disconnectedness”
- “Affirmative action as unjust”
- “Distrust in the ruling political party”
- “Strong capitalist views”
- “Affirmative action does not work”
- “The problem of black elitism”
- “Skills development and the sustainability of BEE”

Findings – Restitution in general

- “Grappling with restitution”
- “Emotional responses and anger”
- “Relevance of money”
- “Uncertainty/Vagueness”
- “Access to education and opportunity”
- “Guilt”; “Right to compensation”
- “Restoring only that which was taken”
- “The meaning of home”
- “Wanting to say the right thing”

Findings – Restitution in general (2)

- “Public/private & perpetrator/victim divide”
- “The expression of coldness”
- “Hesitation, dissatisfaction, confusion and disappointment”
- “Gender equality as unknown”
- “Group interest”
- “Contradiction” and “Ignorance”

Restitutionary projects

- 1. Nature:** Individual, communal, corporate? Legal, moral, social, revolutionary? Voluntary, coerced? Programmatic, organic?
- 2. Location:** State, civil-society, personal?
- 3. Outcomes:** Material, emotional, spiritual?
- 4. Leadership:** Victim, perpetrator, beneficiary?

Implications for moral education

1. Research on restitution as a normative framework for justice has wide applications
2. As a backward-looking approach – contemporary individuals accounting for past injustices
3. As a forward-looking stance that highlights groups' responsibilities for the future.
4. Applicable as a moral discourse to climate change, political injustice, interpersonal conflict...
5. Recognises interconnectedness and our responsibility for others' freedom to access opportunities to flourish.

What's the plan?

1. Collaboration of ± 7 countries; Global South leading partnerships
2. Symposium/Sp iss. – review literature, policy, record understandings, build theory
3. Empirical studies on interpretations of, and attitudes towards, restitution (by GRACC)
4. Qualitative studies e.g. guilt, responsibility, anger, 'politics of healing', generations
5. Country case studies – models of restitution
6. 'Doing Sorry' – action material

'Doing Sorry' in South Africa

1. What does sorry-ness mean?
2. Why should we be sorry?
3. Sick of being sorry!
4. Why saying sorry is not enough?
5. Who should do sorry?
6. How do we 'do sorry'?
7. When does sorry-ness end?
8. Justice and sorry-ness