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## The Contribution of Education and the Role of the Media in Creating and Promoting Justice

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THE CONTRIBUTION OF EDUCATION AND THE ROLE OF THE MEDIA  
IN CREATING AND PROMOTING JUSTICE

by

Lavinia A. Baxter

A Thesis  
Submitted to the  
Faculty of The Graduate College  
in partial fulfillment of the  
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Western Michigan University  
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## THE CONTRIBUTION OF EDUCATION AND THE ROLE OF THE MEDIA IN CREATING AND PROMOTING JUSTICE

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Western Michigan University, 2003

The issue of creating and promoting justice is becoming more and more significant in our era of democratization. Thus it is important to understand how countries as diverse as South Africa, Germany and the United States have managed to address the issue of providing justice to groups that suffered under previous regimes in these countries. I examine victims' groups as diverse as former Japanese American internees, ex-German slave and forced laborers, and black South Africans. My hypothesis in this study is that two factors, the media and public education through quasi-legal commissions are critical for redress campaigns to be visible, completed, and remembered in societies. The media and investigatory commissions are mainly responsible for creating and promoting justice. In examining these cases, I am applying a multiple comparative case study approach, in order to learn the degree of the media's role in informing the public about historical injustice. I examined three major national newspapers from each country and found that public education played varying roles: liberating the victims, legitimizing their claims, or memorializing their suffering throughout these campaigns.

## ACKNOWLEDGMENTS

The idea for the this study was conceived when I met with Dr. Mitch Kachun to discuss information for a paper on the role of education in the South after World War II and during Reconstruction. By far that paper turned into a great learning experience as I considered how central and critical learning was to the ex-slaves after their freedom. From that paper I learned that the Freedmen's Bureau acted as advocacy organization to meet the needs of the slaves. During its four short years, it made considerable gains in bettering the horrific situation in the South, but its life was unfortunately cut because it was no longer politically expedient.

I became intrigued with the themes of education, victims' advocacy groups, historical injustice, and development issues. In this study I have combined these interests to examine the phenomenon of redress movements that have emerged over the past two decades. I have chosen three intriguing cases: Japanese American internment, German forced and slave labor, and South African truth and reconciliation.

I wish to recognize the assistance of Dr. Gunther Hega, who was foremost in helping me to shape my discussion, and who agreed to chair my Thesis Committee. I would also like to acknowledge the input of Dr. Brian Schaffner and Dr. Sushi Datta-Sandhu both of Political Science, and Dr. Mitch Kachun of History, committee members who all took the time to read my drafts and guide me during the writing process. Your time, expertise and interest in my topic have enabled me to realize this project.

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Lavinia A. Baxter

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## CHAPTER I

### INTRODUCTION: REDRESS, KEY QUESTIONS AND METHODOLOGY

“To ignore the past is to perpetuate victimhood” (Tutu 1999). Desmond Tutu said these words as he reflected on the pivotal role of the Truth and Reconciliation Commission in South Africa. During the 1980s and 1990s, the world watched as victims of historical injustice came together before investigatory commissions to revisit crimes that took place years before. And still perpetrators and victims of oppression are coming to terms with past crimes and discussing ways to restore dignity, property and historical identity. There have been unprecedented moves to symbolically right past wrongs by giving the victims of war crimes and racial discrimination redress ranging from monetary payments to legislated apologies and social support services. Throughout the 1990s, victims called the world’s attention to transgressions that lie dormant in history books and were for years ignored and denied justice. In a way, people all over the world have relived horrible crimes committed against them by previous regimes by publicizing historical injustice.

Because this phenomenon of creating and promoting justice is occurring worldwide as never before in our modern history, it is indeed worthwhile to ask how victims have managed to bring attention to historical injustices, and learn how governments have negotiated justice for discriminated groups. Although historical crimes occurred in the past their legacy affects our future. I cite four critical points from Eric Yamamoto’s repair paradigm (1999) that makes this study expedient to political science,

social science and the general public. Refocusing redress away from individual rights and legal remedies to focus on 1.) Historical wrongs committed by one group; 2.) Which harmed, continue to harm both the material living conditions and psychological outlook of another group; 3.) Which in turn has damaged present day relations between groups; 4.) Which ultimately has damaged the larger community resulting in divisiveness, distrust, social disease and a breach in the polity. In other words, to ignore the past is to repeat it. And without reflection, interpretation and reconciliation of the past nations cannot move to the future without continually confronting it.

The question I seek to answer is, what factors caused the victims of redress campaigns to win recognition, apologies and/or redress? This thesis focuses on this question and analyzes possible answers by comparing three dissimilar cases of redress in order to find the similarities and differences in their process and outcome.

### The Research Scheme

I approach this topic of redress in the following way. As part of this introduction, the next section is an overview of redress processes and highlights the focal question of this study: what factors are responsible for effective redress campaigns? Following an overview and discussion of some key questions, possible answers are presented in conjunction with a hypothesis. Throughout this text terms such as redress, justice, reparations and public education are used and these are defined in the section 'Explicating the Terms'. Next, in 'Three Recent Cases of Redress', three important redress cases are introduced and are representative of past cases of redress. My intent is to highlight why these particular cases are important to our understanding of the

phenomenon of justice for groups. Lastly, I present the framework that structures this discussion, helps to explain the cases, and provides an idea of how future cases may be characterized.

In the second chapter, two variables, not mentioned in other studies, will be isolated as pertinent to the success of redress campaigns; they are public education, the dissemination of information about victims' campaigns and media coverage, particularly newspaper coverage. Since no factor can be credited as the single most important cause for the success of redress campaigns, I briefly mention other important factors, but focus on the role of the media and quasi-legal governmental investigatory commissions as pivotal to redress movements. Accordingly, chapter three presents details of Japanese American redress, chapter four takes a look at German forced and slave labor, and chapter five examines South African truth and reconciliation, three important campaigns for redress. Finally, chapter six concludes this discussion with comments on patterns that were evident and emphasizes contrasting results.

### A New Phenomenon: Campaigns for Victims of Historical Injustice

Since the end of World War II, there have been unprecedented moves by governments to take up the issues of historical crimes against indigenous groups, prisoners of war, and victims of war who fit either into the category of ethnic, religious, racial minorities or political dissidents. Why has this been the case? Elazar Barkan (2002), one of few authors to delve comprehensively into the topic of the redress movements, states that:

Traditionally *realpolitik*, the belief that realism rather than ideology or ethics should drive politics, was the stronghold of international diplomacy. But

beginning at the end of World War II, and quickening since the end of the Cold War, questions of morality and justice are receiving growing attention as political questions. As such, the need for restitution to past victims has become a major part of national politics and international diplomacy (Barkan 2000, ixv).

The event that initiated this phenomenon to right past wrongs actually began soon after World War II when active Jewish advocacy groups were given token reparations, a symbolic act by the Paris Reparations Conference in 1945. After the creation of the German Federal Republic in 1949, West Germany became the first nation to provide reparations to hundreds of thousands of Jewish Holocaust survivors. The struggle to compensate victims can also be credited to the Jewish Restitution Successor Organization (JRSO), which petitioned claims on behalf of thousands of Jews. Since this war affected millions of victims who scattered all over the world after the war, without advocacy groups this discussion may not have been possible. Yet, despite the billions of dollars paid in the years after the war, all victims of the Nazi war were not granted full payment until after the Cold War during the 1990s (Barkan 2000, 6).

The 1990s was a decade when greater attention was drawn to victim groups in their campaigns to address historical crimes. Essentially, one could say that campaigns for redress actually began during the 1990s. When Germany became the first nation to acknowledge past human rights violations, many countries followed suit to acknowledge guilt for past wrongs including Britain, the United States, Chile, Argentina, Australia, New Zealand, Switzerland, and Japan (Barkan 2002; Verdoolaege 2001). In 1988, the United States became the first nation to grant a formal apology and the second to pay reparations to victims discriminated against in World War II. During the war, Japanese Americans had been confined in 'concentration' camps caused by xenophobia. Pivotal for their recognition as victims of injustice was the work of the Japanese American

Citizens League (JACL), a politically active citizens group, which sought to unify their community and tirelessly lobbied Congress for twenty years until their voices were heard and their demands met. Many scholars cite this case as a model that provided direction for other victims' groups that followed soon after (Maki, Kitano, and Berthold 1999; Barkan 2000;). The specific factors and conditions that led to recognition and dialogue are worth noting.

### Factors Responsible for Successful Redress Campaigns

While there is no general theory that explains the phenomenon of restitution, I would like to introduce one theory of justice and three political factors that the author of *Guilt of Nations* (2000), Elazar Barkan, observed throughout the 1990s. These explain why redress has arisen as an alternative form of justice as opposed to punitive measures. Also, examination of these factors highlights the central question of this study. I begin with the literature on restorative justice.

In the discipline of criminal justice the theory of *restorative* justice is gaining prominence. This theory helps to explain the creation of justice on a micro or individual level. It imbues a type of relational justice that fits nicely with the principal mechanism in redress -- negotiation (Barkan 18). In chapter two, the importance of negotiation and dialogue for redress campaigns will be detailed. Essentially, this model grew out of two polar models, retributive or punitive justice and its complete opposite, rehabilitation. While retributive justice seeks to punish the perpetrator(s) of crimes, this model finds the balance between punishment and *rehabilitation* by seeking to fulfill the goals of reconciliation and peacemaking. This third model in criminal justice unifies two



traditions and satisfies both liberal and conservative critics of justice (Braithwaite 2002, 10-11; Johnstone, 2002).

Restorative justice, or what many call ‘natural justice’, helps to narrow the focus of this discussion for our understanding of the role of justice in redress. In the discipline of criminal justice, restorative justice has risen to the fore as an alternative to retributive justice because the latter’s failures are being evidenced by recidivism in the criminal justice system and in the juvenile offender system (Warner 1992). Described as the ‘natural way’ because it utilizes mediation and reparations instead of punitive intervention measures, criminal justice scholars suggest that this has been the way humankind has resolved disputes since the beginning of time (Braithwaite, 2002; Warner 1992, 2). In this style of justice the victims define restoration. At its core, the values of restorative justice are about restoring victims, restoring offenders, and restoring communities through participation of stakeholders in negotiating the terms. In this sense, restoration means providing empowerment, deliberative democracy, restoring dignity, security, injury, property, social support and harmony based on the feeling that justice has been done (Braithwaite 2002, 10-12).

At the foundation of restorative justice, the success of any victim’s case depends on negotiation through dialogue. Restorative justice emphasizes that victims and offenders must *dialogue* or communicate through mediation to create their own solutions, determine their own needs and bring closure to the incident. With this in mind, in this study the terms *reparations*, *redress*, *restitution*, and *compensation* will be used interchangeably, indicating *restoration* to victims. Since the values of restorative justice match those of what individual victims seek in redress, we can match its values with that

of group justice. To be clear, restorative justice is not designed to fully explain the prerequisites or conditions necessary that explain justice for *groups* but rather for individuals. This helps to provide answers as to whether or not these cases were successful. The question still to answer is, what factors impact justice for groups?

Barkan suggests that campaigns for redress have arisen because of a current environment of international morality and an eagerness to foster democracy and stability after the Cold War (Barkan 2000, 17). As a result, political willingness on the part of perpetrator governments and international liberal morality combined with the relative strength of the political voice of victims has called attention to historical injustices and fostered dialogue between both sides. Moreover, cases over the last ten years demonstrate that democracy and justice go hand - in- hand, since only democratic countries have taken action to right past wrongs (Barkan 2000). What key factors can be isolated that have allowed victims to convince society that past ills are worthy of attention, consideration and rectification?

After isolating what Barkan suggests are obvious determining factors such as the heightened democratic political environment over the last ten years, political willingness, and international morality or insight of guilt, one factor not fully developed by this author remains that of the *relative* political strength of the victims (Barkan 2000, xx). As this study shows, governments themselves did not initiate these campaigns; rather it was the victims. With this in mind, key questions remain. How did victims weakened from injustice and sometimes ostracized by society who lacked political voice convince society that acts committed in the past deserved consideration and rectification? How did victims' groups gain the power to point out the guilt of nations? In other words, without

a voice, what tools did the victims have at their disposal to promote their own political and public agendas? And if the values of restorative justice can be used to measure the success of redress campaigns what evidence is there? These are important questions to be answered.

In keeping with the focal question are other questions that I attempt to answer by focusing on two *dialogical* or discourse mechanisms in redress for justice. I propose that victims gained political voice for negotiation through two *dialogical* means: quasi - legal governmental investigatory commissions and the media. In this context, *dialogical* means the act of discourse and negotiation. These factors were also tools that performed the role of public education, which *liberated*, *legitimized*, and *memorialized* historical injustice. For a clearer understating of these concepts, the next section defines the terms that are to be used throughout this discussion.

### Explicating the Terms

I take up this analysis by drawing on scholarly literature on the media and restorative justice, which provides the framework for this study. There are many theories of justice and in turn definitions of justice. I chose the explanation from the author John Rawls (1971) who broadly defined justice as a “characteristic set of principles for assigning basic rights and duties and for determining what they take to be the proper distribution of the benefits and burdens of social cooperation” (Rawls 1975, 4-5). Put differently, justice administered by institutions ensures basic universal rights to individuals. Rawls goes on to express this very important point, “Those who hold different conceptions of justice can, then, still agree that institutions are just when no

arbitrary distinctions are made between persons in assigning of basic rights and duties and when the rules determine a proper balance between competing claims to the advantages of social life.” Justinian’s definition is also helpful. ‘Justice is the constant and perpetual will to render everyone his due’ (Allen 1999). This definition compliments this topic on the creation and promotion of justice as a constant will of members of society who have experienced injustice and who seek to define justice based on their own injustice done against them (Allen 1999).

Education of the public or public education, a factor first I suggests impacts justice and one that is further developed in this discussion as critical for redress, is exclusively discussed in terms of the dialogue about injustice, which took place between victims and perpetrators as it was conveyed to the public through the media. It was the act of making known to the public information about the victims and their campaigns. Fishkin (1992) proposes that justice requires dialogue that occurs in a ‘self-reflective society’ and combines the objectivity of morals (Fishkin 1992, 2). He views justice as a link that fuses these two views. And ultimately, history has shown this to take place in transitioning or democratic societies. Similarly, Freire (2002), while not using the term public education, speaks of project education and systematic education-two variables important to liberation of the oppressed and the promotion of justice. These variables and how they fit into the process of redress are outlined in chapter two.

Secondly, public education also suggests the act of public awareness through various mediums, whether they are formal as in a classroom setting or informal as through the media. I intend to study the role of informal education through the Foundation for “Remembrance, Responsibility and the Future” (German Foundation), the

Commission on Wartime Relocation and Internment of Civilians (CWRIC), and the Truth and Reconciliation Commission (TRC), three quasi government investigatory commissions that played central roles in three cases chosen for this study. These are detailed in the next section. Also, I identify three functions of education, to *liberate*, *legitimize*, and *memorialize* the victims that were manifest in these cases. These concepts are inspired by Paulo Freire's, *Pedagogy of the Oppressed* (1970). Through these commissions, I discovered that each case displayed one or more of these functions of education. To symbolically liberate the victims is to mark the end of suffering by reflection on the past and attempts to rectify it. Legitimizing the victims is exemplified by the work of the commissions in publicly acknowledging the victims' experience and validating their claims. Finally, memorializing the victims is done through memorials, museums, speeches, anniversaries, and a public dedication to remembering the experiences of the victims in order to prevent similar injustice and an overall rewriting of history.

The second causal variable that I examine is that of the media, specifically newspapers. In order to learn how these particular newspapers covered these campaigns, I review the media's role in general and describe how it impacts the public and political agendas. Although the roles of the media are mentioned, only empirical research on the coverage of *The New York Times*, *The Mail and Guardian* and *The FAZ* is examined. These three papers were chosen not only for their recognition for quality news coverage, but because they are English language. I recognize that data from only three newspapers is limiting, therefore the evidence presented from their analysis cannot fully explain

newspaper attitude and media phenomena in general. However, their examination provides some indication on how these mediums portrayed redress.

The table below combines the previous conceptual themes to form the working hypothesis of this study.

Figure 1.1. The Media and Investigatory Commissions Impact Campaigns for Redress

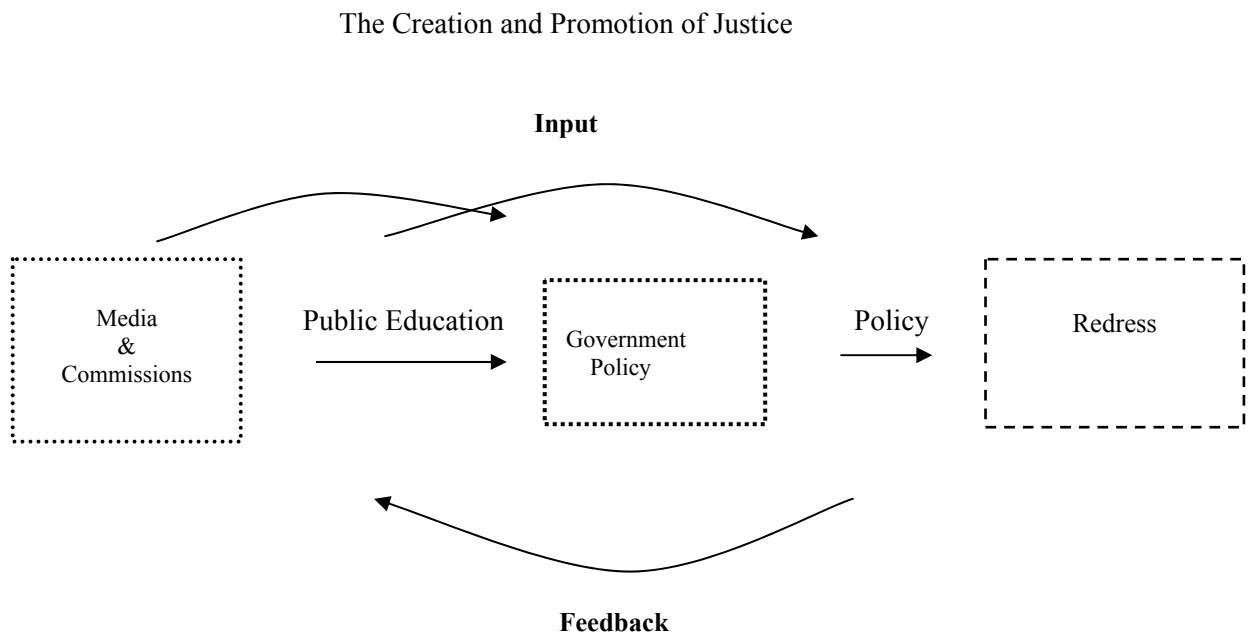


Figure 1.1 shows how public education, carried out through the media and investigatory commissions, puts pressure on the government to write policy that authorizes redress. As a result, the fulfillment of redress policy is dependent on the degree and tone of media attention favorable to redress. Additionally, recommendations from quasi – legal investigatory commissions lay the groundwork for redress policy. After redress policy is authorized, it is fulfilled in the form of payments, apologies and/or social support services carried out directly by either the government or through

recognized victims' advocacy organizations such as the International Organization for Migration and the Jewish Claims Conference.

My hypothesis is that two factors, the media and quasi-legal commissions, which carry out public education, are critical in order for redress campaigns to be visible, completed, and remembered in societies. In other words, the media and public commissions help create and promote justice. At the end of this study I will return to this statement in order to draw conclusions based on the evidence of three country case studies that will be summarized below and presented in detail in the following chapters.

### An Overview of Three Recent Cases for Redress

Since the 1990s, there have been many cases for redress that could be analyzed, but this study focuses on three that are representative of two general characteristics of past victims' movements; cases which involved World War II human rights violations committed against ethnic, racial and religious groups, and injustices committed against indigenous peoples after colonization. Examples of recent redress campaigns by indigenous peoples include native Hawaiians, U.S. Native Americans and Australian Aborigines, while examples of World War II victims include Eastern Europeans, European Jews and Nazi era survivors, and ethnic Japanese in Canada, South America, and the United States (Barkan 2000).

I have chosen to examine Japanese American redress, German forced and slave labor, and South African truth and reconciliation as representative of two types of redress campaigns for several reasons. These cases are historic and unprecedented, making them individually empirically rich. They have been cited in the burgeoning redress literature

and have been the topic of debate at various conferences on justice. Yet, by comparing and contrasting these I seek not to generalize or trivialize their importance, but draw lessons in answer to the study question. To distinguish these cases, three important themes should be mentioned. I must stress that it is not my intention to qualify the sufferings of these victims, but bring out some general similarities in their experiences in order to bind these dissimilar cases together for thoughtful consideration.

First, Japanese American redress, German slave and forced labor compensation, and South African truth and reconciliation are similar in that all three feature victims, ethnic, religious, and/or racial minorities, who suffered different forms of confinement, or in the case of South Africans prolonged segregation. In Germany, political dissidents, those of Jewish heritage, and prisoners from occupied countries were put into concentration camps as early as 1933, where they labored under severe conditions until the end of World War II (Ferencz 1979). Likewise, Japanese Americans on the West Coast were rounded up and interned in camps after the bombing of Pearl Harbor in 1941 (Daniels, Taylor and Kitano 1991) based on their race. As it was explained at the time, they were to be confined for their own safety until after World War II ended. And finally, between 1963 and 1983, 3.5 million black South Africans were compulsory moved onto 11 homelands across the country of South Africa (Lapping 1987). While black South Africans were not interned in camps, they were victims of separatist policy aimed at precluding them from the rest of society spatially, economically and socially. They lived through a political civil war that lasted until the close of the Nationalist Party regime in 1994.



Second, all three cases are similar in that they highlight a denial of human and civil rights to victims by their own governments, because of racism. The victims were German Jews and Eastern Europeans, black South Africans, and Japanese Americans who had no civil rights at various times throughout history. During times of conflict, these governments viewed these groups as threats to their political power and legitimacy. Furthermore, these victims' groups were charged with no crime except that they were from the wrong ethnic and racial groups. Thus they were targeted because they were from a distinct group.

Most important, these cases are significant in that they are recent, contemporary, unprecedented, and highly publicized. Publicity in all three cases coincided throughout the 1990s, with the American case culminating in 1999 when all eligible Japanese Americans were fully furnished redress payments. As is further discussed, these proceedings were unprecedented in that these three governments had not negotiated redress before. They help to set the precedent for other cases that follow. Additionally, what is examined in this study is that these cases featured quasi - legal governmental investigatory commissions that fostered dialogue between representatives of victims' groups and the government. Two of the commissions also issued reports that detailed injustices and made recommendations to the government for public policy. The various results are discussed in chapter six.

These three cases should not be viewed as equal in context but very unique. Justice was achieved for all the groups in different way. For the South Africans it was justice through recognition of their suffering, for the Japanese Americans it was an apology and token reparations, and for the ex-forced and slave laborers it was a modest

monetary compensation. Justice was defined differently and achieved differently. These points are discussed in detail about each case.

Likewise, contrasting these cases, two other factors are important to emphasize; the political backdrops under which these atrocities occurred and the characteristics of confinement. In the Japanese American case, seventy percent of the internees in the U.S. were Japanese American and citizens (Daniels, Taylor and Kitano 1991). Although, at that time, African Americans were not treated as full citizens because of historical racism, no other group had been interned during any war in U.S. history until Japanese Americans were confined without trial.

In Germany, under the National Socialists, fascist policy drove the Nazi's to force first foreign prisoners then those of Jewish heritage to work in factories, concentration camps and on farms under severe conditions for the furtherance of Nazi power. During Nazi control, nearly 6 million prisoners died (Barkan 2000). In stark contrast, the U.S. government, under a democratic backdrop denied due process to as many as two-thirds of Japanese American citizens, preferring to ignore their status and civil rights because of wartime xenophobia. Yet, while Germany and the U.S. governments were able to deny rights to a minority group of its citizens, white South Africans with political control were able to deny rights to a majority group by excluding people of color and especially blacks from sharing in any resources and economic wealth within their own country. Black South Africans had no human rights and therefore were not considered citizens. They had no voting rights and were allowed no political participation. During the 1980s, tensions between whites and blacks escalated into civil war conditions in which many died on both sides (Boraine 1999).

## Redress: The Larger Picture

There can be no doubt that while redress campaigns continue to emerge all over the world there are implications not just for the victims but society as a whole. Redress appeals as a form of justice that answers the needs of victims' groups. However, as is discussed in chapter six, I found that it also appeals to larger political and economic interests which help explain other factors that lead to redress. The media and commissions in and of themselves were political voices for victims, with commissions helping to link victims to government negotiators. Yet, this study shows that other variables, like legal pressure and political stability can come into play to help fulfill justice for victims of historical discrimination. And while these cases are very unique and important, they cannot be lumped together to explain a general theory of redress. Since these injustices occurred under very different political backdrops, the magnanimity of such events should not be generalized, but discussed as unique while drawing on wider lessons for learning. I seek to find these wider lessons.

Ultimately, these cases reveal the importance of redress as important for the fulfillment of justice for victims of historical injustice. The value of this discussion lies in the fact that history is embedded with the abuses of one group against another. Virtually no country is free from the guilt of discrimination, exploitation, and violence; thus, as victims and perpetrators assemble to call attention to horrors that lie dormant in history books, it behooves us to understand what justice means in terms of the precedent that the examples above have set for the sake of justice.

In the words of Alex Boraine, then number two commissioner of the South African Truth and Reconciliation Commission, redress is a determination to make it impossible for past violations to be repeated and a commitment to the attainment of a culture of human rights and a respect for the rule of law (*Daily News* July 29, 2002). The question I seek to answer is what factors contributed to their success? I expect to find that two factors, the media and public education are critical in order for redress campaigns to be visible, completed and remembered in societies.

## CHAPTER II

### THE MEDIA, PUBLIC EDUCATION AND REDRESS

#### Introduction

In this analysis on the role of public education and the media in creating justice, I highlight a topic that to this point has not been thoroughly documented. The literature on education discusses morality versus human rights, and international law versus domestic law, but little is discussed on the factors that affect redress. This is an attempt to link two variables to justice. Divided into two parts, this chapter weaves together what I call dialogical variables or factors that characterize discourse and that help to explain how justice was created for the three victims' movements under consideration.

The purpose of this chapter is to link the media and public education as vital for redress campaigns. In the first part the question of, how the media in general impact the public and political agenda is discussed while the second part answers, why public education is vital for redress. I consider the work of Paulo Freire, a celebrated author and scholar, and make brief mention of leading theories that seek to explain restorative justice. Likewise, the work of several authors is explored to help ascertain how the media impacts public opinion, the political agenda and in turn influences redress policy. The question of how the media impacts public opinion and the political agenda is examined next.

## How the Media Impacts Public Opinion

Technology has indeed revolutionized the way we communicate. Today, our capacity to communicate has expanded beyond the capabilities that existed only a few years ago. Information through various types of media saturates our lives making it virtually impossible to escape being bombarded by sometimes overwhelming amounts of news.

In light of the “opening up” of closed societies such as Russia and portions of Eastern Europe during the 1990s, the flow of information through the media has been pivotal in illuminating and communicating the injustice of certain governments for the world to see (Bindenagel, *Holocaust Issues* March 6, 2002). “A free and independent press is an indispensable ingredient of a vibrant democracy”(Graybill 2000, 125). And whether through the Internet, television, print, or radio, the media have brought attention to victims’ movements for retroactive justice. The increase in public attention and political recognition can be partly attributed to the media’s role in impacting public opinion.

Literature on how the media impact the political agenda, public opinion, election outcomes and public policy is quite large, since anyone studying American politics is bound to confront the role the media play in all of these topics as germane to politics. Yet, literature on how the media affect justice is still quite small and has not been developed into theory (Barkan 2000). It is important to note, that there is no single theory on the phenomenon of restitution. And while the literature does not reflect a focus on the relationship between the media and measures of justice, there is substantial

evidence that supports media impact on public opinion and the political agenda. Since it is clear that in free societies public opinion does have an impact on the domestic political agenda it is critical to learn the role of the general media as an institution, that impact politics, civil society and redress, as a result of public policy (Graybill 2002; Lemert 1981,16, 212; Seymour-Ure 1974, 157).

Up front it is important to make a link between politics and redress policy. There can be no doubt that cases of restorative justice are indeed political issues, which makes the discussion of the media germane to justice. According to Derrick Bell's (1969) interest convergence theory on affirmative action and civil rights issues during the 1960s, racial (and I will add social remedies), if granted, secure, advance or at least do not harm societal interests deemed important. Therefore strategies for redress when considered ultimately appear to not only to serve victims' interests but also further mainstream interests. In other words, redress campaigns under government consideration in some way are politically expedient or have some benefit or interest for wider society, but namely those in power. These interests may be international and domestic reputation on human rights issues as in the case of Japanese Americans in the U.S. just after the close of the Cold War, legal peace as is the case of Germany, and/or the expediency of political support as in the case of South Africa during its democratic transition. Cases in this study involved redress campaigns that were primarily negotiated through the legislative branches of government, but were also pursued through the judicial system. Further discussion reveals not only how legislated policies impacted victims, but also how legal pressures provided momentum for these campaigns.

Having determined redress issues as political ones, it is valuable to understand the media's role in setting the political agenda. In order to understand the media's impact on policy, I cite five functions of the media in society. First, the media can attract and direct attention to problems, solutions, or people in ways that favor certain individuals or groups that have power while also giving attention to rival groups. Second, the media are instrumental in conferring status or legitimacy. This is critical in order for victims' groups to be recognized and heard. Third, sometimes the media can be a channel for persuasion to public and/ or politicians. Fourth, the media can bring certain publics into being and maintain them. Thus certain issues, groups, and/or individuals can maintain the public spotlight because of the media. And finally, media study tells us about social meanings and stereotypes and reflects and influences the formation and expression of culture, politics, and social life (McQuail 2000, 21; Garrett and Ball 1998, 2). In terms of redress, the media are an instrument that can attract attention to victims' groups, provide legitimacy for their issues, and act as pressure for redress policy and justice issues in general.

Assessing causality is something that authors on the media agree is less than perfect since there are other influences that determine public opinion. However, "agenda-setting research has generally found a positive association between the amount of mass media content devoted to an item and the development of a place on the public agenda for the item, but this does not necessarily reflect its importance or the severity of the topic as an agenda item" (Rodgers and Dearing 1994, 86). Creating institutional change, a slow process is impacted by other factors than just the media. In most societies, this suggests politics and education as the most likely candidates, religion in some cases and to a lesser



degree, legal institution(s) (Page, Shapiro, and Dempsey 2001; McQuail, 1994).

McCombs and Shaw (1991) say that the information in the mass media becomes the only contact that many have with politics (p. 17). The mass media force attention to certain issues, build up public images of political figures, and are constantly presenting objects suggesting what individuals should think about, know about and have feelings about (p. 18).

Examination of these three cases for restorative justice, reflect how three newspapers in the U.S., Germany and South Africa, their liberal bent, show the government's initial resistant position to redress or the status quo. However, media coverage of redress probably unintentionally, as Lippman (1994) suggests, served like the beam of a search light that moved restlessly about (p. 43). In other words, although the articles written on these cases were not necessarily supportive or positive about the issue, media attention was critical to their success. This point is brought out in the succeeding chapters. Again, McCombs and Shaw (1991) suggest that while the mass media may have little influence on the direction or intensity of attitudes, it is hypothesized that the mass media set the agenda for each political campaign, influencing the salience of attitudes toward the political issues" (p. 18). Because redress issues arise as victims' campaigns, what people know about these issues comes to them from the mass media and other people.

Since the amount of content devoted to a topic reflects the development of the item on the public or political agenda, this discussion also seeks to show how the number of articles printed on restitution reflected the importance of the issue publicly and politically. What is taken into consideration is also whether the tone of these articles is

favorable or unsupportive of redress. I suggest that although the media helps to direct attention to specific issues, it is not necessarily focused or consistent attention. As Lemert (1981) suggests, the media are neither a necessary nor sufficient cause of effects, but it is a catalyst for change (p.21).

### The News Media and Public Opinion

The impact of the mass media in general has been discussed, but is also necessary to focus on the news media. In assessing how news coverage affects public opinion, it is important to discuss the function of the news in our everyday lives. Lippman (1994) defines the news as an account of the overt phases or issues that are interesting (p.39). The news, through whichever medium, is a means of communicating an agenda either objectively or subjectively to a particular audience. McQuail (1994) sees the function of the media in general as a means to help establish an order of priorities in a society of problems not by initiating or determining, but by publicizing according to an agreed scale of values determined by the political system (p. 16). Rivers suggests that without the news media, we would know almost nothing beyond our own sphere of activity. “The public’s knowledge of national government depends not on direct experience and observation, but on the news media; and it is this agenda that sets the agenda for public discussion and decision”(Rivers 1991, 154). Concisely, the news provides an account through various mediums of what is taking place and is most important in society; therefore, the media help to determine both the public and political agenda.

Since, the news media are important in determining the public agenda, how does it affect the political agenda? I argue that both agendas work in tandem to one another

and are vital to what becomes public policy. Whereas public opinion is the perception imposed by the perceiver on information about citizen attitudes toward a publicly debated issue, personality, candidate, practice or outcome (Lemert 1981, 12), ultimately, opinions or attitudes regarding an issue are important to the outcome of that issue, be they political or public. Politicians take public opinion and attitude into consideration in decision - making and these are reflected in what the news media cover (McCombs and Shaw 1991).

In matters of restorative justice, the formula's equation is a function of historical human suffering, validated by governments with testimony from victims, but realized by the interplay of influence among the media, public opinion, and the political agenda raised to the power of political expediency. This formula (see figure 1.1) creates redress policy and in turn produces feedback for other human justice issues, the creation and promotion of justice. And while changes to public opinion are not quick, coverage of news items does elicit more attention to issues; which in turn influences policy makers as consumers of news. Not only is public opinion conveyed through the news to politicians, but also a political agenda is relayed to the public through the media (Jordan 1993). This is a reciprocal effect.

### What Affects the Media Agenda?

While Lippman and McQuail contend that political agendas and the interests of the public affect the media, Rodgers and Dearing (1994) assert that the media have an agenda of their own. They suggest that what is covered is actually a reflection of what interests' the journalist and his search for explanation. Personal consideration is the

selecting force that pushes news events into public spotlight. And because of journalistic bias, “these events are prominently publicized by the media, not in an impartial way, but rather with positive or negative valences”. Fisher and Taylor ([1984] 1994), term this selectiveness as *priming* or the effects of the prior context on the interpretation and retrieval of information.

Interestingly, there is a section of media literature called media discourse, which is concerned with the complex relations between ideology and opinions. It seeks to answer how societal structures are related to discourse structures. Van Dijk (1994) answers this question by analyzing the role of ideology and opinions in the press. He defines ideology as the beliefs or mental representations that are socially shared and used by members of a group (p. 22). Unlike Lippman, McQuail, Rodgers and Dearing, van Dijk asserts that ideologies and opinions, particularly in newspapers are not personal but rather reflect political and social institutions. I agree with this insight since my findings on newspaper coverage substantiates that the tone of redress articles was generally resistant to restorative justice. The data suggests that articles in all three cases reflected the status quo and were critical of redress movements.

In his analysis, van Dijk goes on to explicate the main social function of ideologies. He finds that it is “the co-ordination of the social practices of group members for the effective realization of the goals of a social group, and the protection of interests”, and to organize group attitudes (p. 24). Thus what people do as a group reflects what they think and vice- versa.

For journalists as a group these ideology categories will feature basic information about who is recognized as a journalist (eg. through holding a diploma or license), what journalists typically do (eg. write news and editorials), their goals (eg. to inform the public to serve as a ‘watchdog of society’), their values and norms (eg.

truth, reliability, fairness, and their position with respect to their readers or the authorities, and their typical group resource) (van Dijk, 1999, 24).

Essentially, what van Dijk argues is that ideologies reflect group attitudes, which are transmitted into personal opinions, and are finally expressed in text and talk. What do these theories suggest about the news media and particularly newspaper coverage?

### Newspaper Coverage

For this study I chose three national newspapers to analyze coverage of three redress campaigns. Since these three reputable newspapers, *The New York Times*, *The Rand Mail* and *Guardian*, and the German *Frankfurter Allgemeine Zeitung (FAZ)* are all nationally recognized news sources, that have the same effect in covering national issues as a mass news medium such television news. I chose to analyze newspapers because they are more readily available than securing past television or radio news. My argument is that newspaper coverage helped to illuminate the victims' campaigns and provoked government action towards redress.

Newspapers articles were examined to learn their general tone on redress and also to assess memorialization, the impact that the movements had on society after the redress issue was resolved. Research on newspapers is limited but they are an important medium to analyze. According to media research, newspapers are a source of expert news, representing a wide diversity of topics and information, and utilizing repetition of topics that impact learning and memory (Thorndyke 1977). Most certainly, newspapers are not as widely read as before the invention of television, but evidence shows that reputable national newspapers such as *The New York Times* do impact the political and public agenda as well as other mass media agendas (Jordan 1993, 199). Thorndyke also suggests

that television “depends hastily on words, derives most of its appeal from pictures, and represents a shift away from the supremacy of verbal forms of communication in politics; newspapers represent a medium suited to the dynamic of political issues (p.19). Likewise, Rivers concurs that while newspapers cannot compete with television and radio in their rapid transmission of events, newspapers allow for detail and explanation of *different* news events in depth. As an executive of the American Broadcast Company observed, ‘television news is an illustrated service that can function best when it is regarded as an important adjunct to the newspapers’ (Rivers 1999,157).

Since I seek to learn the impact of newspapers on public education, or the communication of redress to the public, and more specifically memorialization, the stage after redress campaigns had been resolved, I have chosen to concentrate on forces that influence newspaper coverage. Lippman (1994) narrows down the impact of the media to focus on newspapers and their role in defining the public agenda. In his analysis he finds that editors and journalists face pressure to present news that interest the reader, but at best the press is a servant and guardian of institutions (p. 43). Newspapers, like other forms of news media, have a unique challenge to cite news that are not only interesting, but also timely and relevant. Lippman notes that pressure comes from the economic necessity of interesting the reader at all or of offending him by unexpected news insufficiently or clumsily described. “Where there is no constitutional procedure in industry, and no expert sifting of evidence and the claims, the fact that is *sensational* [for emphasis] to the reader is the fact that almost every journalist will seek” (Lippman [1921] 1994, 40). Thus, Lippman suggests the public agenda will reflect what interests the public. This I argue pervaded coverage of these three redress campaigns and is

characteristic of news coverage in general. On a broader note Dearing and Everett (1996) suggest that American journalism in general “value newness above all else and is thus biased toward events, not drawn -out issues. The media-policy relationship is defined by this temporal disjuncture of reporters needing immediacy to do their jobs”...(p.74)

In concert with McQuail, Garrett and Ball, Lippman also answers the question of who wields power or control over the media. He suggests that those with no lawful and orderly method of asserting themselves are the ones who the media will work against. “The bulletins from the scene of action will not cite the trouble that arose from the assertion, rather than the reasons which led to it”(Lippman [1921] 1994, 40). This helps to explain why in these three cases, victims’ campaigns chronicled in the media largely reflected the *negative* or *contentious* issues of reparations, rather than the positive impact of compensation on the lives of victims and on society. In support of this, I posit that the media in general support the status quo, but their coverage of issues is reflective of what is important on both the political and public agendas that influence one another. Conversely, coverage is better than no coverage. From the data gathered I surmise that what is most interesting to the press is what is also being hotly debated between conflicting groups. In these cases, conflicting agendas and interests were more heavily covered. This stage of coverage was during the negotiations over monetary compensation as in case of Germany and the U.S. and issues of punishment for the perpetrators, as in South Africa during the mid-case phase of redress. Most often debate involved disagreements over payments to victims, which I think overall damaged the symbolic importance of redress as instrument for justice that impact the future of all citizens.

## Memorialization: Most Important in Promoting Justice

To some degree many respond to unpleasant transgressions committed by past regimes with either a decision to bury the past and move on, or to make peace and fulfill justice. However, I would suggest that burying the past would be most damaging to society because dynamic societies' futures are dependent on resolving issues and incidents that have fractured and fragmented it, causing political and social instability. Therefore it is most critical that memorialization occur after injustice has been recognized. Thus memorialization is for both the benefit of both the victims and society.

”Public memorialization emerges from an intersection of official and vernacular versions of past” (Davison 1998). This statement underscores that memory is both an official institutional judgment and a public judgment. Memorialization is emphasized here by an analysis of newspaper coverage as function of education of the public. Detail of the media's role in agenda setting is presented in detail in section 2.1. What is meant by memorialization is the revisiting of the past, public discussion of redress movements and historical injustices and their impact on society. Memorialization also signals the promotion of justice or the institutionalization of group justice as important not just for victims but for national morality. Although, I measure newspaper treatment of memorialization, I also discuss how other institutions in society along with victims' groups have revised history, amended academic curriculums, and reshaped interpretation about the past. Detail on how and what to degree this occurred in each case is also discussed. Yet, memorialization is not a natural step taken after justice has been resolved; rather, it is an act of deliberate and programmatic proportions. It is a continuous reflection and revision of the past applied to matters of the present. “We do not recollect



to celebrate the hardships of victims. Rather commemorations are forums on the past, articulating and explaining those experiences that do trouble us or should trouble us. It is in this context and for this reason that we must remember and understand the source of conflict and struggle” (Bills 1999, 185). I add that memory honors the victims as heroes, condemns the perpetrators as wrong, and magnifies justice — the ultimate prize. Therefore memorialization does not celebrate injustice, but it a solemn reflection of on its impact and consequences.

Irwin-Zarecka (1994) reveals that memorialization or remembrance takes a good deal of special work. Her solution is memory projects to bring the idea into the foreground of public discourse. “Both through explicit ‘editorials’ and unabashed creation of new symbolic recourses, many expose the presence of social and political control over memory to the public-at-large.” For Irwin-Zarecka, memory projects are deliberate projects taken up by arts, literature, music, science, or politics to retrieve what has been lost and reevaluate the present. She also says that memory projects as strategies of empowerment must build up a storehouse of symbolic resources and must be included in official canon, scholarly work (p.133). What happened after redress campaigns is looked at in detail for each case.

The issue here is largely to persuade the majority that acts of historical injustice, the victims and the creation of justice are important and worth commemorating and remembering. Historical injustices have marred societies so much so that efforts to ignore them prove deleterious to the future. As Irwin-Zarecka suggests, the task for victims is that appeal to the need for group identity must be toned down to be replaced by universal values –justice, truth and individual rights (p.136). I add that the appeal of redress must

be clothed not as Japanese American ideals, Jewish or Eastern European ideals, and black South African ideals but German, American and South African ideals to have national and ultimately universal human appeal. It is in this context of promoting justice, that I examined the number of post-case articles in order to understand the impact of redress in the U.S., Germany and South Africa.

Lastly and importantly, Lipmann concludes that news and the truth are not the same thing, and that the function of news is to “signalize an event and the function of truth is to bring to light the hidden facts. Only at these points where social conditions take recognizable and measurable shape, do the body of truth and the body of new coincide” (p. 41). In this study I suggest that the newspaper media provoked government action that would later become redress policy for these movements.

## Conclusion

The media are important in directing and defining what is discussed in the political and public sphere, while the news media communicate an agenda objectively or subjectively. The dialogical or discourse nature of the media are expressed in what the media cover and how they about it. Media discourse theory suggests that despite its objective nature ideology is inherent in media coverage. And despite an obvious bias towards institutions (Lippmann and van Dijk) such as the government that reflects the belief system of the media, the media are simply an institution that are a rich source of accessible data for research and teaching, which influence and represent people’s attitudes, and can tell us a great deal about social meanings and stereotypes projected through communication. “The media often have a direct influence on the policy agenda-

setting process, in addition to the indirect influence through the public agenda - setting process” (Dearing and Rogers 1996, 74). Most important the media are a communicator and an instrument for dialogue among individuals and groups in society.

Ultimately, one can conclude that the media reflect and influence the formation and expression of culture, politics, and social life. Thus we can expect that newspapers represent the same objectives and face the same challenges as the media in general. I examined the patterns that existed in newspaper coverage of the mentioned campaigns and found that newspaper articles were critical of redress campaigns while still channeling important attention to these issues. Also, in line with Lippman’s argument of newspapers covering what is deemed exciting or most interesting to the public, the articles were largely sensational or focused on the most contentious issues of redress negotiations. In this case I argue that the media was critical in conveying the victims’ campaign not only to the public but also more importantly to the government and policymakers in general. I posit that the media provoke government action towards the fulfillment of justice.

In addition to these general insights, I suggest that newspapers represent a purer form of media discourse because of its print nature and the audience newspapers are geared toward. This argument underpins my focus on newspaper coverage in this study. While newspaper journalists face space and time limitations, and must obviously print news that is interesting to the general reader, I would expect that journalists are more likely to present a more thorough version of news items than other forms of the media, namely radio and television. Television and radio news are more likely to be concerned with time to meet advertising goals resulting in shortened presumably more interesting

and exciting sound bites formatted to quickly grab the listener's attention, but newspapers have the luxury of explicating the news (Bogart 1991; Jordan 1993; Thorndyke 1977). On this basis, I posit that newspapers do a better job of featuring a more thorough version of the news. This is not an issue for debate in this study but rather a justification for using newspapers rather than other forms of media to observe patterns of coverage in these restorative justice campaigns.

Lastly, as is detailed further in the study, the media represent a link between the public and political spheres. It is important in portraying what is important socially, culturally, and politically. Media and namely newspapers' consideration of news reflect public interests, which influences policymakers and ultimately policy outcomes.

### The Role of Education in Creating and Promoting Justice

In this section I explain the role of public education or public awareness as an intervening variable that represents negotiations and dialogue through investigatory commissions, which worked as mediators between victims' groups and the government. I argue that the media and commissions work in tandem to promote public education. These cases reveal that negotiation and dialogue lead to government action and also demonstrate three distinct functions of public education as groups publicized their movements. Each campaign for reparations was a quest for retribution, compensation, and vindication by the oppressed that reveals public education as, *liberating* or physical freedom and closure from the past offense, *legitimizing* or recognition of the victims' claims, and *memorializing* or public commitment in commemorating the past. I

demonstrate what form(s) of education appeared in each reparations case, beginning with South Africa.

In South Africa, public education was evident in its liberating and legitimizing functions during the work of the TRC. Because of the diverging views Afrikaaners and blacks on historical injustice, race relations, and discrimination, a forum was needed to come to terms with the past. Many South Africans, especially whites, were ignorant of the government's covert policies against blacks during apartheid (Daniel 2002). It was the Commission's job to serve as arbiter and sole guide in the historic process of redefining South African historical identity, one that had been skewed after years of government misdeeds (Arnold 2000). In this sense, South Africa as a nation was symbolically *liberated* from years of false claims and propaganda that labeled blacks as terrorists or political threats to the state. The opportunity to debate government misdeeds and race relations provided an open forum for South Africa as a nation to come to terms with its past.

The TRC was formed as a commission with cooperation from the two main opposing political parties, the National Party (NP) and the African National Congress (ANC). This commission became an instrument for dialogue and negotiation between victims and oppressors and also helped to legitimize or verify victims' stories. Unlike past commissions, the TRC's work was transparent so that the public could be aware of the dialogue that took place between the accusers and the accused. In this instance, the Commission was an illuminating guide in unsheathing truth—a double edged sword that invariably offended both the black and white communities in South Africa (Boraine 2001; Daniel 2002; Graybill 2002).

Not only does education play a liberating role, through fact-finding investigatory commissions during the process of creating justice, it also plays a *legitimizing* or confirming role mainly through these commissions that publicly present these redress cases. In the Japanese American case, the Commission on Wartime Relocation and Internment of Civilians (CWRIC) investigated the truth about what happened during World War II. This commission, which resulted from aggressive lobbying in Congress by Japanese American senators and their supporters, was successful in legitimizing Japanese Americans during World War II as victims of racial discrimination. Japanese Americans who suffered were denied their American constitutional rights and were suddenly treated as alien prisoners herded into concentration camps, confined until after the war. During their long, arduous battle for restitution in the public eye, in the courts and in Congress, public education was pivotal in exonerating Japanese Americans from the label of terrorists (Maki, Kitano and Berthold 1999; Tateishi, July 22, 2002).

The central role of the CWRIC was to inform not only the public and the government of Japanese Americans victims worthy of attention, but the Commission also indicted the government of wartime wrongs. Likewise, establishment of the blue-ribbon commission confirmed to some Japanese Americans, many of whom did not seek money but wanted their reputations restored, that restitution was important (Tateishi, July 22, 2002). Testimonies from victims were broadcast via television and radio and their stories were recounted mostly in western newspapers. In this case the media was instrumental conveying the legitimacy of the victims' cause to the public and to policymakers, further emboldening their movement.

Prior to the authorization of the CWRIC, the public was largely ignorant about the Japanese American community's active participation as contributing citizens in California during World War II. The Japanese American community bore the burden of proof for injustice suffered. However, when 750 victims testified at the CWRIC hearings their story became public (Brooks 1999). Theirs became a labor for proof of government wrongs and after they won their fight, then a labor to memorialize their hardship (Daniels, 1993; Tateishi, 2002). Chapter three details their story.

Through a fifty million dollar endowment included in the redress package, the memory of Japanese American internment has been carried on (Maki, Kitano, Berthold 1999, 216). Today, the Civil Liberties Public Education Fund (CLPEF) administers scholarships, fellowships, and grants to those who work to preserve the story of Japanese American interment during World War II. In this regard, public education through CLPEF has perpetuated the Japanese American experience for generations to by memorializing their unique American experience.

Lastly, public awareness was brought about through the German Foundation, which mainly exhibited the function of memorializing former forced and slave laborers. German forced and slave labor is part of the painful past of Germany, but more critically of the 11 corporations and companies that took part in the abuse of domestic and foreign workers during Hitler's Nazi regime. Although the German government over the years has paid out millions in redress to victims of the Holocaust, companies had managed to go unscathed of any financial responsibility (Barkan 2000; *The Jerusalem Post* December 5, 1999).

While former forced and slave laborers were physically freed after 1945 from their torture, they were legitimized as unique victims of the Holocaust tragedy after the creation of the German Foundation. In this case, victims' groups and the German government negotiated on how justice would be fulfilled for the victims prior to the creation of the German Foundation. Notwithstanding the companies' claims that the former regime was to blame, the Jewish Claims conference, a body organized to assist Jewish victims in reparations, combined with the pressure from mainly U.S. lawsuits, was sufficient for the Germany to answer the call for justice. Thus it was not until after the U.S. had brokered a fair agreement with the German government that the Bundestag set up the German Foundation which was largely responsible for administering payments specifically for forced and slave laborers, but moreover for commemorating the victims through public service events.

After payments were made to the victims of slave and forced laborers and their families, the "Remembrance" committee and the "Future Fund" or "German Foundation" was designed by the German government to memorialize the past through museums, sculptures, public memorials, and public acknowledgements (Bindenagel 2002). Education in this case is manifest through the deliberative efforts of this body to remember man's inhumanity to man; however, it should be mentioned that the victims received symbolic liberation or closure from the past offense but also legitimacy as unique victims of the Holocaust experience.



## The Pedagogy of the Oppressed

Paulo Freire, in his book *Pedagogy of the Oppressed* (1969), explicates the role of education as a pertinent function inextricably tied to liberation of the oppressed and justice. He begins by highlighting two aspects of education, which he distinguishes as *systematic education* and *educational projects*. For Freire, education plays a liberating role only when political power is harnessed; however, the oppressed do not possess political power. Freire suggests that systematic education can only be changed with political power, but educational projects are carried out with the oppressed in the process of organizing them. Therefore, the oppressed first embrace educational projects through their own resolve to attain justice. The latter typifies the three examples I write about.

The pedagogy of the oppressed, as human and libertarian pedagogy, has two distinct stages. In the first the oppressed unveil the world of oppression and through praxis commit themselves to its transformation. In the second stage, in which the reality of oppression has already been transformed, this pedagogy ceases to belong to the oppressed and becomes the pedagogy of all people in the process of permanent liberation (Freire 1970, 40).

To demonstrate Freire's point we can briefly examine each case separately. This pedagogy of the oppressed is initially manifest when the oppressed *unveil* the world of oppression through praxis and commit to its transformation. To Freire praxis means reflection and action. During this stage, the oppressed take hold of the reality that gripped their lives, diagnose the effects and collectively, but not necessarily verbally, pledge to insure justice. In both the cases of former forced and slave laborers and the new black power that took over the South African government, the oppressed in these cases demonstrated reflection through the TRC process, the CWRIC hearings and the Jewish Claims Conference and eventually the German Foundation which took action to investigate injustices. These commissions' findings regarding injustice supplied the

justification for redress, by validating victims, confirming allegations, and creating consensus about historical identity. While the TRC's primary goal was reflection, the Jewish Claims Conference's primary goal was action, which it demonstrated by saturating the courts with lawsuits on behalf of forced and slave laborers. Their efforts were to not only distill the lies that the oppressors had perpetuated, but also provide strength for victims to voice their versions of the same story. These commissions supplied the victims with relative political strength, a variable Barkan mentioned as responsible for restitution (Barkan 2000). Metaphorically, these commissions through negotiation helped to "create justice" with the governments and victims as active participants. These help to restore to victims a sense of justice. I link this back to my original claim that quasi legal governmental commissions are vital for validating, legitimizing and mobilizing the support needed for redress policy.

In the second stage of liberation, Freire speaks of the time when reality of oppression has been transformed and next becomes the pedagogy of all people in the *process of permanent liberation*. This aspect of the second phase of liberation is what I call the "promotion of justice" that occurs by memorialization. This is exemplified by the German Foundation "Remembrance, Responsibility, and the Future" (German Foundation) and the Civil Liberties Public Education Fund (CLPEF) created after Japanese American Redress. The German Foundation signifies the coming together of two sides of history-- the oppressed and the descendents of the oppressors and oppressed who have now committed themselves to keeping the memory of the Holocaust alive. To further inculcate their goal in 1998 the foundation through the "Task Force for International Cooperation on Holocaust Education, Remembrance and Research" issued a

declaration that allowed the opening of archives pertaining to the Holocaust for full use by the public (Bindenagel 2002). Now the public has the opportunity to take part in the pedagogy of liberation that can be experienced by all.

The Civil Liberties Public Education Fund is the collaborative effort of the US government and the Redress committee, which formed the fund to keep the memory of Japanese American internment alive. “It was a government endowment to perpetuate education about the interment. The monies were not limited to Japanese-Americans, but are for all”(Tateishi, July 22, 2002). Fifty million dollars were allocated to this fund in order to fund museums, the arts, research, and individual student grants for memory of Japanese Americans during World War II.

Finally, the South African government, while accepting the TRC findings and suggestions has not made substantial attempt to continue the process of education and institution of this pedagogy in post apartheid South Africa. At the time of this writing, the recommendation from the TRC to financially compensate a select group of victims has not been carried out (Daniel 2002).

I submit that the impact of restorative justice is also dependent on the degree to which these three variants of education are carried out through the justice process. As mentioned in chapter one, the media can endorse this pedagogy if it is on the government and public agendas. Indeed, the educational aspect of justice, embedded in liberation, must be continual rather than a temporary by-product of redress or compensation. Freire verifies this by saying, “because liberating action is dialogical in nature, dialogue cannot be posteriori to that action, but must be concomitant with it. And since liberation is a permanent condition, dialogue becomes a continuing aspect of liberating action” (p.139).

This statement is the basis of my hypothesis that posits that two variables, the media and public education, are important and related to promoting and creating justice through dialogue and negotiation on redress.

Education denotes a continual process of learning, culturization, and remembrance. The value of justice is not an instantaneous feeling such as when a prisoner is released, but rather engaging and always developing consciousness. Therefore social justice in these cases of restitution has no precedent. Throughout the years the memories of the oppressed and oppressors fade but permanent dialogical evaluation and reflection of injustice is invigorated and imbued by scholarship, discussions, research, anniversaries, memorials, the arts, the media and formal academic learning. All of these functions serve to educate the growing and changing population of those born ignorant of the past.

One example of this function of memorialization is the annual anniversary of D-day when the world remembers the United States' entry into occupied France and eventual takeover and liberation of millions of prisoners. The annual anniversary of this liberation is not primarily for the benefit of those who served as the liberators or for the victims of those terrible concentration camps. Since most of the victims have passed on or have little time left alive, the anniversary is for those who are yet living-many who were not born or were too young to remember this climactic and victorious day. Similarly, the United States Holocaust Museum is really a memorial for the young, not the victims. This museum is where thousands of school children and those ignorant of World War II atrocities are educated each year about a horrible crime in world history. There they can learn about man's inhumanity to man in hopes that the past will never be

repeated. Likewise, we can conclude that memorialization of historical injustice and its victims, favorably promotes redress as an avenue and tool that restores dignity, property, and human rights through victims' movements.

## Conclusion

In redress campaigns, three functions of public education (i.e., liberating, legitimizing and memorializing) may be exhibited, and these help to first restore justice and then promote it. Distinguishing these functions of education also helps one to define justice more clearly and most importantly evaluate its goals and measure success. By examining these functions victims' groups can determine what is important for their success in pursuing justice, while other groups can evaluate and measure its fulfillment. The discussion in part one confirmed that the media and specifically newspapers, help set the public agenda by reflecting the goals of the government in regards to restorative measures. In this case we would expect newspapers to reflect the government's position on redress as expressed through these investigatory commissions, forums for dialogue, and agents for mediation between governments and victims.

Consistent with this view, public education's symbolic liberating function is revealed by the South African case: education's legitimizing role by all three cases, and its memorializing role by the German and Japanese American cases. Likewise, these cases show how victims organize themselves to initiate what Freire called educational projects. During this stage, victims lack political power, but through their exploits to legitimize their claims of injustice, legal efforts provide their political voice, mobilize

their efforts, provide momentum and empower their campaigns. More importantly, victims after receiving media attention are recognized by the government and the public.

Lastly, Japanese Americans and their tireless efforts in retelling their story of confinement through museums exhibits, memorials, and preservation of the former campsites where they were held best exemplify education's memorializing role. This time of reflection comes around every year as the U.S. remembers the Pearl Harbor attack. And the same is true in Germany where the German Foundation is taking steps to memorialize victims of slave and forced labor. This is where both aspects of education combine to provide the ultimate goal of justice, when the victims are not forgotten and the "pedagogy of the oppressed" has become the pedagogy of the people. Time will tell how successful South Africa will be in creating a strong memory about its history.

As models of very dissimilar cases in three prominent countries, by comparison these cases will reveal which variables of education were at work and how the newspaper media brought attention to the cases.

## CHAPTER III

### JAPANESE AMERICAN REDRESS

#### Introduction

Japanese Americans, who came to America as early as the 1890s, like most immigrants at the turn of the century sought to find their place in American society, eke out an existence and live the American dream. By 1940, as many as two-thirds of Japanese on the west coast were contributing citizens to the American economy (Daniels 1993). Unfortunately, their progress was temporarily halted when, after the bombing of Pearl Harbor in 1941, ethnic Japanese on the West coast were relocated to camps where they were confined until after the end of the war. This case is an example of World War II civil and human rights injustice against ethnic minorities. However, their suffering was transformed into a redress movement thirty-three years after the infringement, which spurred many other victims' campaigns in the U.S. and abroad.

This case is important because it was the first big redress campaign in the United States in which a victim group won redress or a formal apology and token monetary compensation in 1988 (Barkan 2000). It also demonstrates the role of public education and the media as important requisites for redress. This chapter details the story of Japanese Americans internees, their struggle for redress, and highlights two variables, which helped to achieve their success.

## Japanese American Internees (1942-1945)

The case of Japanese American internees highlights a movement by a group of people that saw their rights stripped away. During World War II, Japanese Americans were forced into internment camps just because of their race. Victims lost their homes, their livelihoods, and their dignity (Maki, Kitano and Berthold 1999). Ten weeks after the bombing of Pearl Harbor and the U.S. declaration of war on February 19, 1942, President Roosevelt signed Executive Order 9066. It stated:

Whereas successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national defense utilities...I hereby authorize and direct the Secretary of War, and the Military Commanders whom he or any designated Commander deems ...to prescribe military areas...from which any or all persons may be excluded...to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary...(Executive Order No. 9066-Franklin Roosevelt February 19, 1942)

This declaration gave the Secretary of War the power to prohibit “any persons from designated areas in order to secure national defense objectives against sabotage and espionage” (CLPEF 1997, 49). Essentially, this order gave the military the right to capture and confine Japanese, Japanese American citizens, and those who looked like ethnic Japanese located on the West Coast. All told, more than 100,000 people were made to “voluntarily” leave their homes and be transported by the government to “relocation camps” in desolate regions of the West (Ng 2002, 20-21).

Ironically enough, the word “voluntary” was attached to present the order in the least antagonistic way; yet, it was evident that only one group of people particularly in California and Washington was being targeted. Even more ironic, the term “relocation” was used to make it appear that those targeted were being evacuated for their own safety.



In compliance with the President's order, the Census Bureau breached the confidentiality of information in order to aid other government agencies in finding ethnic Japanese. In about one week's time, the Bureau was able to produce a comprehensive list of names and address of ethnic Japanese on the West Coast, the designated area. Seventy percent of those on the list were United States citizens (CLPEF 104, 135).

As the Executive Order made plain, these actions were based upon "military necessity." Government has never fundamentally reviewed whether this massive eviction of an entire group was justified. In three cases the Supreme Court reviewed the Executive Order in the context of convictions for military orders issued pursuant to it, but the Court chose not to review the factual basis for military decisions in wartime, accepting without close scrutiny the government's representation that exclusion and evacuation were militarily necessary (Report of the Commission on Wartime Relocation and Internment of Civilians p. 49).

Evacuations began on March 31, 1942, and lasted until August 7<sup>th</sup> of that same year. Ninety –two thousand detainees were first taken to assembly centers where they remained for about 100 days, waiting for orders of where they would be held next. At the end of May, evacuees were transported to what were dubbed *relocation* centers, camps where they would live and work for the next four years. Again, it was the government's aim to make it appear that *relocation* was necessary to protect Japanese- Americans from harm, but in reality the government was trying to protect the state from persons who they perceived as a threat since the Japanese had recently bombed Pearl Harbor (CLPEF 1997; Tateishi, 2002). By August, 90,000 people had been relocated to eleven camps in the West, including Manzanar, Tule Lake, and Poston (CLPEF 1997, 149).

Life in the camps was far from happy. Many children and adults alike reacted in rebellion and outrage at their sudden imprisonment and confinement. Most conformed and resigned themselves to a situation equal to prison. "The camps were segregated, closed systems with very few alternatives. It was a classless system with occupation and

wages bringing little distinction and housing and neighborhood carrying no prestige. No automobiles or other conspicuous consumption items such as fashionable clothes and innovative appliances” were allowed (Daniels, Taylor and Kitano 1986, 22).

Japanese American children confined in camps suffered the worst since they could not grasp why they were being confined. Although barracks were turned into schools, and all school-age children were required to attend classes, school equipment, supplies and accommodations were minimal. Some camps lacked buildings and staff for schools, which made schooling very unpleasant for the children. In her article, “The Impact of Incarceration on the Education of Nisei Schoolchildren”, Lane Ryo Hirabayashi asserts that because racism became a fact of life to the Nisei, Japanese emigrants, first generation Japanese Americans called the Issei, had problems integrating their children into society. “The discrepancies between the ideals stated and the actual realities created problems of adjustment for the Nisei. In particular, the Nisei were formally socialized in an educational system that promoted the ideals of a democratic society”(Daniels, Taylor and Kitano 1986, 47).

By the autumn of 1945, camps began to close one by one. Relocation scholars have dubbed 1945 to 1959 the transition years. As can be imagined, former detainees had to virtually start their lives over. Most had no homes to return to so they were forced to into hostels, or were helped by church groups, which housed them until they could find jobs. Many Japanese Americans relocated to different cities than those where they originated from, preferring to go to the Northwest and major cities in the Midwest (Daniels 1993; Nagata 1993). The War Relocation Authority (WRA) did make some effort to resettle the evacuees by opening field offices in key cities in an effort to foster

community acceptance of people who were believed to be troublemakers and terrorists by many in the public. No doubt under such tense social conditions, most could only find low paying jobs doing menial work in addition to suffering intense housing discrimination (CLPEF 1997, 205). It took years and years for families and individuals to undo what Executive Order 9066 had done almost overnight.

### The Redress Movement: In Pursuit of Justice

Their struggle for justice lasted almost twenty years, demonstrating this group's desire for vindication and restitution. This case highlights how the Japanese American Citizens League (JACL) used public education in a unique way not only to obtain justice, but also to continue promoting it. It was their intention to make sure internment never happened again.

As early as 1948, the United States government instituted the *Japanese American Claims Act*, which allowed *some* victims of relocation to collect damages for lost property, but not for wrongful imprisonment. As it was, only voluntary evacuees were entitled to file claims which needed to substantiate property and business losses exactly 18 months after enactment of the Act (Maki, Kitano and Berthold 1999, 249). In actuality the majority of victims were ineligible to file and compensation provided only for a fraction of the losses. Small steps toward a formal apology and an admission of guilt were made when in 1976 when President Gerald R. Ford repealed Roosevelt's executive order by proclamation, citing, "We know now what we should have known then-not only was evacuation wrong, but Japanese-Americans were and are loyal Americans..." (Kitano and Daniels, 2001, 67). Although the government knew it had done wrong, Japanese

Americans had to push harder for a formal apology and convince the public that redress was important.

It was during the civil rights period (1960-1980), a time when the issues of racial discrimination, inequality, and civil rights gained national attention, that Japanese Americans began agitating for compensation for wrongs done to them during World War II. In 1970, the JACL issued three resolutions calling for legislation to be passed that would amend the ills of 1942-1946. In addition to these resolutions, a pamphlet authored by the JACL was circulated arguing for redress as an issue that concerned all Americans. It did not cite a dollar amount for payment to victims, but rather called for an acknowledgement of wrongdoing and reparations in principle (Daniels, Taylor, Kitano, 189). And very critical to their cause was the support of Senators such as Spark Matsunaga and Yuichi Inouye, who organized senatorial support and won witnesses like the American Civil Liberties Union, the Friends Committee on National Legislation, the American Friends Service Committee, the B'nai B'rith, The Anti-Defamation League, and the American Bar Association, among many others (Maki, Kitano, Berthold 1999). This support was key to winning over the public, Congress and the executive branch to the idea of Japanese American redress. Broad support would also prove crucial during the final congressional debates just before legislation was passed in 1988.

Legislation was crafted by the JACL to create a blue ribbon commission that would investigate of U.S. government wrongdoing, substantial debate took place both in the public and in Congress. Publicly there was little sympathy, appreciation or understanding for Japanese Americans (Maki, Kitano, and Berthold 1999).

After vigorous lobbying in Congress, conventions, and publicity, Congress finally appointed the Commission on the Wartime Relocation and Internment of Civilians (CWRIC) in 1980, which held nationwide hearings and created a “communal climate of opinion highly favorable to redress”(Daniels, Taylor and Kitano 1991, 189).

Because of this general public attitude, John Tateishi, director of the JACL, suggests that public education was pivotal in winning redress for Japanese Americans. A vehicle was needed to reach wider audiences; therefore, a report by a blue ribbon commission was necessary to serve the purpose to validate injustice (Tateishi, July 2002). This commission would prove pivotal in the Japanese American campaign.

#### The Commission on Wartime Relocation and Internment of Civilians as a Tool of Public Education

The CWRIC was key in legitimizing the debate over redress, providing public education through the media on internment, and presenting recommendations to Congress tailored for redress legislation. Redress legislation would not only satisfy the victims, but also create an environment for negotiations and public dialogue on civil rights and justice issues. Creation of the CWRIC fits with the second stage of Freire’s pedagogy of the oppressed. It is at this stage when the victims were effectively mobilized, unveiled their oppression during the investigation, and committed to transformation of the situation. Once Congress commissioned the CWRIC in 1980, it catapulted the redress movement into the national arena and received enormous attention (Hatamiya 1993, 99). The Commission primarily served to educate Congress and the public about internment. Most important, after investigating internment from a moral and constitutional viewpoint rather than the political climate that existed at the time, the CWRIC added to the current and

relevant national discussion on civil rights issues (Daniel 2002; Maki, Kitano, and Berthold 1999). Here we see the dialogical importance of the elements of communication and discourse this commission had when 750 victims' testimonies, records, and witnesses gathered in a government sanctioned forum to verify their claims (Brooks 1999). This forum allowed the victims to negotiate for what mattered most to them, a formal apology and token payments. In this context, although I speak of group justice, the goal of restorative justice or restoration applies.

Secondly, the CWRIC was instrumental in placing redress on the media's agenda. This blue ribbon commission was a body that both sides, victims and the government, created to investigate and mediate on the issue of redress. Through the media, the CWRIC was key in conveying the campaign as an issue on the political agenda. As will be further discussed, after the commission's report was issued, articles in *The New York Times* reveal more focus on redress.

Testimony before the CWRIC was also critical in magnifying the truth about what happened to Asians, and specifically Japanese Americans during World War II. This commission helped to put faces on thousands of testimonies that were retold on the radio, on television, in books, newspapers, and conferences. The commission's findings brought more focused media attention, and no doubt illuminated Japanese American redress as a moral and civil rights issue that was a legitimate topic for discussion and examination (Tateishi, July 2002).

It is important to note that although the CWRIC was pivotal in its role in providing legitimacy for the redress movement, initially many in the Japanese American community thought that the best route for redress would have been in the courts. For

many, the debate was not over whether the government should give restitution to victims, but rather what *form* it should take. For them, wartime actions did not warrant review. For this reason, a group calling themselves the National Council for Japanese American Redress (NCJAR) filed a federal class action lawsuit in 1983, *Hohri et al. v United States* on behalf of all 120,00 former internees. The case after many years of appeals and a writ of certiorari, a decision by the Supreme Court to hear lower court decisions, President Reagan signed H.R. 442, making the NCJAR's case moot or no longer relevant since redress had been resolved (Daniels, Taylor and Kitano, 1986; Maki, Kitano and Berthold 1999, 199). Media coverage centered on both the court battles and the CWRIC, but the court battles received the most coverage. How *The New York Times* covered this period is discussed further.

### The Impact of Redress on Official History and National Memory

On July 31, 1980, President Jimmy Carter signed the Wartime Relocation and Internment of Civilians Act, a document that acknowledged the unjust treatment of Japanese American's during World War II and authorized a commission to study the internment, while educating and informing the public and Congress by report (Maki, Kitano, Berthold, 1999, 95-96). What resulted from this Commission's work was that critical attention was drawn to the issue about the unlawful imprisonment. As a result, Japanese Americans received recognition as victims and found legitimacy on the public, political and media agendas.

Redress was no longer about abstract racist policies and constitutional wrongs that happened a long time ago. Redress was now about the real pain and humiliation that family members (mothers and fathers, sisters and brothers, grandparents) and friends still felt. It was about the misery and suffering that Japanese Americans

currently carried in their hearts and in their memories. For individuals, the community, and the different generations a great healing process had begun (Maki, Kitano, and Berthold, 1999, 116).

On August 10, 1988, the Civil Liberties Act was signed by President Ronald Reagan approving individual payments of \$20,000 to \$120,000 to victims of forced internment. Yet, it was not until 1990 that President Bush signed H.R. 2991, which guaranteed funds for redress payments. Included in the package was the Civil Liberties Public Education Fund (CLPEF), which was allotted \$50 million to carry out public education. Since then, CLPEF has kept the memory of Japanese American internment alive through research and memorial projects. Tateishi suggests that the Fund was the driving force in restoring Japanese Americans' rights and reputation. "It was a government endowment that perpetuated education about the internment" (John Tateishi, July 10, 2002). While the CWRIC, helped to achieve public validation and political support for redress, CLPEF helped to promote justice after the victims won redress.

In terms of this idea of promoting justice, this case strongly shows how the concept of memorialization, which includes public memory and commemoration through public and political commitment to recognition of victims have been achieved. I chose to measure memorialization through newspaper coverage after redress, but also by taking a look at what has changed as a result of redress and the campaign. Memory is important because as Bills (1998) stresses "the past lives in the present". While the CLPEF was the direct manifestation of the redress package voted by Congress in 1988, much had been done throughout the campaign and even more after the campaign was successful to promote memory.



In 1996 and the fiftieth commemoration of World War II, the issue of historical memory was vitally underscored. While in the past the war had been viewed as the “good war”, increase in public awareness about Japanese American incarceration precipitated by their campaign, highlighted the other side of history and illuminated the U.S.’s record on race discrimination. For the most part, Americans had focused on the image icons of American heroism such as the American flag in Iwo Jima , rather than on memories that challenged American dynamism. Japanese American internment definitely challenged these positive images (Sturken 1997).

As a result of the redress, American society has only recently come to terms with its past and taken pains to reevaluate whose historical truths are to be memorialized. Bills (1998) states that “We have profound ambivalence about recapturing those parts of our history that raise troubling moral questions about the character of our society, about our good intentions, about how we conduct ourselves at home and abroad”. In the case of Japanese Americans, Sturken (1997) notes, that the government attempted to censor the representation of the interment by propaganda films that depicted the camps as a “benevolent exercise in civil disobedience”.

Yet today, “Despite the payments of reparations, despite the semblance of national atonement, the internment continues to be narrativized as a regrettable step that appeared necessary in its time-not as bad as what other countries did” (p. 36) Sturken suggests that the internment has still not become a part of national discourse (p. 46). And because as Yoo (1996) declares our views of the past are intimately tied to cultural power, authority and legitimacy, the politicization of history is unavoidable and therefore the real danger lies in our neglect to think critically about our history. Yet, change has

and still occurs in our national perception of history. This is evident in Japanese American history.

During the civil rights era and proceeding into the 1980's and the attention to internment, Japanese American scholars helped shape scholarly research on Japanese American history and the gradual rewriting of history books and revising of the educational curriculum. In the 1990's, with the expansion of the Japanese American National Museum (JANM) in Los Angeles in 1998, exhibits such as the "American Concentration Camps: Remembering the Japanese American Experience" and Washington D.C.'s Smithsonian's "A More Perfect Union" have come to revise popular history. This rewriting of history has challenged age-old assumption and invariably produced counter-narratives that "interrogate previously privileged versions of history that have ignored and/or essentialized Japanese Americans (Yoo 1996, 696). Art work, photography and poetry done by internees has served as counterimages enabling a truer version of history to told. Documentaries and World War II movies such as Pearl Harbor have either been produced by Japanese Americans or benefited from their consultation enabling first hand memory to augment scholarly history (Tateishi 2002). As a result, thousands of young and old have come to learn about the less glamorized facts of World War II and American history.

Yet, for many thousands of Japanese Americans, redress had come too little too late. Properties had been damaged, businesses destroyed, families broken, and image damaged. Around 5,000 persons from both the Isei and Nisei (first and second generation Japanese Americans) generations embittered by the internment chose to

immigrate to Japan after the war (Daniels, Taylor and Kitano 1991, 69). Still many others had died from old age or disease due to lack of medical care for treatable illnesses.

No doubt, a price tag cannot be placed on the injustice that Japanese Americans endured. For many the damage is unpardonable, but redress is still important. The argument can be made that many racial barriers had been removed allowing Japanese Americans to assimilate and advance both economically, politically and professionally, but yet there was still a mark on their record as citizens—a blot that had portrayed them as terrorists and denied them their legal rights. The only way of combating this image was through the media. While I present no evidence that Americans' attitude toward redress changed, we can explore how the media, specifically *The New York Times* coverage of redress changed or remained static throughout the process.

#### *The New York Times* Coverage of Japanese American Redress

John Tateishi, director of the National Redress Committee in 1980, suggests that the JACL was able to use the media in three helpful ways in order to obtain redress. First, it was his contention when launching the redress campaign in 1978 that outside of California the public generally did not know about Japanese Americans. “The public in general did not know us, and their perception of us was totally misinformed and guided by racial bias” (Tateishi, July 2002). To correct this problem, Tateishi initially launched a public education/media campaign with the goal to not only raise public awareness, but to convince members of Congress to support a bill their constituents might have opposed.

Throughout the ten-year effort by the JACL to gain redress, we focused much of our efforts on educating the public, and consequently influencing members of Congress through that process. The ultimate tool we used was to seek legislation to create a federal, blue ribbon commission to investigate the circumstances

surrounding the WWII interment and to provide recommendations to the president and the Congress (Tateishi, July 11, 2002).

In order to gain an understanding of how the print media covered Japanese American redress, I examined articles in *The New York Times*, one of America's premiere newspapers. Known for its quality in creating, collecting and distributing national and international news, it is also widely cited in other media and in scholarly work such as *Achieving the Impossible Dream* (1999), a book on Japanese American redress written with a grant from the CLPEF. I chose this source because of its quality and easy access to its archives. I chose *The New York Times* because it is a reputable national newspaper that drives the news agenda of other newspapers. Page and Shapiro (1984) that the news reported in *The New York Times* "ultimately find its way in diluted form through other newspapers, magazines, television news and word of mouth to the general" (Jordan 1993, 651).

Twenty articles were classified as *formative* or pre commission coverage, *mid-case* or mid redress process coverage, and *post-case* or after the finalization of justice. These terms reflect three stages of redress. The number of articles chosen only reflect a sample of the total number of about 84 relevant articles during this campaign (see appendix). Three editorials were included in this sample and relevance was based on information about the campaign, and Japanese Americans as victims. Because of time, twenty was manageable for me to read, analyze and compare with articles from the other cases. Below, table 3.1 shows the percentage of articles classified in this case as formative, mid-case, and post-case reflecting three time periods before, during and after the campaign.

Table 3.1. Chronological Classifications of News Articles Covering Japanese Americans Redress

Japanese American Redress in The <i>New York Times</i>	Total Articles	Percentage
Formative (1981-1983)	9	20%
Mid Case (1983-1996)	34	70%
Post Resolution (1996-1999)	5	10%
Total Articles	48	100%

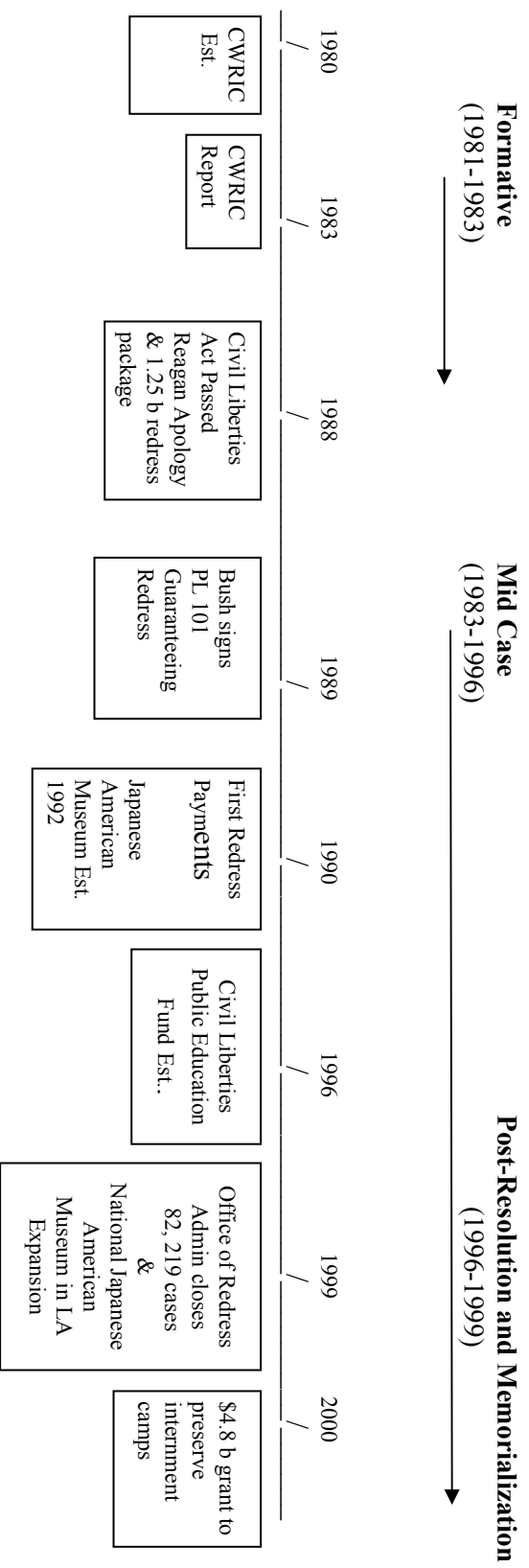
Source: The *New York Times* (1981-1999).

### Findings

To place the events of Japanese American Redress in perspective, figure 3.1 provides a timeline of the redress process. Congressional debates between 1984 and 1988 occurred simultaneously with court actions on various individual and class action lawsuits involving Japanese Americans. This time period received the most media coverage in *The New York Times* during the campaign. Three important dates should be recognized on this timeline. First, was the 1981 start of the CWRIC and its deliberations. Second, the CWRIC's final report issued in 1983, which marked the beginning of public and political debates on its findings. And finally the 1988 Civil Liberties Act which signaled the end to political debate in Congress about redress and the start procedures to begin payments to victims. Final redress payments ended in 1999.

Formative articles in this sample represent the period when the media began to cover JACL's public education campaign nationally and when the Congress authorized the CWRIC or 1980 to 1983 when Congress and the President was lobbied. This sample includes four *formative* articles that generally discuss redress in the context of civil rights.

Figure 3.1 Time-line of the Japanese American Redress Movement (1980-1999)



Source: Maki, Kitano, Berthold (1999); Asian American Village, IM Diversity 2003

The article titled “Wartime Internment: A Personal Issue at the Fore” (August 12, 1983) suggests this is a “story of changing attitudes and, according to experts on the issue, the coming of age of Japanese American citizens of Japanese descent”. The article also cites a number of members of Congress who were reluctant to put a price on relocation because, “Money is not necessary or appropriate under these conditions.”

Two other formative articles were titled, “World War II Internment is Defended”(Nov 3, 1981), “In 1942, Internment; in 1981, An Inquiry” (July 9, 1981). All of these have in common an attitude of throwing caution to the issue of redress during this early stage when Japanese Americans were trying to achieve identity as victims. In the *Times* there were four formative articles that did not provide much background information on Japanese American internment; however, all four articles have in common a focus of *what* Japanese Americans wanted out of the campaign rather than on why the campaign was important for America at large. My observation is that the attitude toward redress was cautious so that articles reflected only sketchy details about the campaign, such as who, what, and why? This information would have presented this as pertinent for American civil rights. These types of in-depth articles would have retold the story of internment and provided reflection on the denial of justice for Japanese as Americans.

The second classification includes twelve mid-case articles, which reflect the process and negotiations that took place after the CWRIC and its published report in 1983. This period was from the 1985 debate in Congress through the apology in 1989 and up till full redress payments in 1996. Mid-case articles numbered the most in this sample, indicating an increase in media attention after the CWRIC formed published its report and lobbying and debate began in Congress in 1985. Increased media attention was

also influenced by the NCJAR's class action lawsuit against government misconduct, which appealed an overturned decision on statute of limitations in November 1985 (Maki, Kitano, Berthold; 1999). The NCJAR's efforts in the courts coincided with JACL's lobbying and debate in Congress.

During this period, The *New York Times* largely focused on "the debt" America owed Japanese Americans and "the pledge" to right wrongs. For the most part, these articles highlighted the sensational aspects of the case, which included the class action lawsuit, "Court Reinstates Internment Suit" (January 22, 1986) and the struggle to appropriate the authorized funds for redress. One example is an article titled "Aged War Detainees Still Unpaid for Lost Freedom" (August 17, 1989). This article discusses how one year after President Ronald Reagan had apologized and Congress had voted to pay \$20,000 to each former detainee the victims were still waiting for redress monies. Interestingly, articles in this sample did provide more background information. I would suggest that during this time, the redress issue had garnered more acceptance and support from advocacy groups such as the American Civil Liberties Union in Congress after recommendations from CWRIC were presented (Maki, Kitano and Berthold 1999). Also some articles featured the stories of individuals who had suffered, putting a human face on the incident and making internment a matter of human, civil and legal rights.

Finally, four post resolution or post-case articles were distinguished in the sample to reflect attention that was given to Japanese-Americans after the case for redress was successfully fulfilled in 1996. These articles had a common a theme of *memorializing* internment. Titles of articles on the anniversary of internment and remembrance include, "Japanese American Museum Expanded" (Dec 20, 1998) and "A Park and Sculpture will



Honor Japanese Americans” (Oct 21, 1999). Post resolution articles were few in number compared to mid-case articles. However, I believe that post resolution stories *did* receive coverage even a few years after redress simply because the story of Japanese American internment coincided with the 50-year anniversary of Pearl Harbor and the American entry into World War II. After the campaign publicity it is almost impossible to reflect on one without reflecting on the other. I suggest that after the case was resolved, The *New York Times* coverage reflected a change in attitude that coincided with the progress of the redress bill in Congress during 1985-1988 (Maki Kitano and Berthold, 1999). Moreover, the memory of World War II is a now revised historical identity that recognizes American soldiers who died at Pearl Harbor and Japanese Americans who were also of victims of xenophobia throughout the war. Indeed, Japanese American redress pushed for the rewriting of this history in a way that reflects their misfortunes as an American misfortune. And it was the CWRIC and the media, which created the environment for reflection, negotiation, and critical questioning about the past, payments and historical identity.

### Conclusion

The story of Japanese American redress echoes four important considerations. At the outset, Japanese Americans were successful in their campaign for two reasons. First, is their ability to organize as Freire posits in his two-stage theory of the pedagogy of the oppressed. Japanese Americans were able to come together, united by the JACL, to present their experience in a media campaign which achieved for them political attention. Once their story was on the political and media agenda, they were able to use their

political voice to lobby Congress for a blue ribbon commission that achieved national attention, which in turn fostered political legitimacy for redress.

The CWRIC was an instrument that involved dialogue between the victims and the government, and which eventually presented factual evidence of government wrongdoing to the public and Congress. Another factor that makes apparent the role of education in this case, is that the CWRIC was a platform for the legislative debates that took place in Congress from 1985 to 1988. The CWRIC was pivotal in providing the Japanese American campaign with legality and political recognition

Although, the CWRIC recommendations were not readily accepted among all members of Congress, since Congress mandated this investigation, its findings had more credibility and force than would have otherwise been the case. In this case, government action through the creation of CWIC provided the impetus for redress legislation. While the publicity pushed the issue in Congress, in this case the investigatory commission was key in outlining the redress policy that was debated and written in Congress.

I also found that *The New York Times* initially displayed support of the government's stance toward redress as an issue concerning Japanese Americans and not Americans as a whole. Initially, I expected the media to have prompted government action and this was indeed the case. As Tateishi stated, it was JAACL's media campaign in the late 1970s that precipitated the formation of CWRIC. However, it was media attention during the various court cases during the mid 1980s (mid-case period) that brought the most media attention and debate, which resulted in President Reagan's formal apology and legislation for redress in 1988.

Again media coverage was extensive and contributed to the educational effort that was so critical to the redress law's chances. Television crews and newspaper

articles directed the nation's attention to the case, educating the country on both the facts of the wartime internment and the issues resolved" (Hatamiya 1993, 177).

Also, during the years of debate in Congress, *The New York Times* presented sensational aspects of restitution or the arguments over monetary compensation, which coincided with NCJAR's fight in the courts for redress, rather than overall impact of the issue. Essentially, the NCJAR's legal battles in the courts advanced the public's awareness because the media paid much attention to this legal effort (Maki, Kitano, Berthold; 1999). Legal pressures contributed to the overall momentum, energy and support of redress.

These articles conveyed what authors such as Lippman (1994) suggest as newspapers preponderance to present news that safeguards the institutions, such as the state, because of journalistic bias, which enters into the choice of news items, and the way they are presented. Yet, aside from the way the campaign was covered during the most contentious times of the debate in Congress, it can be determined that *The New York Times* perhaps unintentionally, promoted education about the case, which provided education about internment. As a result, the memory of internment was kept alive. Similarly, the CLPEF, the result of the CWRIC recommendations and the fulfillment of redress is now a lasting institution that exists to educate future generations about redress and internment.

Finally, I would judge this case as successful for three reasons. This case exhibited two functions of education through the CWRIC, which helped to legitimize Japanese American redress, and through the CLPEF helped to memorialize internment. Likewise, the victims in this case who lobbied for apology and redress received both,

after years of public exposure on the issue. They were restored their dignity and gained recognition as victims of government xenophobia. And finally, this case was successful because it created an increased awareness of restorative justice and spawned other cases involving victims groups in Hawaii, Argentina, South Africa, and in Germany.

## CHAPTER IV

### GERMAN SLAVE AND FORCED LABOR COMPENSATION

#### Introduction

German slave and forced labor is the most recent of these three cases. It was unprecedented in that compensation was negotiated for victims in 20 countries. This was a final compensation issue negotiated primarily between the governments of United States and Germany on behalf of 70,000 eligible claimants. As of December 2002, 35,000 victims have received monetary payments from a fund financed by the German government and participating companies (*Compensation News Issue 2, 2002*). In this discussion, German forced and slave labor represents a case of human rights violations during World War II committed by a fascist regime. This case differs from the Japanese American case in that millions died during the war and slave and forced labor as an issue took much longer to resolve.

This chapter recounts the role forced and slave laborers played in the National Socialist economy during World War II. It identifies the victims were in order to demonstrate why slave and forced labor has just recently emerged as a distinct issue, unique from that of other Holocaust matters. Focus on this case also draws attention to role of the German Foundation, an organization that distinguished forced and slave labor the victims as who had not been recognized as with other Holocaust victims, managed compensation, and promoted remembrance. This case will also show which functions of

education were evident during the justice process and in turn reveal whether the goals of restorative justice were satisfied. Lastly, articles in the German newspaper the *Frankefurter Allgemeine (FAZ)* will provide insight into the attitude this medium had toward justice during the negotiation process.

### The Nationalist Socialist Regime's War Economy (1939-1945)

“The National Socialist Aryanization policies and exploitation of slave and forced labor constituted the greatest robbery in history,” (Summary Report, “Commissioning History in the United States, Germany and Austria” Conference Nov. 2002). This statement captures the essence of why German slave and forced labor, a issue distinct from that of other crimes committed by the National Socialist regime, is indeed important in the discussion of retroactive justice since it highlights how a human rights abuse that took place over 55 years was resolved.

In 1943, at the height of World War II, Germany was nearly out-producing the combined Allied powers in armaments and other goods. Heinrich Himmler, Theodor Eicke, and Oswald Pohl were the Nazi masterminds behind efforts to increase wartime production, and to police and kill non-Aryan peoples (Allen 2002). Germany's success in maintaining high production during the war stemmed from forced and slave labor, a secret ingredient that only recently has been extensively researched by scholars who have begun to focus on slave and forced labor as a distinct part of Holocaust history.

Preceding the war, Germany was in a frantic race to build up its infrastructure and armaments in order to carry out the Four Year Plan--a pre-determined economic course to achieve these goals and expand German territory and power. Factory operations

demanded a fusion of information, machinery, management, labor, and materials (Allen 2002, 48). At the crux of the war economy was not a material but a human resource, labor.

### Who were the Slave and Forced Laborers?

By the end of 1941, German industry demanded 1.1 million additional workers just as the army announced new callups of civilians to the army (Allen 2002, 166). These workers were forced and slave laborers. Since the terms slave and forced laborers are used repeatedly in this chapter, it is vital to know who the victims were and how they were identified.

Herbert (1999) identifies four main groups of workers that were exploited. First, millions of foreign civilians workers were brought into Germany between 1939 and 1945. They constituted the largest group of laborers. The foreign prisoners of war, primarily from Poland, the Soviet Union and France, also worked in Germany. Later, many Polish workers were reclassified as civilian workers numbering around 600,000. Italian soldiers, detained by the Wehrmacht were brought to Germany as forced workers. A third group were mostly Jewish inmates of SS concentration camps. European Jews, a fourth group, were forced to work within their own countries but were later increasingly deported to ghettos in Poland or camps in Germany after 1944 (Herbert, *FAZ*, 1999). Fundamentally, slave laborers were mostly Jewish victims who worked in concentration camps, while forced laborers were those from other Eastern European countries such as Belarus, Russia, Poland, Ukraine, and Austria who worked mainly in German factories

(Dossier: Holocaust Issues March 6, 2002; *The New York Times* July 18, 2000; Allen 2002).

The demographics of the victims are very diverse. The few records that were found after the war indicate that 7, 615, 970 foreign workers were registered on employment rolls in the Greater German Reich territory. Out of this number, 1.9 million were prisoners of war; 5.7 million were civilian workers from Belgium, France, Italy, Poland and the Soviet Union. About half were female, around the age of twenty. Fifty percent were employed in the agricultural sector and the other half in metal, chemical, construction and mining industries. Thus foreign nationals were a third of those employed and since they were paid, forced laborers were the most expensive for the government (Herbert 1997, 3). However, when large numbers of German civilians were enlisted, workers status changed from forced labor to slave labor. Slave labor was not paid and was treated with disdain. As Benjamin Ferencz (1979) argues, they were less than slaves since there was no value placed on human life. Labor was an inexhaustible resource so that laborers were not treated as an investment that should be treated as valuable human beings.

Soon after the war began, pressing production demands on SS-owned companies made “extermination through work” widespread (Allen 2002). During this time, workers were leased to private firms, while Jews were treated the most cruelly with no regard for their lives (Lambsdorff, March 2000). Widespread abuse of workers was provoked by Hitler’s move to rectify the initial shortage of labor by creating the “Eastern Workers Decrees”, an executive order that enabled the Nazis to use eastern European civilians as forced labor. This initial shortage was spurred by total war which, “intensified the pace



of industrial rationalization and, at the same time escalated the compulsion used by German management” (Wiesen 2001, 172). Soon, non- SS or state companies such as VW, IG Farben, and Steyr-Daimler-Puch became absorbed into the system of forced labor and the total war economy.

### Slavery in the Modern War Economy

At the height of the war, it was critical to use as many prisoners for work as possible. In cooperation with private business, the government organized prisoners of war into five major camps and deposited slaves in many factories of the Third Reich. They worked with little food for fifteen-hour days, often with the end result of being worked to death (Ferencz 1979). Conditions for the workers were terrible, but the workers were vital to Nazi control.

One example is of the well-known German company IG Farben, whose synthetic rubber factory in Auschwitz relied on the government for most of its armaments contracts. Industry partnership with the government enabled production to grow beyond imagination and the inexhaustive supply of labor was the key (Allen 2002). Twenty-two industries including sixteen private corporations used state prison labor. It was only in the case of Akkumulatorenfabrik AG Stocken, a battery factory for U-boats, that the SS may have forced the firm to use slave labor against their will (Allen 2002, 170).

Conditions in the camps were cruel. Nutrition and wages were much lower than for the average worker. Individual camps were under the authority of individual firms, which had the capability of improving conditions but chose not to (Bindenagel and Libonaiti 2001, 9). Because of strong German anti-Semitism, Jews were the most

disposable labor (Allen 2002, 6). Not surprising, due to the horrid conditions, by the end of the war, only 250,000 slave laborers were found alive. Other estimates are at 1 million found alive (Lambsdorff, March 2002). The discrepancy is from the incomplete S.S. records that were found after the war's end.

### The Long and Arduous Pursuit for Compensation

Former German slaves and forced laborers received justice in a very different way than the other victims in this study. Victims in this case waited for over 55 years before they were recognized and their demands met. Almost immediately after the war, workers began fighting for redress. Herbert (1999) suggests that according to the basic principle of West German legislation on indemnification (1956), any individual who was persecuted under the National Socialists could claim and receive compensation. However, in practice, that principle was restricted to Germans and individuals who either now or in the past had some "spatial relation" to the territory. In other words, victims who did not live in Germany after the war were unable to claim compensation. For this reason, Herbert suggests that "the largest groups of foreign victims of National Socialism have been excluded from receiving compensation: namely foreign civilian forced laborers and foreign concentration camp prisoners, including Jews who returned to one of the Eastern bloc countries after 1945." (Herbert, FAZ, July 19, 1999). Eastern European Jews have been recognized as "double victims" of both the Nazi and Soviet bloc regimes who lived in abject poverty behind the Iron Curtain after the war (Kim 1999). Surprisingly, foreign workers from about twenty nations made up a majority of the victims alive in 1999, numbering over 2.4 million. (*New York Times*, Dec 19, 1999).

The Jewish Claims Conference, an organization that represents Jewish victims of the Holocaust, began fighting for slave and forced laborers as early as 1954, but only on behalf of Jewish victims. It appealed to West Germany's largest corporations including Siemens, IG Farben, and Krupp: however, the response was grudging and little came out of bitter negotiations (The Jewish Claims Conference). Corporations wanted to place blame on the SS and the German state, and vice versa. Between 1952 and 1953, the Bundestag *did* grant reparations to some victims, but largely for diplomatic expediency (Gillis 1994, 264). Unfortunately, just when the Jewish Claims Conference on behalf of the Jews was making gains, tensions during the Cold War halted the progress of compensation; preventing access to information from thousands of victims in surrounding countries (Dossier, *Holocaust Issues* March 6, 2002).

After the close of the Cold War the unfinished business of restitution resurfaced as archives and new information were made available to the public. A new illuminating light was cast on historical truth, which reinvigorated the pursuit of compensation for thousands of victims. Another factor was the success of the victims in the Swiss Bank account case in which the Swiss government apologized to Jewish victims in 1995 and Swiss banks agreed to pay \$1.25 billion in a class action lawsuit (Barkan 2000, 14; Kim 1999, 77). This successful lawsuit provided hope to many victims' groups who viewed the courts as the best route for compensation (*New York Times*, July 19, 2000). However, Ambassador J.D. Bindenagel, special envoy for Holocaust Issues for the U.S. Department of State suggests that:

One fundamental reason that these issues were reopened in Europe was that the Cold War that had set Eastern Europe free finally ended. Millions of Nazi victims who were beyond the reach of international compensation or assistance, so called "double victims" who suffered under both National Socialism and Communism,

could now be reached. In Western Europe, compensation programs were very different; they now reached individuals. Survivors of Nazi terror benefited from comprehensive efforts to return property as well as special payment and pension plans (Dossier, Holocaust Issues March 6, 2002).

This statement concurs with Barkan's (2000) ideas on the liberal international morality after the Cold War. Additionally, Bindenagel (March 6, 2002) mentions two key components that thrust compensation into the limelight during the 1990's. First, is the idea of memory. After the Cold War, victims were once again acknowledged and their testimonies recounted through educational programs such as conferences, memorial services, and especially the attention drawn by victims' organizations such as the Jewish Claims Conference. Second, was the role of the democratic revolution that took place in Europe during the 1990s, which resulted in German unification and made possible the unfinished task of meeting victims' needs by a newly united and organized German government. Finally, Bindenagel suggests that the issues of delayed justice and reconciliation were stirred by a public awareness that grew very slowly (Dossier, Holocaust Issues March 6, 2002).

While I agree that all of these factors certainly encouraged the push for full compensation of all Nazi era victims, I suggest that the pressure from lawsuits became the determining factor for redress. The amount of international pressure, especially from the U.S., cannot be underestimated in this case. Most certainly, lawsuits or the threat of impending legal action pressured corporations to begin investigating their past before they entered any agreements with victims.

To support this claim I cite the example of three companies. In actuality, negotiations among a variety of actors began in the fall of 1998 after huge class action lawsuits surfaced against such companies as Daimler-Chrysler, Siemens and Deutsche

Bank. Interestingly, although these cases were private, the U.S. government assumed the lead in negotiations, since American attorneys representing victims all over the world filed most of the lawsuits. For over one year, talks were held among representatives of German industry, American government officials, over 50 American lawyers, special interest groups, scores of plaintiff lawyers, and five non-governmental organizations from Eastern Europe. No doubt, this array of input caused competing agendas and long debates (Dossier, *Holocaust Issues* March 6, 2002). However, critical to the talks was achieving legal peace. In exchange for a comprehensive compensation package, President Clinton pledged that the U.S. would do everything to block new class action lawsuits brought in the U.S. against German companies ( *New York Times*, July 18, 2000).

Another factor that impacted negotiations was the work of the scholarly community. Research by scholars and individual historians, hired by private corporations brought to light the role that the German government in cooperation with both German and U.S. companies had in exploiting labor for wartime production. Evidently, lawsuits spawned government action, which led to negotiation and then compensation. A discussion of articles in the *FAZ* reveals this sequence of events.

The impact of National Socialist exploitation of labor was made evident in an article in the *Jerusalem Post* (December 5, 1999), which estimated that German banks and companies using slave and forced labor during the Holocaust profited by as much as DM 180.5 billion (U.S. \$95b.). The opening of archives exposed many corporations' records also strengthened claims for redress. This critical information surfaced in 1999, when a report issued by the Foundation for Social History of the 20<sup>th</sup> century, a non-

governmental research institution in Bremen, Germany, cited in the same *Jerusalem Post* article helped “embolden claimants” to expect settlement.

Soon after the release of this information, intense negotiations between the two sides finally gave way to legislation passed by the Bundestag, which provided a *broad* plan to compensate Holocaust survivors enslaved by the Nazis. Clearly, the underpinning of this move was to finally bring relief to German corporations from years of legal attacks. On August 12, 2000, the German government signed the German Foundation Act which created the “Remembrance, Responsibility, and Future” Foundation to provide forced laborers and former slaves financial compensation for gross exploitation by the National Socialist government during World War II.

Until the Fund, mostly Jewish men and women stood in the center of historical recollection and, simultaneously, the restitution had been channeled almost completely to the group of Jewish victims who unquestionably suffered the most and who, by an extremely small minority, survived the murderous treatment by the SS and their helpers (Bindenagel and Libonati, 2001, 7).

Today, the International Organization for Migration (IOM), one of seven partner organizations processing claims, has handled 308,000 claims for slave labor and 48,000 claims for property loss by victims of National Socialism. It is estimated that 1.5 million survivors remain (Wiesan 2001, 2), despite the many who have died over the years. Qualified victims, or those who can provide proof of their status during the war will benefit from the DM 10 billion, (US \$5 million) in compensation equally posted by the government and a total of 6,000 businesses (*FAZ*, Schewen, Nov 21, 2001). Out of the 308,000 claims, the Director of the German Forced Labor Compensation Programme estimated that less than one third of the claims IOM has received will be compensable under the German Foundation Act” (IOM, Geneva, January 30, 2002). Again, we see that

in cases of redress, while victims may campaign for redress as a group, in actuality individuals' claims are evaluated on terms that may preclude certain persons from receiving the benefits of the negotiations; therefore, all victims are guaranteed compensation.

To date, fifty percent of victims have received checks. Two thousand, former slave laborers have been paid about \$5,752 Euros each (DEM 11, 250 or US \$5,800), that is 75 percent of total compensation of 7,700 (DEM, 15,000 or US \$7,800); while forced laborers have received fifty percent (DEM 2,556) of their total for forced labor in industry and (DEM 1,022) for forced labor in agriculture. The IOM estimates compensable victims will receive full payments by the end of 2004 (IOM Compensation News, Issue 2, 2002).

The German Foundation "Remembrance, Responsibility, and the Future":  
An Instrument for Public Education

Unlike the case of Japanese American redress, negotiations for forced and slave labor compensation took place between companies, the U.S. government, and lawyers on both sides, rather than a commission. In this case the commission did not precede any organized campaign for political attention, but rather this campaign followed in the steps of the then recent 1997 Swiss Bank settlement for Jewish material claims. While in the Japanese American case, the government created a commission (the CWRIC), to write a report that provided the platform for debate for policy in Congress, in this case victims' groups represented by lawyers worked on behalf of victims. Likewise, validation of the injustice took place outside of the judiciary system. Yet, before negotiation between the U.S. and Germany, media coverage of high profile legal cases and mounting legal

pressures, provoked political and public attention for compensation. The same was true in the Japanese American case when another victims' organization, the NCJAR, fought for redress in the courts, focusing much more attention on redress. Therefore, it is safe to say that in these cases media attention of the legal battles provided momentum and attention to the compensation process. In the German case, legal pressure spawned government action rather than action from political pressure inside the government precipitating action.

The German Foundation "Remembrance, Responsibility and, the Future" announced in June 2002, that it was initiating a Future Fund "which will work to maintain global awareness of the dire consequences of repression, intolerance, and violent hatred. Its goals were to "look backward ...to confront and mend injustice and forward to build tolerance, true security, and democracy" (Bell, June 14, 2002). The role of the Future fund in this case is the function is primarily *memorialization* or ongoing public education about the past, the promotion of justice. "Its aim was not solely to provide material compensation for forced labor, but to show that the state, society and industry have a lasting political and moral responsibility" (Germany Info: Government and Politics, May 3 2002). While the German Foundation fulfilled restorative justice by restoring a token monetary compensation to the victims, the Future fund is now promoting justice by commemorating the victims. Negotiations created the basis for justice and the Future Fund has promoted justice since then.

One could very well argue that the Jewish Claims Conference acted as the principal agent to achieve restoration by initiating compensation and achieving recognition or legitimacy of victims' claims. While this is undisputed, I suggest that the



German Foundation instituted by legislation in the Bundestag, was responsible for distinguishing slave and forced labor as a distinct issue unique to Holocaust story. Through government policy the issue received legitimacy, a factor necessary for historical claims to be rectified (Barkan 2000). Thus in the legislative realm redress issues receive the necessary political and private pressure to bear on policymakers (Brooks, 1999).

The Jewish Claims Conference can be credited with helping to organize only Jewish victims, providing them the political power or voice as Freire suggests is necessary for systematic education for political and public recognition. However, when the German Fund was created the oppressed were placed in a position to symbolically link arms with the government to commit to material compensation and finally memorialize forced and slave labor as an important part of World War II history.

### The Impact of Compensation

The jury is still out on what impact compensation will have on the country, the government, and its citizens, but this case can be delineated in three ways. First, partial credit for public education that took place during the many years of the redress process can be given to victims' groups such as the Jewish Claims Conference, which spawned many other organizations that now represent Eastern Europeans and other groups who were victims during World War II. Through these organizations, slave and forced laborers were able to achieve legitimacy as victims and recognition of their experience as indeed unique, separate from that of property claims issues, the Swiss bank accounts cases, and Holocaust survivors in general. Notwithstanding the role of these victims'

groups, it was the German Foundation that put pressure on corporations to financially support the victims' compensation fund and fulfill justice.

Secondly, the Foundation through the Future Fund has helped to *memorialize* the victims of forced and slave labor. In her essay titled "Between Memory and Oblivion: Concentration Camps in German Memory" (1994), Claudia Koonz makes clear the distinction between popular memory (as revealed in the media, newspapers, oral histories memoirs, and opinion polls) from official memory (as expressed in ceremonies and leaders' speeches). She states, "Public memory is the battlefield on which these two compete for hegemony" (Koonz 1994). It is as if a silent war throughout history has been taking place between these two types of memory. Which one wins is based largely on the cooperation and reconciliation that exists between the perpetrators of crime and the victims. Her argument concurs with Iriwn-Carecka (1994) and Yamayoto (1999) who call for a shift to the broad role of universal memory. "We need to look at this issue from a new perspective, move away from the predominately monetary discussion. This why the Future fund in the overall structure of the Remembrance Fund should be a strong component of the program; new research and educational programs on this issue should be started" (Bindenagel and Libonati 2001, 2).

### National Memory and Identity

An important function that compensation has provided to Germany as a community is that historical memory has been rewritten. Koonz suggests that after 1945, "memory was sealed off in post-traumatic oblivion behind 'Zero Hour' of 1945 and it was not until the 1960s that war and Nazism returned to public consciousness in East

(GDR) and West Germany (FRG) (Koonz 1994). Both parts of Germany had different ways of viewing the atrocities and crimes of the past with the GDR less willing to preserve concentration camps and set up memorials to victims. However, *memorialization* slowly took on importance beginning in 1955 when an edict was issued by the Politburo to preserve camps at Buchenwald, Ravensbruck, and Sachsenhausen (Gillis 1994, 268).

After unification in 1990, it became obvious that a shared identity and public memory will take years to achieve. The attitude of the German people towards memory has been very mixed and confused. Many in the West and especially in the East think it best not to rehash events of the past but rather move on toward a unified future, so it was not surprising that public opinion polls taken in 1990 reflected that most Germans felt that the war ought to be forgotten (Gillis 1999, p. 275). Yet, I believe this statement by former German President Richard von Weizsacker states best the individual struggles that most Germans feel in their attitude about their marred history:

There is no such thing as the guilt or innocence of an entire people. Guilt, like innocence, is not collective but individual. All of us, whether guilty or not, whether old or young, must accept the past. We are all affected by its consequences and held responsible for it. Young and old must and can help one another to understand why it is vitally important to keep the memory alive (Dossier: *Holocaust Issues*, March 6, 2002)

In a recent public opinion survey quoted by Bindenagel and Libonati in their book, *The German Remembrance Fund and the Issue of Forced and Slave Labor* (2001), a majority of Germans, supported an aid program for victims of forced and slave labor. Fifty-three percent of Germans believed that financial support was justified while 34% were against it (p. 2). In reference to Gerhard Schroder's administration, Bindenagel and Libonati suggest, "the new government's initiative is a step in the right direction to do

justice: more justice than individual lawsuits would ever be able to achieve” (p. 4).

Without information on attitudes before and after redress, judgments on how effectively justice was promoted are difficult, however analysis of how one leading German newspaper, the *FAZ* portrayed compensation may be helpful in identifying any patterns that existed during coverage of the campaign.

### The *FAZ*'s Coverage of Forced and Slave Labor Compensation

This section will discuss the role of the media in this case for redress. I initially cited the media as a key variable responsible for enabling victims or victims' groups to achieve recognition and legitimacy for their cause. As brought out in chapter two section one, the media in general impact the political, and public agenda by its dialogical nature or its ability to communicate a rich source of accessible information. Although the literature suggests that the media are biased to support the status quo, I will investigate the patterns of coverage and tone toward redress.

My initial impression about this case was that media attention precipitated government action and the creation of the German Foundation, thus government action was provoked by media coverage. Without the ability to examine the media as a whole, I have focused on the *FAZ* to first learn whether this newspaper covered the increasing legal pressure prior to creation of the German Foundation, or the time that preceded negotiations for compensation. The *FAZ*'s coverage of this period would support my initial expectation that coverage of this issued caused government action. More articles written during this time period than the mid-case and post-case periods would support my initial impression. Secondly it was my goal to discover the way in which the *FAZ* covered

the proceedings or the tone of its coverage. Classification and discussion of the articles printed during this period will provide an explanation of this medium's role in this restorative justice case. Indeed, since this study is limited, the overall conclusions do not fully explain the phenomena but do provide some insight into what happened.

I could find no comprehensive public opinion surveys on how the public reacted to the German government's agreement with the U.S. to compensate forced and slave labor victims, or the overall reaction to the Foundation for "Remembrance, Responsibility and Future". As a result I examined the *Frankfurter Allgemeine Zeitung (FAZ)*, a newspaper issued in Germany. The *FAZ* produces a literal English language translation of its articles as a supplement to the *International Herald Tribune* one of the most respected newspapers in the world (*FAZ*).

Twenty articles were categorized according to *formative* or after negotiations for the German Foundation, *mid-case* or the negotiation period between the German government and industry, and *post-case* or after the implementation of the compensation process. These categories cover the dates of June 2000 to August 2002. At the outset, I will mention that about 65 of articles were available that only covered a short period of the total compensation process since payments began as recently as December 2002 (see appendix). The table below shows how the breakdown of articles

I chose to examine 20 articles covering the years 2000 to 2002, so that this sample is only 24 percent of the total 85 articles on forced and slave labor compensation in the *FAZ*. The formative articles were classified as those that were printed just as this case was gaining media attention starting in June of 2000. I must make clear that the archive database began June 5, 2002 so articles prior would have included formative articles also.

Table 4.1. Chronological Classifications of News Articles Covering Compensation for Forced and Slave Labor Victims.

German Forced and Slave Labor in The <i>FAZ</i>	Total Articles	Percentage
Formative (June 5-July 17, 2000)	12	14%
Mid- Case (July 18 – June 28 2001)	62	73%
Post -Resolution (June 28-February 19 2002)	11	13%
Total Articles	85	100%

Source: *FAZ* (2000-2002).

The formative, midcase, and post-case classifications were based on three important dates.

The forced and slave labor timeline looks something like this. Formative articles were those dates prior to the signing of the June 18, 2000 Agreement on Forced and Slave Labor between the U.S. and Germany. Ideally, those articles prior to the tentative agreement in February of 1999 would show how much media coverage this issue received during negotiations between both governments, but again the *FAZ* database only came into existence in June of 2000 thus limiting the total number of articles and a clearer indication of the media’s contribution in heightening this issue.

A second important date during the forced and slave labor campaign was the period after June 18, 2000 and the formal signing of the Forced and Slave Labor Act. The period after this date represents the negotiations which took place between the German government and the German industry to finance the German Foundation for Remembrance, Responsibility and the Future which would collect compensation funds, disburse them to advocacy groups, and promote commemoration projects.

Finally the last important date was that of June 28, 2001 and the beginning from the German Foundation to about fifteen advocacy groups handling claims for an estimated 1 million to 1.5 million forced and slave labor survivors from twenty countries (The *New York Times*, July 18, 2000; June 20, 2001).

This sample includes six articles ranging from the dates of June to October 2000. During this time, articles focused on the *demand for* compensation that was being generated by the onslaught of lawsuits directed toward German companies by victims of forced and slave labor. Observation of these articles suggests that they focused on tensions between the U.S. and Germany over lawsuit protection and the issue of the German government to provide compensation at the time.

### Findings

One example of a formative article was written June 12, 2002, titled “Reparations Demanded Again”. In the article the author implies that “Since reparations were not addressed in a treaty described as “final” clearly implies that such demands can no longer be made unless Germany accepts the new obligation. This it refuses to do.” (FAZ, Muller, June 12, 2002). The tone of these articles suggests that Germany had already gone over and beyond the call of duty in restitution and compensation and there was no need to respond to any more *demands*. Yet, an article printed the following day titled, “Breakthrough in Compensation Negotiations,” describes negotiations that took place between the U.S. and Germany in which concessions were given to the Germans in three areas: dismissal of pending and future claims asserted against German companies; a guarantee of neutrality in future cases; and, a written formal agreement on legal and

political obligations for all parties (*FAZ*, Kaps, June 13, 2002). Finally, on October 24, 2000, an article discusses the signing of the slave-labor fund act that would be established jointly between the German government and German corporations.

In contrast to the four formative articles, thirteen mid-case articles were sampled to gain an understanding of how the *FAZ* portrayed the compensation process. Mid-case articles reflected the greatest amount of media attention, which would suggest that this was the period of time when this issue gained prominence on the political and public agendas. Dates of these articles ranged from May 16, 2001 through August 15, 2001, the period after the signing of the German Foundation Act but also during the negotiations between the German government and corporations involving who would finance the Fund and how much would be contributed. These articles shifted attention away from tensions between the U.S. and Germany, to the public feud between the German government and its pressure on German companies to contribute to the fund. Ultimately, these articles reflect the longstanding conflict over who should pay for National Socialist crimes. For example, an article titled “Debt, Guilt, and Morals” (*FAZ*, October 29, 2000), suggests, “The issue of compensation for slave laborers has pitted innocent victims against resistant companies. Are some companies justified in choosing not to participate in the initiative?” It is clear that while Chancellor Gerhard Schröder of Germany was committed to the compensation plan, many German companies did not feel the obligation to join the list of those companies willing to contribute the proposed DM 5 billion (\$2.3 billion) to the fund. Similarly, another article titled, “Threat of Lawsuit Menaces Slave-Labor Fund”, expressed German industries’ outrage at a lawsuit filed in New York by a lawyer who accused the fund of withholding DM 100 million (\$45 million) in accrued



interest. A spokesman for the industry remarked that the threat was “nothing more than a mixed bag of allegations.” Again, articles during this period reflected the most contentious or sensational aspects of the case, focusing on the debates of *who* should pay or simply the hype of the blame game rather than on the historical importance of finalizing victims’ concerns, and addressing international demands.

Finally, I found only one post -case article in 2002, dated February 19, 2002. This is the period after finalizations between the government and the companies were made, and the time when payments began. No articles were found that mentioned when payouts to victims began or what were the attitudes of those receiving compensation. Likewise, there were no articles that discussed the results of payouts or the impact of the payments on victims who received them. This was quite surprising since so much was written on the process (*mid-case*) and debate over garnering funds in order to pay the victims.

Here is an example of what the post-case articles discussed. The first article was titled “From Local Lawyer to International Litigator” (*FAZ.net*, February, 19, 2002). Forced and slave labor was not the focus of the article but rather the Munich lawyer Michael Wittl who collected \$8 million in fees for his successful litigation. The forced and slave labor suit was one of several high profile cases that he had been involved with since 2000, and the author highlights the wealth and popularity he has enjoyed since then.

My overall observation from the twenty examples drawn would suggest that the *FAZ* focused its attention on mid-case articles that covered the debates between the German government and German corporations. From examination, the smaller number of formative articles compared to mid-case articles does not support my initial view that the

media impacted the political/public agenda, in turn provoking action. Instead, the key players in implementing the agreement between the U.S. and Germany received more coverage and had more impact on the political and public agenda. And because an opinion survey could not be consulted, this cannot be substantiated. Interestingly enough, these articles made no mention of the sufferers or background concerning their issue. However, mid-case articles did reflect the sensational aspects of the case, which include the wrangling between the United States and the German government, the Parliament and corporations, and various lawyers' attempts to file suits that could have damaged the agreement between the two sides.

Overall, I noticed that very little coverage was given to stories of forced and slave laborers as victims, which would have in my estimation provided more depth for readers who were familiarizing themselves with the cases, thus promoting restitution. Personalizing or humanizing their stories during the formative phase would have also helped to firmly place compensation on the public agenda by creating a human link so that readers could identify with the story. Lastly, the *FAZ* printed only one article in the post – resolution or post-case stage. More such articles would have reflected the outcome of resolution and helped to memorialize the process and the victims or what Freire called the educational dialogical quality of revolution.

### Conclusion

The German case of forced and slave labor is important to the discussion of justice and the impact of media for several reasons. First, this case demonstrates the role that organizations such as the Jewish Claims Conference and the German Foundation

have in pushing human and restorative justice issues to the fore, thus enabling them to be promoted to the public, political and media agendas. In this case, I found that U.S. legal pressure provoked government action. Yet, it was the negotiations between the government and German industry about financing the German foundation that received the greatest newspaper coverage. This falls in line with Lippman's assessment of newspaper coverage on what is deemed to be the most interesting to the reader (Lippman 1994, 40)

This case did substantiate my initial feeling that without victims' organizations to organize the victims, and provide what Freire calls systematic education, individual lawsuits would flood the courts, which would in turn embitter the victims, and antagonize corporations and/or government officials. In this instance, creation of the German Foundation first met the victims' demands for monetary compensation and second functioned to provide *memorialization* or the promotion of justice by perpetuating the memory of forced and slave labor.

Unreservedly, articles in this case strongly reveal the *FAZ's* support of the status quo, meaning that the *FAZ's* tone and attitude in these articles was similar to the initial position of the corporations, the business community and the government, which were against further compensation negotiations. As mentioned earlier, Lippman and McQuail suggest that the media reflect the political agenda. Although, companies were happy to have brokered legal peace with the U.S., the articles that I reviewed suggested an a resistant tone to the formation of the German Foundation and the Future fund and its commitment to monetary compensation. And despite the billions of dollars that have been paid in compensation to Holocaust survivors over the years, it appears that the

German government was prodded and cajoled to grant victims their just due and that without U.S. legal pressure, this Foundation would not have resulted (Brooks, 1999). In this case, clearly it was the pressure of U.S. lawsuits and victims' organizations that were critical in pressing the German government into action, rather than media attention to corporations responsible for human rights violations that drew attention. In contrast to the Japanese American case, a financial threat or legal pressure preceded the overall issue of restorative justice.

Lastly, the impact of memorialization is the most evident function of public education that has resulted from this campaign. The German Foundation is now dedicated to building museums and converting camps into historical landmarks among various other projects to commemorate victims. Yet, as evidenced from the number of post-resolution cases drawn from my sample, the lack of media attention given to the work of the Future Fund as examined in the *FAZI* I believe has downplayed the impact that the fund has made or will make. The number of post-case articles that have been dedicated to covering remembrance shows this.

Forced and slave labor was successfully resolved for several reasons. First, the functions of public education of legitimization and memorialization were exhibited through the German Foundation, which helped to create and promote justice by validating the victims' cause and by negotiating and fulfilling justice. Second, victims advocacy groups received token monetary compensation and an apology from the German government and the Foundation. In other words, the goals of restoration were achieved because victims received what they campaigned for. Lastly, this case was

successful because the Future Fund has been established to continue education about German forced and slave labor.

## CHAPTER V

### SOUTH AFRICAN TRUTH AND RECONCILIATION

#### Introduction

South African Truth and Reconciliation represents a powerful example of how restorative justice was exercised in place of punitive justice. In this context, I refer to restorative justice not through the lens of a select group of victims who demanded it, but as a political necessity for the black ANC majority that took over democratic leadership in 1994. Restoration of civil society and respect for human rights was imperative for the future of South Africa after the collapse of the previous authoritarian regime. (Allen 1999; Daniels 2002). This case is representative of those involving racial historical injustices against indigenous peoples dating back to colonial expansion. Truth and reconciliation also differs from the previous two cases in that the primary victims were a black majority group discriminated against by a white minority. During the process the main task was fact-finding and nation building as opposed to material compensation. In other words, restoration of civil society and the promotion of democracy were politically expedient for the incoming government. Also, this case contrasts with the previous two in that they were not represented by any advocacy group that articulated their demands but rather, the entire country to some degree engaged in dialogue through a commission whose main goal was reconstruction of society after a volatile internal civil war. With racial historical injustice having created a breach and pervading divisiveness in society,

the introduction of democratic values not previously exercised in this nation's history was critical for the future of South Africa (Barakan 2000). In this case victims did *not* walk away with any token symbol of justice so the merit of this case is that it reveals the value of the variable I argue as critical to restorative justice —quasi-governmental commissions and the media in this case of recognitional justice.

First, I present a brief history of apartheid, which reveals the challenges that South African society as a whole faced in its transition to democracy. Essentially, this account reveals that all South Africans were victims of apartheid policy, but the indigenous population suffered the worst. Second, this chapter shows the role of the Truth and Reconciliation Commission (TRC), a body that was dialogical and educational in function. Lastly, a look at articles in the South African Rand *Mail and Guardian* gives insight into how this newspaper covered a very public and historic process. My analysis shows the impact that this process had on South Africa after the proceedings. While I concur that researching one source is limiting, I do believe this examination yields important considerations.

### A History of Apartheid in South Africa

Formal policies to ensure white dominance in black South Africa came about in 1948 when racial discrimination was institutionalized or codified. These policies known as apartheid took on the form of an aggressive discriminatory campaign that resulted in the denationalization of blacks (Lapping 1987; Lowenburg, 2001). Until 1994, people of color lived under a system of racial separation and discrimination by a white minority totaling only around 13.6% of the population (CIA World Factbook 1995). Although the

English and Dutch settlers had begun racial discrimination in the 1600s, it was not until the Afrikaans National Party (NP) government initiated the plan of “Grand Apartheid” in 1949, which forced blacks into enclaves, that apartheid policies became a central part of South African society (Robertson 1957).

While there are different theories on why the policy of apartheid came about, it is commonly agreed that Afrikaner economic control was at the root of apartheid policies. As the black population grew, white minorities viewed them as a threat. Between 1936 and 1961 the black population grew from 1.1 million to 2.3 million (Lapping 1987, 33-41). And while it took several years for the government to implement its policy of social and economic discrimination and physical separation, it did not try to camouflage its intent. A 1948 report by the government’s Fagan commission concluded: “The policy of separate development is the only means by which the Europeans can ensure their future unfettered existence” (Lapping 1987, 94). By 1955, forced removals under the Group Areas Act (1950) began in the town of Sophiatown, where later a white settlement was built called Triompf in Afrikaans or in Triumph in English (Lapping 1987, 112).

Racism and violence happened on both sides of the color line. Coloureds (persons of mixed race) and Asians suffered horribly, but blacks the worst. Blacks lived in ghettos, were denied jobs, and quality education. Furthermore, all people of color were forced to carry identity cards, which prohibited them from entering certain parts of their city and the country. Indigenous peoples were treated as if they were the foreigners, not the white immigrants

The 1960’s marked the beginning of widespread violence across South Africa. Most pivotal was the year 1961, which was the turning point in black resistance, an



increase in repression and relentless violence. On March 21 of that year, a peaceful demonstration organized by the black Pan-Africanist Congress (PAC) political party to protest a recent law mandating non whites carry passes turned violent. At Sharpeville, an African township 50 miles south of Johannesburg, the police overwhelmed by a crowd of 5,000, reacted to scuffles by firing into the crowd. Violence resulted in the death of sixty-nine peaceful protesters and 180 wounded (Beck 2000, 142).

### The Struggle for Justice

The repercussion of the massacre dramatically changed both sides' responses to the growing political tensions; and as a result, political and social conditions grew worse. The African National Congress (ANC) and the Pan African Congress (PAC), the two main black political parties, took action by arming their members for the struggle. Black on black violence escalated as did black on white violence. In reaction, the government tightened security and control by declaring a state of emergency. Under the Unlawful Organizations Act (April 8, 1961), the government banned the ANC and PAC, all public meetings, and set curfews. To enforce the new law, the Active Citizens Force (the military reserves) was organized. Jailing, abduction, surveillance, torture and murder skyrocketed as South Africa became a bona fide police state (Beck 142, 2000). Not surprising, many blacks no longer saw non-violent protest as the way toward progress and freedom.

During the years of violence in South Africa, both blacks, whites, Asians and coloureds suffered, so that the profile of victims varies. Prisoners, especially political prisoners, were psychologically and mentally tortured. School children suspected to be

politically active were ambushed by the police. Many women who joined the protest movement during the 1970s suffered sexual torture to their genitals and breasts. During the 1980s, torture, rape, murder and overall violence increased to unprecedented levels. Black families especially suffered because of family separation. Migrant laborers were prevented from living with their families for long periods of time. Many times family members suspected on political involvement were abducted, their whereabouts unknown for long periods of time. Some returned to their families maimed after torture while others were presumed dead. And most damaging was the forced removals, which occurred when government soldiers put blacks and their belonging onto trucks and dumped them onto segregated homelands in very desolate areas (Lapping 1987; Lowenberg, 2001). These were some of the stories told to the TRC's Human Rights Violation Committee (HRV) during the process.

### The Demise of Apartheid and the Transition Period

The demise of apartheid came about not only from pressure of the international community (in the form of sanctions) and escalated domestic violence, but also from the near collapse of the South African economy.

The white South African government abdicated power because of a recognition that apartheid policies were becoming too costly to maintain. The costs of apartheid were self-imposed as a consequence of years of misguided development strategies on the part of the National Party government and its predecessors (Lowenberg and Kaempfer 218, 2001).

Ultimately, the government had erected such an enormous infrastructure to keep blacks separate that it drove itself into financial difficulty. The fight to keep blacks out of the skilled labor market created a huge loss to not only the business community, but also

the country. And it was the near collapse of the economy that drove social change. When then Prime Minister F.W. de Klerk agreed to hold fair elections in 1994, it was because white supremacy failed as an option for viable government (Beck 2000, 193).

Transition from one party rule to a truly democratic society was an interesting and very contentious period as both sides vied for their share of power in the new government. Violence erupted between both whites and blacks that were angry for a variety of reasons, but mainly because of the political and social changes that were rapidly occurring. By 1992, the ANC and the NP were engaged in tense negotiations as to how the new coalitional government would be run, and primarily under what type of constitution. But, it was also during that four-year transition period that over 16,000 people lost their lives (Howarth and Norval 1998, 13). Nineteen ninety -two also marked the end of covert operations by the NP. Authors Rupert Taylor and Mark Shaw in their article, “The Dying Days of Apartheid” argue that 1992, rather than 1990, should be recognized as the true end of apartheid. Today, “In the new democratic state, a serious effort has been made to end the continuing violence, establish the rule of law, and come to terms with the past” (Shaw and Taylor 25, 1998).

By 1994, all South African parties had come together to draft liberal-democratic goals for a newly constituted government under a brand new constitution. And it was the ANC constitutional guidelines that served as the basis of the rule of law and multi-party democracy. Included in the new constitution were basic rights such as freedom of association, press, speech, worship, association, and the right to strike. “Protected rights and an autonomous civil realm provide a counterweight to state tyranny and bureaucratic centralism”...(Howarth, Norval, and Glaser 1998, 43). Since civil rights were previously

non-negotiable, this new government was an immense shift from the historical underpinnings of South African law and practice. In addition, an independent judiciary participated in order to oversee the new government's commitment to a fair and equal society under the law.

### The Truth and Reconciliation Commission (TRC)

In an effort to cross the bridge from a criminal state to one focused on nation building, the attempt to integrate 'citizens and subjects' through the drawing and crossing of identity boundaries (Ramutsindela 2001, 5) and to promote a just and equitable society, the former prisoner and popular President Nelson Mandela pushed for a commission whose task it would be to uncover truth, distill lies, prosecute criminals, and promote reconciliation (Verdoolage 2002).

Without question, a truth commission was a matter of political necessity. It was imperative that some legitimate tool be used to foster support on both sides for the new regime. On one hand it was clear that a majority had been violated and these citizens sought nothing short of retribitional or punitive justice for the many years of discrimination. On the other hand, it was also clear that the ANC was not in a position to carry out any harsh measures against former government officials since punishment of these officials would destabilize South Africa. Yet, it was Mandela's intention to use the expertise of the whites to change the economic, education, and political institutions (Graybill 2002). For Mandela the restoration of civil society and the stability of the country were at stake. Pursuing justice was the most delicate policy that the post-civil war country faced.

In July 1995, the Promotion of National Unity and Reconciliation Act legislation was passed to set up the TRC (Graybill 2002). Led by the respected Archbishop Desmond Tutu, the TRC a parliamentary commission with constitutional standing was saddled with the task of reconciling a deeply divided society by unearthing the truth that would incriminate both blacks and whites.

Truth commissions are not a new phenomenon. Up until the TRC convened, approximately fifteen truth commissions had convened in other countries since 1974. These commissions functioned during periods of transition and democratization, and were most popular after the wave of democracy in the 1970s and 1980s (Arnold 2000; Verdoolage 2002). Past commissions had been successful to the extent that they uncovered some truth, but unsuccessful in that the victims' demands were largely ignored. For example, the commissions in Chile and Argentina offered blanket amnesty for police and army personnel in exchange for general confessions which did little to reveal the numerous atrocities that had resulted under Pinochet's regime (Daniel, October, 2002).

Kader Asmal, then minister of South African water affairs, determined that the TRC would operate differently. It distinguished itself in three ways. First, the TRC took a democratic approach by selecting a representative body of diverse members. Second, it encouraged public debate on the makeup, goals and procedures of the commission. Lastly, its creation was the input of all twenty- six parties who made compromises as to how the commission would operate (Graybill 2002, 16).

Critics of truth commissions agree that they are a helpful tool in the pursuit of justice, but also find many problems with the way in which their goals are pursued.

“Even avid proponents of truth commissions acknowledge that they are a complex and contradictory business. They are supposed to heal, but in producing truth they unearth traumas” (Daley, *The New York Times* October 27, 1996). Critics argue that truth commissions are merely “political compromises, institutions spawned by an unprincipled negotiation of a transfer of power. Justice becomes the casualty of a political calculation” (Allen 1999). Allen also suggests that truth commissions can realize a compromise between social unity and justice. In his estimation, the TRC should be viewed as a value of pluralism in which the existence of conflicts between moral values is recognized, but that justice was not sacrificed. I agree that justice for victims came in the form of recognition. Undoubtedly, it was media exposure and the TRC’s public education that central to justice. Both were key in portraying the fact that they previous government violated human and civil rights, and moreover that the common majority had suffered as a result.

While it is not my intention to argue the merit of truth commissions I do agree that the TRC would not have come about unless it served an interest, in this case a political one. And it fulfilled its role in maintaining stability during transition. As Allen suggests, measuring the impact of truth and reconciliation is difficult, but measuring the rehabilitation of society economically, socially and politically is feasible. In this case, I view restorative achievement in terms of the success of the TRC in achieving its stated goals and in carrying out its dialogical or communicative function. Where there was limited impact of its goals, I base this on the post-process response to the TRC function. The question to be answered is how was truth and reconciliation as a campaign visible, fulfilled, and remembered?

## The TRC in Action

Dr. John Daniel, a researcher who worked with the TRC, points to the TRC's uniqueness. It combined the following three elements that had been missing from other commissions. The TRC had three primary tasks to

1. -Conduct investigation of gross human rights violations, and compile a report as a complete picture of the period of March 1960 to 1994.
2. -Identify those who had been victims of a human rights violation and recommend appropriate compensation.
3. -Consider the granting of amnesty, not blanket amnesty but conditional amnesty (Daniel, October 14, 2002).

Additionally, the TRC was the first truth commission to have subpoena powers and the first to give itself power to offer amnesty on a case by case basis.

To carry out the formidable task, seventeen commissioners were appointed by President Mandela on November 29, 1995, while another sixteen were elected through a public process of nomination and popular vote and the Supreme Court's task to review the list. In the end, these thirty-three persons were organized into three committees, the Committee on Human Rights Violations (HRV), the Reparations and Rehabilitation Commission, and the Amnesty Commission. The human rights violation committee took 23,000 statements and the Reparations Commission investigated compensation for 21,000 victims (Daniel 2002; Van de Vijer 2001).

The most publicized portion of the process was that of the HRV. With so large a number of crimes committed between the period of 1960 and 1994, it was important that

the committee be explicit in its definition and acceptance of cases that constituted human rights violations. The committee defined a human rights violation as, “any killing or attempted killing, abduction, torture or severe ill treatment. Any act that caused physical or mental harm.” It was deliberate in this definition in order to *narrowly* represent the large number of acts committed under apartheid (Daniel 2002; Graybill 2002).

Yet, the most controversial proceeding was that of the Amnesty Commission, whose task it was to determine whether statements made by perpetrators were the truth and qualified for amnesty. Statements and hearings were broadcast across T.V., radio and newspapers. A total of eighty-four weeks of testimony were publicized from 1996 to 1998 (TRC).

Comprised of two panels of lawyers, the Amnesty Committee had a certain amount of autonomy from the other two committees in that decisions reached regarding perpetrators were final. More often than not, perpetrators applied for amnesty for more than one violation. It is estimated that 7,100 perpetrators applied for 100,000 investigated violations (Verdoolaege 2002). However, what was most highly debated were the conditions that according to the TRC had to be met for amnesty; they included: the motive for the act was political, the act was consistent with a recognized movement, perpetrators had to make a full disclosure about the organization and their role in it, and they had to be acting under orders of a superior officer. Amnesty for offenses of a sexual nature was denied and so were acts in which an offender killed indiscriminately. Vitaly, the most critical question the commission had to determine was whether race hatred could be considered a political motive. It was determined that it was.



## Impact of the TRC Process on South Africans and Society

The TRC's five-year investigation culminated in 2001 with a five-volume report (published October 1998) that addresses violations, perpetrators, and victims, and finally makes recommendations on how to memorialize the past but move forward toward a shared future for South Africa.

The process overall was unprecedented. Twenty-two thousand victim statements were taken, covering 37,000 violations. Also, 2,000 victims (a representative sample of 20,000 persons) were invited to appear before the TRC to tell their stories as survivors. Additionally, seven thousand perpetrators applied for amnesty over a six-year period costing the South African government R200 million for the entire process (Beck 2000).

There are different opinions on how little or how much the TRC achieved during its four-year term. In its one volume of recommendations, the committee urged the government to move quickly in closing the gap between the rich and poor and set up programs and policies that would foster human rights. Notwithstanding its recommendations, what has become evident after the commission is the reality that the TRC was only one step in the right direction of restoration and policies have to be implemented for deliberate changes. Since a new administration and constitution came into effect in 1997, optimism about instituting a united South Africa has died down due to the ominous task that leaders now face in restructuring the economy and society so that all South Africans can share the wealth of the country (Lowenburg and Kaempfer 2001). Yet, the work of the TRC as an instrument of restorative justice deems further discussion.

## The TRC as an Instrument for Public Education

Inspired by Paulo Freire's *Pedagogy of the Oppressed* (1970), I identify two functions of public education exhibited through the dialogical instrument of the TRC. The TRC itself served as an instrument of public education quite similar to the blue ribbon commission set up by the U.S. Congress for Japanese Americans in 1980. Its primary achievement was legitimizing the victims and their experience through testimony during the HRV hearings. In order to achieve the revolutionary change necessary to switch to a democratic society, South Africa needed a mechanism to dialogue about the past, or as Freire (1970) suggests, systematic education to effect liberation. Evidence shows that the TRC's main contribution to truth and reconciliation is that it served to *educate* the public on three themes: civil and human rights, civil society and democracy, all foreign themes to a state that had operated as a police state up to that time (Allen 1999). How the media worked to educate the public is discussed further. As mentioned earlier, the TRC's stated role was that of arbiter and sole guide in *redefining* truth and promoting reconciliation. It could be argued that to a greater or lesser degree the TRC was successful. However, the TRC demonstrated two of three functions of education that I have argued are apparent in redress movements.

First, the TRC served to *legitimize* black, coloured and Asian South Africans as *victims* in an intense and lengthy struggle for civil and political rights. For years many whites viewed people of color as a threat, economically, politically, and socially. People of color were looked upon as a problem to be handled by whatever means necessary. As in the case of Japanese Americans during World War II, racism was endemic, thus people of color were a perceived danger by many whites and the government. This myth,

perpetrated by the state, put fear in the minds of whites and was used to justify discriminatory policy (Daniels 2002; Lapping 1987).

Ironically, it cannot be ignored that the TRC did reveal that white South Africans were fellow victims of the NP's attempt to purposely discriminate against people of color. It was not until the HRV hearings were broadcast across the country, that people of color, and some whites were portrayed as victims on a national level. Yet, the act of *legitimizing* the victims could not have happened according to Elazar Barkan (2000) until perpetrators and victims met face to face in public discourse, in dialogue. Evidently, the TRC served as an instrument to define more truth as opposed to just some truth as other commissions had demonstrated before (Verdoolaege 2002, 22). In this way, the TRC like the CWRIC, gave faces to abstract stories therefore validating injustice on a national scale.

The second function of education that the TRC exhibited was the act of symbolic *liberation*, marking a closure for South Africans from the discriminatory past and a new commitment to democracy. It symbolized a condemnation of the past and a break with the defeated ideologies (Allen 1999). Because a smooth transition was important to the success of the new democratic government, I submit that the transition period actually lasted from 1992 till 1998 when the final report was handed over to the government, rather than from 1992 to 1994. Therefore, it was not until the work of the TRC was completed that South African liberation occurred. As Freire (1970) proposed, liberation, becomes complete when the pedagogy of the oppressed became a permanent process of liberation or what I call the promotion of justice. And it was not until TRC recommendations were in writing that there was a contract so to speak, by which all those

concerned could proceed to promote justice. According to Freire, educational quality is one of the most effective instruments for keeping the revolution from becoming institutionalized and stratified in a counter-revolutionary bureaucracy...(Freire 1969, 138-139).

### National Identity and Historical Memory

Undoubtedly, the TRC also achieved through dialogue the creation of a new identity for South Africa. The TRC represented a forum for discussion about recent history. While views about the past are still more than likely unharmonious, the TRC helped encourage a healthy debate within the society that has brought about a more common understanding regarding actions of the former regime, race relations, political efficacy and racism. And although race still divides South Africa, open dialogue about the past has helped to widen the scope about South African identity. (Boraine 2000; Daniels 2002; Tutu 1999; Verdoolaege 2002). As Irwin-Zarecka (1994) puts forth, creating a new identity involves convincing the socially powerful that restructuring of collective memory should be taking place. And collective identity should replace group identity with the universal values of justice, truth and individual rights.

As for the third function of justice, that of *memorialization*, the most critical function of public education in promoting justice. It has been stated that redress is important because without it, old grievances fester and threaten the cohesiveness of societies. However, without memorialization, the future of justice is threatened, so is the truth about the past. Shriver (2001) suggests “Precisely for those who suffered injuries, the political world has to take account of the painful past, especially if political powers

were the perpetrators of that pain” (p.24). Thus “An authentic historical record of human rights abuse is vital because it serves as a basis for assisting future generations to defend democracy and the rule of law in the face of any future attempt at authoritarian rule.” (Bethke Elshtain 2001, 52). There needs to be thoughtful accountability rather than thoughtless submission to negative events of the past thus deliberate action is necessary.

Initially I believed that since institutionalized racism had been so deep seated in South Africa, achieving commemoration and an incorporation of new truths into official historical canon would take years. Yet, evidence suggests that reinterpretation about South Africa’s history of racism and exploitation began as soon as early as 1990 and has since continued. Rankin and Hamilton offer that Mandela’s release from prison and the imminent coming of black majority rule “precipitated a period of transition, in which South African museums and art galleries attempted to counteract perceptions that they were elitist institutions for white middle – class visitors, and to address new, more inclusive audiences” (1999, p. 5). South African museums, of which there are eleven publicly funded, worked to establish differences between colonizers and the colonized. Natavist history, art and culture were ignored much less appreciated. Ethnic separatism was the *modus operandi*. However, by the end of the 1980’s when pressures for change mounted and shifting ideology became apparent, art galleries began by reforming acquisition policy to include black work and provide equal representation. Now exhibits in museums such as the South African National Museum (SANM), have included exhibits that depict the Khoisan heritage as a celebration of the original native inhabitants not as barbarians or bushmen.

And so, it is that statutes, museums, and preservation of sites such as Robben Island where Nelson Mandela was imprisoned, now honor the victims and the heroes of the struggle. These efforts reflect the increasing national interest and urgency of the South African government in affirming particular interpretations of the past. In particular, the revision of history in museums as Davison suggests, anchors official memory because the “ordering and reordering of objects and representations in national museums can serve to legitimate or naturalize any given configuration of political authority” (Davison 1998, 146). Here again, the an underlying theme of political expediency becomes apparent. And since, these eleven museums depend on government funding, memory projects as it as termed by Irwin-Zarecka (1994) have become important for museums to remain in the favor of the government and outside art associations. But why should memory be important in a changing society and administration that would rather forget the morbid past? Davison goes onto to articulate that despite changing power relations, collections designated as ‘natural’ are a trust to future generations.

The conceptual frameworks that order collections and underpin exhibitions also mirror dominant forms of knowledge. Change may occur imperceptibly but at certain moments, as in contemporary South Africa it becomes programmatic. Taking its cue from political transformations the revision of heritage practices has become overt—the reshaping of public memory is an explicit project (Davison 1998, 147).

To support this, I underscore that memory is most important for creating empowerment for particularly the victims and for the nation as a whole as it now has work to generate a common understanding about the past, which inevitably impacts its future. The extent to which the media reflected this aspect of memorialization and promoted it is taken up next.

## Media Coverage of the TRC

As South Africa transitioned to democracy it became very evident that the media for years had served the state by disseminating racist propaganda. After fair elections and the institution of a new democratic government in 1994, the media did not suddenly switch ideological gears. During apartheid, there was a high level of deceit and manipulation by the media. Frequently, attacks endorsed by the state and carried out by the police against blacks were reported as acts of terrorism by blacks (Daniel, October 14, 2002). Stories of kidnappings, rapes, bombings and torture were falsified in the media in order to incriminate blacks and those sympathetic to their views. The NP put pressure on journalists and put them in compromising positions.

As can be imagined, the South African media were and still are to some degree divided along racial lines, territory, and language:

Clearly, the media, representing different sectors, was not a monolithic entity and was characterized by both collusion and resistance. Included were the South African Broadcasting Corporation (SABC), a willing government lackey owned and operated by the National Party; the Afrikaans press, a loyal advocate of the government's positions; the English-speaking press; a liberal opponent of apartheid in theory if not in practice; and the "alternative" press, a small but important voice of resistance against government policies and most subject to attack (Graybill 2002, 125).

No doubt, racism in the media was and is still an issue. Up until institution of the new democratic government, the English-speaking press came under considerable attack from the government since it often supported the opposition party and sometimes opposed the NP. During apartheid, agents were hired by the government to infiltrate newspaper companies and other media outlets in order to report on the conduct of journalists. In order to learn the plans and whereabouts of blacks involved in the

liberation movement, it is not surprising that many journalists functioned as extensions of the ministry of intelligence (Graybill 2000, 128). Yet, it must be noted that many journalists went against practice, risking harassment and backlash in order to cover unprecedented events that would change media practice (Daniel 2002).

Although the media operated under a tense environment and responded to the climatic proceedings in a highly partisan and cultural way, the media were successful as a tool of the TRC in two ways: disseminating information and policy, and shaping social debate. Throughout the entire process, the TRC relied on the media to portray an image of it as a legitimate instrument that would fairly settle the matter of what was true from what was false. It was the media who were to transfer the TRC's stated goals of truth, justice, reparations and lustration to the public through public education (Graybill 2002; Hamber, 1997; James and Van de Vijver, 2001). Yet, despite the racism that exists in the media, they did operate as tool that invoked sympathy for the victims and inspired cooperation for change. Moreover, the media functioned to disseminate democratic policy that reflected the TRC's explicit commitment to an open and transparent process. Here again, the media perhaps unavoidably carried out the dialogical purpose of the commission.

The work of the Commission was spread via the media in various ways. Dr. John Daniel, a research member of the Amnesty Commission, stated that the TRC's hearings were successful in that through the media, the TRC inundated society with the unprecedented proceedings. People would gather around televisions and radios in the evening to hear updates on the evening news broadcasts. No doubt, the Commission was



unarguably successful in gathering the national and international attention as an instrument to promote democracy.

It obtained impressive coverage from radio, television and the print media. Findings were made available via the Internet too. Journalists recorded the process in detail, and alternative dissemination channels were established by grass-roots organizations. This resulted in unquestionable benefits for South African society and ensured that no South African can legitimately state today that he or she has no knowledge of the levels of perversity the apartheid regime reached in South Africa (Valdez, 2000, 53).

Secondly, the media quite positively served as a shaper of public debate.

Mahmood Mamdani discusses in his article, “A Diminished Truth” (2001), it was the TRC’s version of truth that was reported on radio and television programs. This author sought to find out what version of truth was disseminated in order to determine the kind of social debate that took place. Mamdani suggests that because the TRC’s version of truth was established through a narrow lens, crafted to reflect a tiny minority of victims, the truth was diminished (James and Linda Van de Vijer, 2001, 59).

While I agree with Mamdani’s view, it is clear that this diminished truth was powerful enough to invoke national debate about truth and reconciliation while promoting justice through education about civil rights and democratization. Unquestionably, “the debate that resulted over what characterized *gross* human rights abuses in the course of protracted confrontation between power and resistance” (Mamdani, 2001) and the need for compromise by perpetrators in an obviously volatile and contentious post-apartheid era is quite clear. The media did give their varied versions of the truth.

Critics of the media’s role argue, “the media only cover high profile cases fail to investigate or uncover new truths like they did in the past.” And the essence of these

criticisms is that “the media merely reflected the TRC activities and has not delved beyond the TRC itself” (Hamber 1997). Going beyond the activities of the TRC itself would have involve discussion on reconciliation as one of the written goals of the TRC, but since the media are still divided, reconciliation has been viewed in both positive and negative frames. Therefore, the media reflect the deep ideological divide that is still a critical factor in South African society.

Several observers and researchers on the TRC agree that without the media, biased or not, the impact of the TRC would have been null and void. This statement best reflects those who suggest that the media’s contribution was a positive.

The TRC owes a huge debt to the media of South Africa. Without coverage in newspapers and magazines and without the account of proceedings on T.V. screens and without the voice of the TRC being beamed through radio across the land, its work would be disadvantaged and immeasurably poorer (Garman 1997).

I agree with both views because the TRC without the media would have had no outlet to publicize these important proceedings in order to make its objectives national in scope and put high on the public and political agenda. However, because the South African media are fragmented along ideological, racial, and political lines, the media have given opposing and divergent renditions of the proceedings.

### *The Mail and Guardian, Friend or Foe of the TRC?*

Chapter two discussed that the media are an agent of communication that impacts public opinion, and the political and public agendas. I also mention that since journalists themselves are ideological, ideology is inherent in media coverage. Evidence suggests that news media act in support of the status quo and reflect the attitude of institutions such as the government, based on institutional ideology (Van Dijk 1999). Yet despite this

fact, research does show that the media are a rich source of information that influences people and policy, represents their attitudes, and tells us a great deal about social values (Lemert 1980; McQuail 1994; van Dijk 1999 Seymour-Ure 1974). Newspaper coverage in this study supports these findings. It was my intention to find out how one newspaper in South Africa impacted truth and reconciliation by examining select articles from the period of operation of TRC. My initial expectation is that this medium promoted justice by portraying justice in a light favorable to the goals of the TRC.

An attempt to learn how one liberal South African print medium highlighted the TRC proceedings was made in the realization that evidence cannot be used to make broad conclusions, but nonetheless is valuable for analysis. I analyzed the *Rand Mail and Guardian*, an English-speaking newspaper in order to get a notion of how the print media treated the TRC hearings. I chose the *Mail and Guardian*, because it is the only English-speaking national daily online news source in South Africa that has an online archive dating back to 1994. It would have been ideal to analyze print sources representing each language skills and ideology in South Africa, but personal limitations in language and the availability of accessible material hindered this approach. What is emphasized are attitude and quantity of articles during each phase of the TRC's process.

In order to get some clue on how the *Mail and Guardian* reported TRC proceedings, it is helpful to be acquainted with its background. Originally, the *Mail and Guardian* grew out of the *Rand Daily Mail*, a newspaper that began to die out by the early 1990s and also one in which it was estimated that half of all its newsrooms harbored government collaborators (Graybill 2000, 127). To rescue the ailing company, *The Guardian* newspaper group became the largest shareholder, but eventually sold the paper

to a Zimbabwean media entrepreneur. In 1997, a 65% share was sold to an Internet service provider-M-WEB, which developed *Mail and Guardian Online*. The remaining 35% of the company owned by MG Media publishes the *Mail and Guardian* print edition. It is considered an alternative paper because of its liberal views, but also one of international prestige along with newspapers such as *The New York Times* (Lemert 1981; *Mail and Guardian Online* 2002; Green, 1998). I made use of two *Mail and Guardian* online databases. One archives articles from the print edition back to July 1994, while the other has articles of general African interest dating back to 1997. This sample reflects articles from both databases.

My findings on how the media covered the TRC, and more specifically to amnesty hearings are not surprising, but are not as I had expected. Because of its liberal bent, I assumed that this newspaper would have been more sympathetic of the TRC's objectives and an advocate of the proceedings. However, I found that the *Mail and Guardian* centered its attention almost entirely on the most contentious issue-that of amnesty and more specifically, amnesty or non-amnesty for former and current government officials.

In this case as with the two previous ones, I drew a sample of twenty articles that highlighted the TRC between 1996, when the HRV hearings began until the final report of the TRC was given to the government in 1998 and the post report period until 2002. The *Mail and Guardian* printed approximately 463 relevant articles on the topic, but I randomly chose twenty taking into account a diverse array of dates in order to reflect the entire process. Table 5.1 below shows how these articles were classified and reveals the number of *formative, mid-case, and post-case articles* found in this sample of twenty.

Table 5.1. Chronological Classification of News Covering the TRC Process

South African Truth and Reconciliation <i>The Mail and Guardian</i>	Total Articles	Percentage
Formative (July 1994-1995)	34	7%
Mid Case (1996 to 1998)	305	66%
Post Resolution (1999-2002)	124	27%
Total	463	100%

Source: *Mail and Guardian* 1994-2002.

The general timeline of the TRC process reflected in the above table reflect three important classification dates. The first phase or formative period was that prior to the Promotion of National Unity and Reconciliation Act signed into law July 19, 1995 and the start of hearing in 1996. A second important phase during the campaign was the period in which the TRC proceeding took place between 1996 and 1998. And finally, although the TRC did not finish its amnesty proceedings and final judgments until March 2003, the period after October 1998 was when the government received the final report and took recommendations into consideration for policy.

Out of this sample only one *formative* article, or news story that preceded the formation of the TRC in 1995 was gleaned. This article addressed the TRC mandate as voted on in 1995, and the unprecedented negotiations between various political factions and/or the TRC's forthcoming role in South African society.

The next sample of articles were ten *mid-case* new stories that covered a time period that ranged from the time of the hearings in 1996 until 1998 when the final report from the TRC was handed to the government. Articles in this category reflected the most

contentious issue which was, who should or should not be pardoned. Titles of these articles reflect a dominant theme of criticism of government officials and perpetrators who were exonerated. The general tone was critical of the TRC's approach and quite resistant to the amnesty approach. Examples of titles include, "Military third force walks free" (May 16, 1997), "Mandela to open amnesty floodgate" (Dec 13, 1996) and "Ruckus over media probe" (Jan 10, 1996).

The most interesting mid-case article in this category was titled, "Media should get the truth out" (Feb 7, 1997). This is quite surprising since most of the mid-case articles focused on the hearings and amnesty in a negative light. However, this article discusses what the role of the media should be throughout the TRC process. It highlights a workshop that took place in Cape Town a week before this article was printed. At the workshop organized by the Media Peace Centre, print, radio and television journalists, truth commissioners, cartoonists, writers, psychologists and academics gathered to discuss their work, which ranged from reporting and illustrating the commission in the press to live broadcasts and in-depth television documentaries. On one hand most present agreed that the media are the catalyst for change in the new South Africa. Commissioner Denzil Potgieter stated that, "The TRC depends on the media to communicate its message to the nation. It's the only way of involving the nation in healing and reconciliation". However, there were those who believed that the media must get the truth out and let people decide.

Finally, there were a large number of post-case articles in the sample, more than expected but with a surprising tone. Eleven post case articles highlighted the end of the hearings, handover of the final report, and the government's response to the report.

Although, the TRC had concluded its fact-finding work by 1998, these articles reflect the fact that the TRC's influence and impact is ongoing because articles on the TRC are still being printed to this date. Titles of articles such as, "Gov't hedges on TRC reparations (May 11, 2002), "TRC's final report mired in litigation" (August 30, 2002) and "Mafu gets amnesty for murders" (Dec 17, 2000), reflect the criticism surrounding the TRC's final report and the government's passive response. In general, these articles reported nothing *positive* or encouraging about the TRC's overall objectives of reconciliation, justice and nation - building.

One interesting article by Dr. John Daniel is titled "De Kock should be pardoned too" (May 23, 2002). Eugene de Kock was a policeman and head of the Vlakplaas, a special unit that carried out murder against anti-government activists. Having been charged with more than 100 murders, he did not receive amnesty. Daniel suggests that the latest line of actions by a government is hostile to the spirit and intent of the law that created the TRC in 1995. He posits that under Mbeki, current Prime Minister of South Africa, the administration has worked against the TRC and that Mbeki's "attitude was reflected in his boycott of the report's handover ceremony. Not once in the nearly four years since the report appeared has any member of the government officially commented on the report's many recommendations, let alone moved to implement them."

### Conclusion

Since the TRC's final report was handed to the government, what it deemed its most critical recommendation at the time of this writing, — that of reparations has not been implemented. Victims have received neither monetary nor non-monetary

compensation (Daniel 2002; *Mail and Guardian*, May 10, 2002). Could the media's critical coverage of the TRC be a factor in retardation of the TRC's work? I would suggest that in this case, the media both promoted and hampered justice.

While the TRC was an instrument in creating justice for the victims through the HRV hearings, which did help to recognize, legitimize and identify many as victims, the TRC did not have the sole task of promoting justice. Rather, the media was critical to the continuation the TRC's work. General evidence suggests that without the media the TRC would not have achieved justice through the validation of the victims' experiences and open dialogue about the past. Yet, in my assessment of the *Mail and Guardian*, little to no press coverage was given to creating a sense of awareness and understanding about the TRC prior to its creation, this is evidenced by the small number of formative articles. While in the two previous cases I expected formative articles to suggest that coverage precipitated the campaigns, this was not the case here either. Because of there was not much public education about the TRC to provide a common understanding about the TRC's objectives and its role, I conclude that its goals were not properly relayed to the public, which no doubt had divergent views on its purpose. Furthermore, the Afrikaan press, with exception of one paper, the alternative *Vrye Weekblad*, which expired because of lawsuits, did not embrace the groundwork of educating the public on the proposed work of the TRC. I posit that lack of knowledge regarding the TRC's objective skewed many British and Afrikaaners' knowledge and perception regarding the role of the TRC in nation-building rather than retribution.

Another way in which the *Mail and Guardian* hampered the TRC's success was its coverage of post - TRC related issues. In my analysis, post-case articles focused little



on *memorializing* the process or the victims, but rather on implementation of reparations, which has failed miserably. Because the TRC was not documented as successful or portrayed in a favorable light, its recommendations have not been viewed as constructive and important for society. In this sense, it appears that the media and political agendas were intertwined, so that both institutions seem to cast a negative light on the TRC's recommendations, but maybe for different reasons. As Hamber suggests (1997), there are other political factors such as the current administration's disagreement with the recommendations, and social factors (such as society's support of the findings) and the current economic conditions, which have created attitudes that have negatively impacted the realization of the TRC's recommendations. Without a doubt, an important question that can be analyzed further is whether a nation should undergo such a process although it may not have the necessary resources to restore justice? Likewise, it would be important to answer rather a nation needs a certain amount of political and economic infrastructure in order to heal transgressions of the past. This is a topic that can be studied further. However, from this study I can only deduce that negative newspaper portrayal of the TRC's work has made some Afrikaaner public opinion reticent and negatively impacted the political agenda, which have worked in tandem.

This case also makes clear the fact that blatant ideology and racism still exist in the media as a whole, which has further impacted some white's positive view of the proceedings. I would suggest that if the media had acted in cooperation with the TRC to promote its goals, the outcome of the entire process, including implementation of the TRC's findings would have been realized. Notwithstanding the outcome, this case does suggest that this newspaper did expose the public to the TRC proceedings, which resulted

in national dialogue about South Africa's record in recent history. This in itself helped to promote justice, but would have been further embedded by memorializing the past through public discourse via the media particularly in the *Mail and Guardian*.

In terms of the goals of restorative justice from the victims' viewpoint, the select few victims that were eligible for reparations have not received reparations. A large part of this problem was the fact that in this case, unlike the other two cases examined in this study, there was no advocacy group that directly represented and voiced the demands of the victims. In the German and Japanese American cases, victims advocacy groups or ad hoc groups were formed to primarily address the needs of the victims and give voice to their concerns. The ANC had its own political agenda rather than a focus on the redress of victims. And thus far there is no evidence that the ANC has campaigned on behalf of restoring victims' needs. Truth and reconciliation achieved for the victims a semblance of justice through the recognition they received and vital to their understanding that human rights are important to the present government.

Evaluating truth and reconciliation in terms of restoring the community and bridging the social divide, the TRC was effective in disseminating an image of a damaged community that could be restored through dialogue, reflection and reconciliation. Dialogue through the HRV hearings and broadcasts nationally, achieved liberation from the failed regime and legitimacy, as well as recognition of victims. Reflection on the past through the TRC, and the media was successful in creating a new understanding of national identity and memory. This revision of history is evidenced in the government's push to fund new memory projects in museums, the incorporation of black art into national galleries, and the preservation of such symbolic state sites as

Robben Island which once served to incarcerate such political agitators as former President Nelson Mandela. Time will tell how successful reconciliation, an altogether deeper aspect of healing and forgiveness will occur in a still very fractured society.

Overall, I found that both variables were strong in that they promoted justice. Did these variables make redress visible, fulfilled and remembered? Visible yes, both the TRC and the media during the mid-case phase effectively drew national attention to truth and reconciliation. Was justice fulfilled? From a community/national perspective yes, but not an individual victim's perspective perhaps no. Remembered? This is still to be determined.

## CHAPTER VI

### CONCLUSION

This short study has looked at the phenomenon of redress and the factors that have made collective justice successful. Every nation is guilty of human and civil rights infractions or exploitation committed by former regimes against those powerless to defend themselves. Throughout the 1980s and 1990s, latent stories of some nations' past have increasingly come alive, as victims have demanded hearings to voice their experiences. These groups have shared the desire for collective justice, the sense that they are owed an apology, token reparations, or social services as a symbol that their injustice had been recompensed.

Whether the process has been termed truth and reconciliation, restitution or compensation, reparations or redress, these processes of restorative justice for groups have become widespread. Redress has arisen as a viable option to the courts because as scholars on justice argue, it serves the interests of the victims and perpetrators to negotiate justice; moreover it is a mechanism that favors rehabilitation with input from stakeholders. As these processes unfold all over the world, this concept of coming together in a fair dialogue about the legacy of past injustice and negotiations on how to make things right is indeed valuable to political analysis.

This study has attempted to marry the values of restorative justice, a means of creating justice for groups, with that of negotiation, the principle mechanism in cases for redress. This is in contrast to trials that are characterized by long drawn-out processes

that deliver punishment to perpetrators with no aim to create tangible measure of restoration for victims.

### The Dialogical Mechanisms of Investigatory Commissions Findings on the Role of Public Education

This study used a comparative approach to discover how redress became visible, fulfilled and remembered. I chose the cases of Japanese American internees in the U.S., German and slave and forced laborers, and South Africans during the truth and reconciliation process. The dynamics of these cases were unique in that all varied in outcome, and all proved that the role of quasi -legal commissions is important.

Each case used the principal mechanism of redress campaigns, that of negotiation to address injustice. The U.S. and South African cases involved quasi - legal governmental commissions established to investigate known violations committed by previous governments against ethnic, religious and/or racial minorities. In these cases commissions served as mediators between the victims and the government. However, the German case was somewhat different in that the German Foundation created by the German Bundestag, was instituted after negotiations for compensation were finalized between the U.S. and German governments. Yet its role was similar to the other cases.

Overall these quasi-legal governmental commissions exhibited three varying functions of public education. Since regime change took place concurrently with truth and reconciliation, the South African case was the only one to demonstrate a symbolic liberating function of public education. In the Japanese American and German cases, examples of historical injustices committed during World War II, physical liberation had already taken place at the end of World War II. German forced and slave laborers were

liberated by the Allied Powers and were able to escape concentration camps and factories, they were thus freed from confinement and exploitation. Yet it can be argued that a semblance of closure of the past offense did occur when victims met face to face with perpetrators and were able to voice their stories and negotiate a resolve. Similarly in 1945, Japanese Americans were released after being interned during World War II. But, it was not until President Ronald Reagan apologized for the past and a reparations policy was enacted that the victims were able to find closure to their war misfortunes.

In my estimation, the most dynamic function of liberation was the symbolic liberation that occurred after TRC proceedings began in 1995. In tune with Freire's argument on the dialogical importance of liberation, the Truth and Reconciliation Commission (TRC) served to symbolically liberate victims, which represented all South Africans but especially blacks. The TRC was an instrument designed to divorce the country from past discrimination and exploitation and educate the public on democratic values. Education about the sins of the former regime freed not only individuals that accepted the truth, but created an opportunity for the entire country to rebuild relationships by taking a stark look at the destructiveness of racism. This liberating process marked the end of one era and the beginning a new democratic one.

A second function of public education I articulated was that of legitimization or public and political recognition of the injustice as worthy of redress. Legitimization was both political and public support of victims' movements. Victims would not have received redress unless they had been recognized as legitimate victims. As I argued, by the time commissions were legislated, victims were already deemed worthy of attention, but these commissions' review of their cases provided a platform for policy.

In the Japanese American case, once the victims of interment were recognized, the CWRIC confirmed the wrongs of the FDR administration, therefore legitimizing the Japanese American experience during World War II. Hearings on their experience confirmed to many U.S. citizens that Japanese Americans were indeed denied their rights and their demands were worthy of attention. In the case of German forced and slave laborers, I found a slight variation in the function of legitimization. While in the South African and Japanese American case victims were confirmed as victims through investigatory commissions, forced and slave laborers were confirmed after negotiations for justice started between the U.S. and Germany. Interestingly, it was the legal pressure of class action lawsuits that precipitated dialogue among various advocacy groups, the two governments, and victim's attorney's. However, the formation of the Foundation for "Remembrance, Responsibility and Future" act voted by the German Bundestag set the case of forced and slave laborers reparations apart from other Holocaust survivors. Therefore in this example, forced and slave laborers were vilified at the creation of the German Foundation

### The Media and Public Education

In this study the media were cited as a critical factor in making redress visible and important for promoting justice. I expected to find that the media are foremost in drawing attention to victims by disseminating information to the public and to government. During the formative phase of these campaigns I expected to find that more newspaper coverage at an early stage would have provoked government action, while more post-case articles would have suggested commemoration and remembrance of these dynamic

events. However, as the table below suggests, most newspaper coverage was during the mid-case phase of these campaigns, the most sensational phases of the process. Here is how all the cases compared. Table 6.1 summarizes the findings of the sample of twenty from each case.

Table 6.1. Chronological Classification of News Articles Covering Compensation and Redress Campaigns

	<b>Formative</b>		<b>Mid Case</b>		<b>Post Resolution</b>		<b>Total</b>	
Japanese Americans Redress	4	20%	12	60%	4	20%	20	100%
German Slave and Forced Labor	6	30%	13	65%	1	5%	20	100%
South African Truth and Reconciliation	1	5%	10	50%	9	45%	20	100%
Total	10	17%	35	59%	14	24%	59	100%

Source: The *New York Times* (1981-1999), *FAZ* (2000-2002), *Mail and Guardian* (1996-2002).

The commissions in the South African case and the Japanese American case helped to validate and verify the victims' cause, but the newspaper media did not reflect coverage of these formative or earlier stages as evidenced in the Johannesburg *Mail and Guardian* and The *New York Times*. Rather, in these two cases legal and political pressures during the early stages provoked attention especially in the German campaign, but drew more attention to the Japanese American campaign. The *FAZ* during the formative phase of the compensation process did little to promote the victims' compensation campaign but rather covered the issue as a legal battle primarily between U.S lawyers and German corporations. Although there were a higher number of articles than in the Japanese case, the six formative articles commonly reflected the campaign as



a repeat of earlier Holocaust reparations campaigns. The articles portrayed the German government as resistant to the struggle for ‘reparations again’.

South Africa was different in that the political necessity for transition legitimized the TRC. Yet, during that coverage of victims’ testimonies, which confirmed alleged violations promoted victims’ recognition. Most coverage occurred during the mid-case HRV hearings phase.

### The Media, Memorialization and the Promotion of Justice

The third variant of restitution discussed in this study was that of memorialization or the promotion of justice by official national recognition of the victims and their campaigns for justice and closure in tandem with the revision of official history through scholarly work and memory projects. In this study, I placed greatest emphasis on memorialization and measured this function of education by the number of post case articles that were found after victims were granted their demands. Table 6.2 shows how many post-case articles were printed after each case was resolved. This table is based on the sample that I drew from each newspaper database.

Table 6.2. Post-Case Articles taken as a Sample in Each Case

Post-Case Memory		
Japanese American Redress	4	20%
German Forced and Slave Labor	1	5%
South African Truth and Reconciliation	9	45%
Total	14	24%

Japanese American post-case articles surprisingly numbered only six out of twenty. This was unexpected since this campaign had received much broader support politically and publicly. Articles in this set reflected the anniversary of internment, openings of public memorials and museums, preservation of the concentration camps, and testimonials about victims' experiences. I expected more post -case articles because memorialization of internment would coincide with the Pearl Harbor tragedy and U.S. entry into World War II. And since a U.S. government endowment called the Civil Liberties Public Education Fund (CLPEF) was created as part of the redress package, I expected this would reinforce the Japanese American experience through memory projects. However, memorialization was not reflected in this post - case sample. Yet, despite what this sample of *The New York Times* shows, evidence does suggest that memorialization has and continues to occur in the post Japanese American redress period. Much has been accomplished through the CLPEF endowment to promote scholarly work in vein of books, dissertations projects and documentaries. In addition, the Japanese American community has been active in supporting the various exhibits at the JANM in Los Angeles and at the Smithsonian in Washington D.C. Most evident has been the rewriting of history books and the deliberate inclusion of the discussion about internment into the general history curriculum.

In the German forced and slave labor case, only one post - case article matched. This was interesting since I expected that the creation of the German Remembrance and the Future fund would have precipitated more of the *FAZ's* coverage on the results of compensation for the victims and society. While the government committed itself through the Future fund to continue recognition of the victims, this was not evident in the *FAZ*.

One reason why this might be the case is that the *FAZ* placed more emphasis on the conflict during negotiations between the government and German industry, evidenced by ten mid-case articles, rather than any information that would have personalized the stories of forced and slave laborers. When the Fund was created, *emphasis* on the sensational portions of the process had passed and was no longer newsworthy. In all three cases, the newspapers focused on the contentious portions of the negotiations that took place regarding funding the victims, but I expected the German case to have a larger number of post-case articles underscoring Chancellor Schroder's numerous stated commitments to remembrance.

Memorialization as reflected by the media in the South African case was the least visible and had the most unexpected outcome. Nine post- case or post TRC recommendation articles were gleaned from a twenty-article sample taken from the *Mail and Guardian*. This case had the largest number of post-case articles, but they were not reflective or supportive of the recent process; neither were they encouraging of the TRC recommendations. Rather the *Mail and Guardian* continued the debate on material and monetary compensation that victims were recommended to receive. Moreover, articles were critical of the amnesty process, which resulted in reprieve for several high profile government officials, including former Prime Ministers P.W. Botha and F.W. de Klerk. It should be made clear that the TRC's report was finalized and handed over almost four years prior to the time of this writing, but little has been done by the government to affirm the process and honor the victims who either fought for democracy or were innocent victims during the struggle. This is true despite the fact that the entire process was broadcast via television and radio and highlighted in the newspapers.

One reason for the lack of memorialization maybe that since the media are still divided along racial and ideological lines, there still exists racism in the media. And although the TRC has completed its work, truth and reconciliation is still continuing as the country comes to terms with years of racial division. From evidence of this medium TRC's proceedings perpetuated its memory but not necessarily its goal. Yet, I must mention that memorialization about the apartheid did begin as early as 1992 when it became apparent that a new power would control South African. In the years after the formal democratization in South Africa, state funded museums have taken programmatic steps to revise exhibits and reinterpret the diverse history of South Africa and its people (Rankin and Hamilton 1999; Davison, 1998). Museums now target a new audience including those previously marginalized and those eager to learn new truths. Davison suggest that pluralism in theory is the goal in this revision, but in practice it has been difficult. "Accommodating ethnic difference without resorting to essentialist notions of race and culture remains a challenge" (1998, p.151). Likewise, many art galleries no longer portraying Euro-centric work as elitist, but are not showcasing native art too.

Overall, this study has revealed that these newspapers did not reflect the memorialization that was taking place in institutions such as museums, art galleries, and in academics in all three cases. Therefore I submit that the newspaper media cannot be assumed a good measure of memorialization which I did not anticipate prior to this study. All three cases did show that the governments made efforts to revise official memory, by putting money into projects such as monuments as in Germany, camp preservation as in the United States and Germany, and new exhibits depicting nativist history and the apartheid era as is the case in South African museums. Why this may have been the trend

in these cases I believe stems from the fact that the media in general pay more attention to new and sensational stories rather than continuing and developing stories that lose appeal and popularity over time. However, while these newspapers did not reflect the changes that were occurring in these societies, commemoration and memorialization did occur. These findings also show that victims' groups take the lead in promoting justice by pushing other private and public organizations to join them in urging for a revision of political memory. And when memory becomes important not just for the victims, but for all who treasure human and civil rights, this pedagogy of the oppressed that Freire (1969) spoke of takes on a universal appeal carried out in public memorialization.

#### The Relative Political Strength of Victims in Redress Campaigns

I want to return to the research question posed in the introduction of this paper. At the beginning of the study I asked, 'What tools or resources do victims of historical injustice have or need for the creation of justice as a collective group'. It was my expectation that victims would first need to win media attention to gain a spot on the political agenda, which would lead to government authorization of investigatory commissions and then finally redress. Yet, I found that each case unfolded differently.

While these cases were similar because victims in all three cases gained newspaper coverage whether the coverage was positive or negative, in the Japanese American and German slave and forced labor case legal pressures got the most attention and occurred simultaneously with the commissions' inquiries. The Japanese American victims' strategy was to use the media to educate the public about internment. Articles found in *The New York Times* reflect coverage beginning with the authorization of the

CWRIC, rather than before its creation, which differed from my initial expectations. However, after the creation of the CWRIC, and especially after the published report was given to Congress, the news articles increased three-fold. Yet it cannot be ignored that the class and action lawsuit filed by the NJARC heightened The *New York Times*' focus on redress. This evidence does not discount that the media are a political voice but it does suggest that the sensational nature of legal pressure can heighten media leverage.

Likewise, in the German case, I learned that in the *FAZ* publicity about compensation began when pressure from the highly publicized lawsuits financially threatened German industry. Later, coverage increased during debates between the German government and industry. In this instance, it is ironic that legal pressure agitated for negotiation. Legal pressures during the negotiation or formative stages of the process in 2000, did not receive the most publicity in the *FAZ* but rather, squabbles between the German government and the German industry over funding of the German Foundation. In the mid-case stage, thirteen articles covered the time when the government fought with the industry to match the proposed 5 billion marks from the government to finance the Fund. This case would suggest that legal pressures, if enough of a financial threat exists could gain government attention and perhaps incite action toward redress policy.

Lastly, in the case of South Africa, I found that it was not media attention that precipitated government action but rather political necessity for the transition to a new administration. After the TRC's creation, media publicity in the *Mail and Guardian* increased. In this instance the media did not create pressure to precipitate government action. Rather, the media became the relative political voice for the victims for recognition during the process, but not to promote their demands. And although the

Commissions' findings did provide a platform from which the government could have carried out redress policy, this did not occur. Black South Africans did not have a *relative political* voice as the other victims did in the U.S. and Germany. And because they did not possess what Freire calls the framework for systematic education in initial stages of negotiation process, neither the media (*Mail and Guardian*) nor the TRC provided the political voice necessary to fulfill justice or restoration on the victims' terms.

Finally, I submit that since the TRC was successful in portraying not just black but also all South Africans as victims of apartheid policy, thus the argument for material compensation was watered down. Televised hearings, documentaries, and radio broadcasts showed a diverse group of victims of the political civil war. These victims belonged to the English, Afrikaan, coloured and black communities, representing all aspects of South African culture, political orientation, race and religion. My personal feeling is that since everyone had suffered, redress became less convincing to the incoming Mbeki government.

### Lessons Learned and the Future of Redress Campaigns

I have learned a lot from this study and this can be articulated in three important points. From examination of these three cases, I posit that in order for victims' groups to win redress certain factors need to precede each other. As Freire argues, groups need to be organized. Victims need an agenda that can be vocalized through a representative body or advocacy group. In other words, victims need a body that can articulate and fight for their demands, whether it is a lawyer or political organization such as the JACL. Second, I maintain that victims' groups need recognition by the media. Without publicity,

neither the government nor the public will hear about the victims' issues. Finally, this study supports my initial claim that the work of quasi-legal investigatory commissions recognized by the government is key in recognizing and confirming redress movements, providing an arena for dialogue and negotiation, and critical in developing an outline for redress policy. And because a recognized governmental body creates this platform, its findings will be respected and therefore more likely to be implemented.

I perceive that in the future, groups who have been historically discriminated against will use the lessons from these three cases in order to win apologies, social support services, and reparations. This statement brings to mind the work that African Americans are doing as they assemble to win reparations. While there are dissenting groups even within the African American community, leaders are now trying to use the precedents that these cases have set in order to bring about an official apology and material redress for hundreds of years of slavery and institutionalized race discrimination.

From this study I envisage that the three factors emphasized in this paper will be necessary for restorative justice to succeed. These factors, systematic education of the public, media, and quasi-legal governmental investigatory commissions I would argue are seeds that create public and political change in attitudes that are fundamentally opposed to unpleasant reflections and challenges to the past. Moreover, this study also reveals the importance of simultaneous pursuit of retributive and court judgments in stimulating media, public, and political attention while providing momentum to the campaign. Thus I offer the view that agenda setting of these streams (media, public, and political) agenda is the foundation for success for groups seeking justice. However, as Freire (1979) stressed,



group identity and organization must take place before this project can successfully take place.

Despite the similarities, all three cases were very unique which emphasizes one final important point. Campaigns for reparations are realized because they are politically expedient. In other words, for reparation demands to be fulfilled, they must serve a larger political or economic interest. I return to Derrick Bell's interest-convergence thesis that suggests that reparations strategies must appear to serve victims' interests, but also further mainstream interests (Yamayoto 1998). Reparations must fit the criteria to boost international or domestic image on human rights issues as in the U.S. case after the Cold War; to provide legal peace as in Germany; or to garner political support from the opposition as in South Africa. Undoubtedly, to thoroughly justify this argument more cases need to be compared and examined. Therefore I will end by saying that victims' cases of historical injustice in the future will not only continue to use the media and commissions to gain attention, but they will in some way fit main stream interests.

## APPENDIX

### Methods for Newspaper Article Research

Articles from each newspaper were chosen from online archives. The following was done to take a sample of possible articles on each campaign.

#### **Japanese American Redress**

In this case, the Lexis Nexis database was used to find articles in *The New York Times*. Search terms such as *Japanese, Japanese Americans, redress, internment, concentration camps, relocation, and America's debt* were used to find the widest range of articles on this campaign. Articles ranged from 1980 to 2000 equaled 48, with the largest number, 34, falling between the dates of 1985 and 1988. The sample of twenty was chosen by considering relevant titles that directly referred to the search terms and the date range of the entire campaign. Three editorials were included in the sample.

#### **German Forced and Slave Labor**

The *FAZ* is one of two English translations of newspapers reporting German news. In this case search terms such as *forced and slave labor, Nazi, war crimes, forced labor, slave labor, and compensation* were used to provide the widest possible range of articles. This database has articles dating back to June 5, 1999 so articles prior to that date were not available. Articles ranged in date from 1999 to 2002. The total number found is 84. I

chose articles based on the relevant titles directly referring to the search terms. Mid-case articles were totaled 62. One editorial were included in this sample.

### **South African Truth and Reconciliation**

The Rand *Mail and Guardian* has two databases one based on the print edition dating back to July 1994 and one based on the *Mail and Guardian Online* dating back to 1997; both were used. Search terms such as *TRC*, *truth*, *reconciliation*, *apartheid*, and *transition* were used to find the widest possible range of articles. A total of 463 articles were found between the dates of 1994 and 1997 with 305 mid-case articles found overall. A sample of twenty was taken taking into consideration relevant titles based on the search terms. One editorial was used in the sample taken.

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