

Transcript of Seminar Two

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Discussion with Alex Boraine and Breyten Bretenbach

Introduction: Lawrence Weschler

In setting up this whole series of seminars, in the back of my mind I had an event, a conference at the Wye Woods Conference Center in 1988. This was a conference on the subject basically of transitional justice. What should be done with the torturers from the old regime as you go through democratization? It was a subject that was beginning to be experienced in Latin America, would within few years be experienced suddenly almost everywhere in the world, especially in Eastern Europe. My memory of that conference was that it helped crystallize a whole set of ideas, certainly for me. It seemed to me when I was talking with David Rieff that we were at a similar kind of moment, of needing to crystallize and develop a vocabulary for what at the end of the day seems like a new situation or a quite transformed situation at this point.

One of the great moments for me at that conference was when we were talking about truth versus the justice. In other words, there will situations where you can't for various reasons get justice; for example, the military still has a monopoly on the weapons, that was the standard situation in South America. It was very tentative democracy, in many cases these militaries were demanding amnesty. In other cases, it was civil wars that had precariously been brought to an end and it wasn't at all clear whether you could have a justice phase. At a certain point, people began to talk about truth as itself in various ways important in the transition. Somebody at one point was saying: everybody knows, in many cases in Latin America certainly, everybody knows what the truth is and that knowledge isn't the problem. Tom Nagel at that point was the person who said that the point isn't knowledge but acknowledgment. It is a kind of state sanctioned acknowledging of what had happened. That distinction, I think, became important in a lot of places and certainly, it seems to me, was in part brought to play in South Africa a few years later.

I remember being in South Africa, I guess that would have been '90, '91. I was at that point doing a profile of Breyten Breytenbach for The New Yorker and I was talking with Alex Boraine as part of that profile. We got to talking about what he at this point-- this was before the election, I believe Nelson Mandela had been released, but the election had not yet taken place--and Alex was saying that we've got this unique problem here, something that no one else has ever dealt with. There was this quality of--which I think in some sense as we've talked about this since, was of part of the cultural boycott--a lack of awareness of other countries that have similar problems. The problem being what are we going to do if we do have a democratic transition with the security police, with the anger of people who

have been victimized, and so forth.

We got into a conversation and eventually, you were having this conversation with other people too, there was a conference in Cape Town which brought together people from Eastern Europe, Latin America, the United States, and so forth. That and many other things led to a very, very fast learning curve in South Africa and an attempt, it seems to me, to take some of the best features or some of the features that they had learned from other experiments, and apply them to South Africa in what remains probably one of the most thorough-going attempts to deal with a truth-telling.

By way of introduction, maybe I could say a few things about both of our guests. Breyten Breytenbach was, or remains, one of the foremost poets in the Afrikaans language. He had been living in exile and eventually felt that engagement of poetry by itself, poetry and he is also a painter, was not enough. In the seventies, he became more and more explicitly involved in anti-apartheid actions from abroad and eventually went in incognito, was arrested, and spent over seven years in prison in the mid-apartheid regime.

Toward the end of that time, or all the way through, but especially toward the end, two parliamentarians in particular, Alex Boraine and Van Zyl Slabbert of the Progressive Party, took a very active interest in Breyten's case. There was interest from abroad and so forth. Eventually Breyten was released, returned to Paris and kept up his contacts with Alex and Van Zyl and convinced them to leave the Parliament. Well, I imagine that there were other things as well but that was part of it, on the grounds that you couldn't really have a authentic democratic discourse in an apartheid situation. Alex and Breyten were closely involved in a lot of late apartheid activities including a very important gathering in Gorée, on Gorée Island in Senegal, where Afrikaans leaders and ANC people were brought together for the first time in a series of discussions. On the far side of this, after Mandela's election, Alex Boraine became the co-chair with Desmond Tutu of the Truth and Reconciliation Commission, which we're going to ask him to talk about. I think our conversation here will be particularly interesting because one of the most forceful critics of the Truth and Reconciliation Commission has turned out to be Breyten. Maybe they can both give an account of how this has happened.

Alex we'll start with you.

Alex Boraine:

Thank you very much. It's a great pleasure to be here and thank you for the invitation and

opportunity. Ren has suggested that I speak for not more than twenty minutes and I will try to adhere to that. In fact, I will make sure I adhere to that. Then the question is how on earth to use those twenty minutes when you're talking about a project and a process as wide and as broad and as deep as the Truth and Reconciliation Commission, which obviously has its own history and I haven't got the time to go into that; its life--two and a half, three years--extremely demanding and traumatic; and its aftermath and its consequences. It's now in the process of being looked at, examined, criticized, and assessed, and quite rightly so.

I thought, therefore, that instead of describing what the Truth and Reconciliation Commission is all about and its major features, assuming that most people know that, that I would try to raise some of the criticisms which were current before and during the life of the Commission and certainly are current today. I will have to do that very briefly because in my own view there are many short-comings, weaknesses, that form part and parcel of the Commission itself. You shouldn't judge what I think about, and how important I think these critiques are by the amount of time I devote to them--I simply don't have the time. So I'll put them on the table, if you like, and I hope that we can pick them up and look more closely into them. I certainly won't deal with all of them, because there are many different points of view regarding the South African model.

Let me declare my bias. I believe very deeply that the commission was the right thing for South Africa despite all its short-comings. I think it has made a very real contribution, not only in South Africa, but in the debate surrounding interventions by the national community itself and by the international community where very grave human rights violations have taken place. One could spend all one's time talking about the various people in a large range of countries who are constantly looking at the South African model as a possible, never to be imitated, direction which may be of assistance in their own transitions.

Let me start then by saying that I don't think that you can really understand the nature of the Truth and Reconciliation Commission without realizing the nature of the transition that took place in South Africa. It is certainly my thesis that if you examine the events which took place during the transition, they are in large measure not determined by the depth of human rights commitment or even a commitment to justice. First and foremost, it seems to me, if you examine place after place and country after country the socio-political factors and interests and power equations play a very significant role. Rightly or wrongly, I am simply saying that I see that as a fact, and one could look at what is happening in Kosovo and in East Timor and contrast the actions of the United States and you'll see exactly what I mean.

One of the major criticisms which emerged very early on both from the international community as well as from inside South Africa was that the Truth and Reconciliation

Commission was simply not the right vehicle to address the human rights violations which had taken place over a very long period of time in South Africa: that one ought to opt for full justice, that there ought to be trials, there ought to be indictments, there ought to be arrests, there ought to be a punishment. It's very understandable. I assume it's the normal reaction to a situation where grave violations took place, much of it in secret, but some of it almost in the open. If you understand the nature of the transition which was a negotiated settlement where there could be no victors' justice, there wasn't a marching into Pretoria with flags being pulled down and new flags being raised, then you begin to understand the nature of the problem.

I think that Thabo Mbeki, president of South Africa, but wasn't when he said this, sums it up very well. He admits that during the time in exile the African National Congress saw only one course of action and that was Nuremberg model trials. But he concedes publicly and certainly very strongly privately, that as soon as they got into a negotiating mode and started to realize the enormity of the transition and transformation which was required, that that in itself was a break on the enthusiasms for a Nuremberg style approach. More than that, of course, he goes on to say that our view was that we should hang the bastards and then take over and move in. But he concedes that this was not a genuine possibility if the negotiations were to lead to some form of democracy and stability and transformation.

I asked Mandela, in a private discussion that I had with him--because I had my own views about amnesty and certainly opposed very strongly any general form of amnesty--what it was that really pushed him to accept that there had to be some limited form of amnesty. He said that he had been visited by two generals, one from the police and one from the military, who said to him that they were actually protecting the negotiations. They were making it possible for them to happen and if there was no assurance that they were going to live a fairly normal life after the climax of those negotiations they would simply withdraw that protection and worse, make a peaceful election totally impossible. It was an act of blackmail, if you like.

His own response was a very angry one, and I haven't the time to use his own words, very, very angry. But he had to acknowledge that it was possible for the military, for the police, and for the large number of white men who had been trained under conscription and who had retained their weapons to actually make a peaceful election totally impossible. Many, many people would die and the whole process would be prolonged. Therefore he instructed his negotiators right towards the very end of the negotiations to find some way of making it possible for there to be a limited form of amnesty. Understandably, there were people who were very angry at that. People who had actually to do some of the negotiations themselves didn't like it. There were certain well-known families, including the Biko family, who took the strongest exception to this, so much so that they took the commission to our

constitutional court and said that this commission was actually unconstitutional. They lost that; we won it, depending on how you look at it. Therefore we were able to proceed. This was a very, very strong challenge. There were some deep emotions there and I am quite sure they are still there.

Ironically, of course, the ANC, who had committed themselves very early on to some form of a truth commission, was the party that the very people objecting to it belonged to. So the whole process of moving through parliament, debate, a vote, was very democratically formed, yet you had this internal struggle taking place. The vast majority of people who supported the ANC, at least, saw the need for some sort of compromise in terms of the inability to reach full justice. That certainly was a criticism then and I am quite sure that there are many people who still feel that today.

There are many ways to respond to that. My own view was that the South African approach, moving away from general amnesty and toward limited amnesty, a public application for amnesty, a full disclosure and so much more that went with that, linked to the truth-telling process where victims were encouraged and enabled to tell their stories was probably the best solution for that situation.

There were those of course who argued not for justice, but that we shouldn't have any kind of commission at all; that we should forget the past, we should focus on the future, let bygones be bygones. You will appreciate that the generals and the politicians of the National Party were very strong advocates for this. So you had the opposite kind of criticism. I have to say that in my judgment in the leadership of the ANC and in the leadership of the NGO's there was never a moment where we felt that there could be this amnesia. I must admit that we did not treat that option very seriously. I know there is a school of thought that focuses very strongly on the need to forget as well as to remember but certainly in South Africa we felt that that was not the route we would take.

A third criticism, which actually came before the commission was appointed and before it started its work, was that we would be biased in favor of the ANC in general and probably black South Africa in particular. I find this difficult to answer. As I said this was a criticism that was leveled even before we started our work. I do not think that it holds water. I think the report itself makes that very, very clear. The fact that there are many people in particular in the ANC who are strongly critical of the Truth Commission and of its report suggests otherwise.

There was an even more narrow critique from those who said that we were not merely

biased in favor of, but biased against whites in general and Afrikaners in particular; that this would be nothing more, nothing less than a witch hunt. Here again the criticism was advanced before we even had our first meeting and certainly before we had our first public meeting. So there was this deep suspicion. Again if you looked at what was happening, I can well understand why that view should prevail. If you have perpetrator after perpetrator, policeman after policeman, soldier after soldier giving public testimony and confessing to the worst kind of deeds almost without exception they were whites and Afrikaners by name, it suggested as though the white Afrikaner community, white Afrikaner was on trial. But the very fact that we worked very hard in writing the bill that went through parliament, which became the act, that it was not based on collective guilt but on individual application both in terms of victim and of perpetrator, again, as far as I'm concerned, suggests otherwise.

Another criticism was: yes, you did uncover a great deal of truth which had been obscured, and matters which had taken place in darkness and in secret now were exposed to the light; but now really, that's fine but what about the reconciliation? You call yourself a "Truth and Reconciliation Commission," where is the reconciliation? Again one has to say that the name itself perhaps promised far more than it could deliver if you take it starkly as if we could have all the truth, or that we could bring about reconciliation in a country which was so, so deeply divided and so deeply wounded. There's no way that a single commission and a single initiative could bring about reconciliation in South Africa. That's going to take generations. It's going to take a great deal of economic justice, in my view, to enable co-existence let alone the deeper implications of reconciliation. I try to remind the critics that the name of the act which governed the truth commission was "The Promotion of National Unity and Reconciliation." Our job was to acknowledge that there was need for deep sorrow and deep anguish and forgiveness and justice, as far as that was possible, and at least an acknowledgment, as Ren has reminded us, of the truth.

Another criticism (I only have two others and I am more or less on time) was that the truth commission focused far too narrowly on gross human rights violations, such as assassination, disappearance, torture, abduction, and so on. Of course apartheid was not something which only dealt in that kind of currency, significant and horrifying as that was, but it touched every area of life. There were many, many people, for example those who were displaced--more than three million people were forcibly moved during the era of apartheid politics. The clear understanding we had when we worked on the formulation of the act was that this was going to be one approach, and the whole question of reconstruction and development would have hearings in terms of land reclamation, courts; that there would be a complete turning around of the budget so that there would be far more funds for housing for the dispossessed, clean water, health facilities, job creation, and the like. One saw this as two sides of a single coin and not the one taking the place of the other.

I can understand those who feel that we somehow skewed the thing and let the beneficiaries off the hook. I don't accept that although I can understand the thinking behind that. No one can deny that the very fact that the commission was public, that for two and half years, day after day on the radio, on television, and in print you couldn't avoid the commission. You may not like it or you may love it, but you couldn't avoid it. There was a debate. There was a dealing with denial which I think was a very healthy exercise. Our recommendations make very strong points relating to even a once-off tax for people who benefited from apartheid. So it was not a question of simply leaving that aside and simply focusing on the police and the military, but we had institutional hearings of business, labor, health, religion and the legal system, I think makes it very clear.

Finally one of the other perhaps more subtle criticisms, and one with which I can really feel some sympathy, is the whole question of whose truth are we talking about. Are we talking about a state truth that replaces a former state truth? Is this a replacement of one state history for another? Albert Camus once wrote that truth is as mysterious as it is inaccessible and must be fought for eternally. That certainly was the view of many of my colleagues and myself. We, in many ways, wished that perhaps one didn't have to highlight the word "truth" with all its Orwellian overtones. The need to know the truth, however--I don't think there can be any quarrel with that.

South Africa was a land of lies and deceit and cover-up thanks to [inaudible]. Certainly and very strongly it was that and nothing else. The need to pull back the curtain was, I think, very, very important. We were so concerned about this whole question of truth and what it really meant and its inadequacies, and so on, that we tried to spell it out in four kinds of truth. This is contained in our final report, where we distinguish, for example, forensic truth--I don't think anyone would quarrel that any court of law, for example, seeks, however inadequately, to establish factual truth. What happened? When did it happen? Who saw it? Who did it? and so on. That was certainly very much part of our investigative work as a commission. I think that meant, perhaps above all, that those who were living in the land of denial simply couldn't live there any longer. Their cover was no longer adequate.

It is so interesting to see how white people in particular in my country reacted to the first hearings of the victims. The response was that the claims were extravagant, they were exaggerated, there were lies. They told their stories under oath but that didn't seem to make any difference to the average white person. That it was simply not true. When they talked about murder and disappearance, death squads and torture as endemic across the land that it simply was not true. What actually made the difference was when the hearings of the amnesty applicants were heard. Because here were policemen and military policemen and people from the ANC and PLC actually telling stories in cruel detail about how they set

about killing and murdering and torturing. There was no way that people would say that sort of thing if it wasn't true. Suddenly, it seemed to me, at least, as people watched it on the television and heard it on the radio in particular and read it in the newspapers, day after day, that there was an acceptance that this actually had happened. They could shift the argument to well, clearly, it did happen but I didn't do it, I wasn't responsible for it. But it was the beginning of an acknowledgment--again the distinction between knowledge and acknowledgment.

We also talked about the personal and narrative truth. I wish so much that all of you could spend just one day in a hearing listening to very ordinary simple people stumbling, not very eloquent, but very graphic, describing what had happened to them, telling their stories. This unbelievable need to say what had been kept so closely to them for so long. It was part of the catharsis to tell the story of what happened to their husbands, their wives, their mothers, their children and so on. Over and over again, I heard it in Chile, I heard it in Argentina, and I heard it in Northern Ireland, I heard it in so many different languages in South Africa: "I want to know what happened. I want to know the truth. I want to know who killed him or her, and why. Where is the body?" This desperate search and need for that, it seems to me universal. It was this personal and narrative truth. One can mark it any way you like, you can talk about the tears and the tissues that were administered, the holding of people when they wept as they told their stories. For me that was part of the truth. I think we needed to hear that.

Albee Sachs, now a judge on the constitutional court, paid a very hard and tough price for his opposition to apartheid. He was blown up in a car bombing in Mozambique, lost an arm and an eye and a few other things as well--a remarkable man and some of you will know him very well. He talked at one of those conferences that you referred to about dialogical truth as something new emerging as a result of people talking to and listening to each other. I think that was also part of the truth.

Finally, I suppose there was what you could call a healing, restorative truth and whether we understand it and accept it or not, over and over and over again, and it's all documented in our report, people would talk about how they felt after they had told their stories. In very graphic almost poetic language, imagery, it was very powerful and very real.

So I think what the commission did do, if it did anything at all, was break this deathly silence which had obtained for so long in South Africa. If it's done nothing else, I think it has made a tiny contribution to the long-term search for the consolidation of democracy, the building of a human rights culture, and a more decent place to live.

Lawrence Weschler:

Thank you Alex.

I should say before Breyten speaks that there is basically a quartet of your books that follow your experience over these years from 1973, called *A Season in Paradise*, *Confessions of an Albino Terrorist* after you emerged from prison, a book called *Return to Paradise* after you returned to South Africa, and just now a book called *Dog Heart*, which in some more detail than you're going to be able to do right now, deals with some of your misgivings about the commission. But maybe you should do it in your own words.

Breyten Breytenbach:

Well Alex, its difficult to go after you. Mainly because so many of the questions that I probably would have raised have been addressed by you. Its rather like asking the question after the answer had been given. It is also a difficult thing to do because I want to make it clear that I do not for a single moment, nor did I, even though I am sometimes inclined sometimes to talk very harshly, doubt your own personal commitment to this long quest for truth and for reconciliation.

I think this is important to point out. You know we are still in the situation in South Africa, and have been for many years, where we are locked in deep and sometimes angry debates. But it should be abundantly clear that whatever choices we have decided to make, does not mean that we question the bona fides or the depth of commitment or belief or conviction of the people whom we may not agree with for one or another reason. This is particularly true in this instance, because I've gotten to know you, Alex, over many years and have had many occasions to experience exactly your strength of mind and commitment and heart. So whatever queries I may have will not be an indication of my opinion of you.

Although it is certainly so that the Truth and Reconciliation Commission, the TRC, through its activities, the hearings, the report, have brought far more light to bear on the horror that South Africa has lived through, much of that, obviously not in detail, was known before. The ANC itself had published many pamphlets, a numbers of books, reports on what was happening in South Africa. In fact, I remember when I was on trial saying a certain number of things to the judge and the judge said to me, how can you know this? You are making false allegations unless you can prove it. I remember answering, "but this is common

knowledge." The way that the security police behaved. We knew about displacements, we knew about repression, we knew about the deaths in prison.

We didn't know enough, certainly. The whole struggle for knowledge, for the truth to get out, was a long one and is perhaps still going on. You may remember that there were a number of attempts made by the then regime to try and manipulate information coming out of South Africa. They even started their own newspapers and their own news agencies to do so, with quite an amount of international help. But it is not as if we arrived in 1991, '92, '93, '94 and all of a sudden we sprung revelation on the world, like putting on the light in a dark room so that now people could see what had been going on all those years. Bringing that truth home in a digestive form to everyone in the country, that's another matter all together.

I don't intend to go back to the essentials of what you said, because I agree with it utterly. Surely something had to be done. That was never a question mark in my mind. After such a long struggle, the momentous upheavals, the turn-around, the release of Mandela, and the unbanning of the liberation movement, it was clear that some form of healing was called for. This country was literally wounded to the core, and it had been bleeding for a long time. That something was needed to be done we called in our shorthand terms-- reconciliation, the cleansing and binding of the wounds. I would go further than that. I would call it the attempt to build a new nation.

My first contention would be that the activities of the TRC should be seen within that context of attempting to build a new nation, the inventing or reinventing, the making of a new construct, a better one, one in which indeed the culture of human rights would be preeminent. Of course the first question would then be, did this actually happen? Could it happen through the vehicle of the TRC? You yourself alluded to the fact that the expectations were perhaps too great. You also said that you saw what you did as one side of a coin. The other side would have had to be the RDP, the Reconstruction and Development Program, which as we know did not happen, at least not sufficiently so as to make a difference.

Let me weigh in with something fairly severe, if I may say so. I'm going to quote someone else, a mutual friend of ours, Heribert Adam. I think you'll agree that Heribert is an objective man. He's married to a South African lady, Kogila Moodley. He teaches political science in Vancouver. And although he has never been a participant, he has observed us passionately. He's not a South African, he's German-Canadian, and he studied over many years similar procedures and processes in many parts of the world. In a paper which has not been published, I have it here, it is called "Divided Memories: How Emerging Democracies Deal with the Crimes of Previous Regimes," he says that there are probably

six forms, generally speaking, of grappling with the past. These can be distinguished and compared in historical contexts. One would be amnesia: post-war Germany, Spain, Russia. The second possibility would be trials and justice: Nuremberg, the proposed International Criminal Court. The third would be lustration: the disqualification of collaborators from public office, as happened in Eastern Europe. The fourth would be negotiated restitution, and he quotes there as an example Germany's reparations to Israel in compensation for forced labor, Canada and Australia's negotiations about the land rights of indigenous minorities. Fifth, political re-education. And sixth, the truth commissions as we saw them in Latin America and South Africa. He says that several of these strategies are frequently employed simultaneously or with different emphases over time.

Of all these cases two countries are of particular significance: Germany, because of its unique past with Auschwitz as universal paradigm of barbarism, and South Africa. The South African Truth and Reconciliation Commission deserves critical scrutiny for two reasons: it is a novel experiment of restorative justice, it attempts to promote reconciliation through nation-building. The TRC is often recommended as an international model for similar conflicts elsewhere, from Cambodia to ex-Yugoslavia. Achievements of the TRC are widely overrated outside South Africa, while largely dismissed inside, Heribert Adam notes. Among its flaws and problematic assumptions is the fallacy that revealing is healing, reconciliation can be legislated, that only victims can forgive, and the quest for a common memory furthermore denies pluralist interpretations of history, the perceived skewed composition of the TRC, that its theological perspectives have affected its credibility, and above all that the focus on gross human rights violations frees the many beneficiaries of apartheid from responsibility and obliterates the structural violence of racial laws for millions of victims not recognized by the TRC process.

Now, you have addressed some of these. Quite convincingly so, and we have moved along a bit, although I would suggest that the above-mentioned questions do remain on the table. It is true, as you started by saying, that historians are already beginning to deconstruct the project. A number of people, including Adam, Anthea Jeffrey, R.W. Johnson and others outside the country, not all of them to be taken with equal amount of respect, I think you would agree, or to be given the same credibility, and not all of them without having their own private axes to grind. But still, the whole object, the whole TRC as such, is now gradually emerging and being held up to the light for assessment.

The big questions are then as follows: Why and how did the TRC come about? What was it supposed to effect? Did it succeed in its mandates? Did it do any good? Did it do any harm? Did it make any difference? Is South Africa that we have now any less divided than it was before? Further, what were the alternatives to the TRC? Finally, can it serve as a model in other situation elsewhere in the world?

My own reflections will be, merely by the nature of my distance from the proceedings and my not having been involved the way you have been involved, somewhat short and a little bit superficial. First of all, let me suggest that it was in all likelihood inevitable that a deal should be struck between the ANC and the National Party. There's a theory in the country that the ANC said, or was supposed to have said to the National Party, we won't take your big guys and put them in prison on the condition that you never make public the list of names of all those of us who worked for you. In other words, don't you tear us apart from top to bottom, and we won't put De Klerk and the generals in prison. It's a pretty silly suggestion, but it does give a feel of the relationship of power that was involved in that moment of making the deal.

I would suggest that the more important basic compromise was between the ANC's supposed long-standing policies and the environment in which it found itself when coming to power, or coming close to power, which is to say that it ostensibly had no alternative but to accept the environment as determined by the free market system, the International Monetary Fund, the World Bank. From there flowed, I think, the fact that the ANC was now not going to have the possibility of using state mechanisms to intervene in trying to put right some of the injustices which existed in the country. After all, the only effectively real reconciliation that could take place in South Africa would be to move towards greater social and economic justice. To my mind there is no alternative to that, not really. I'm not saying that that in itself is enough, but for me the rest will be complementary to this essential need.

In other words, if the Government could have put forward a project which would have mobilized the majority of South Africans rights across the bars of division, and right across the previous animosities, we would have been far further down the road of reconciliation than we are at present. I think that the TRC came about, and it was not the only mechanism of its kind, the government of national reconciliation was another stab at the same kind of resolve, with its importance inflated exactly because the essential couldn't be done. You couldn't really go and address the true underlying problems, which are those of tremendous inequity and injustice, indignity, poverty, misery, the systemic exploitation of people. These conditions prevail to a large extent right now.

So I would imagine that the TRC came about as a result of negotiations between these parties. It was probably intended to let off steam. It might have done that. I'm not being cynical when I say this. I surmise people imagined that the TRC would help prevent matters from getting worse and in this it probably succeeded. For, as you pointed out, matters could have become very much worse. There was a real possibility of civil war at a certain point

immediately before the elections. It was probably intended to provide or help provide an orderly vehicle for the demands for justice and restitution, maybe even for retribution. It was intended to steady the transitional phase.

The ANC, I suppose, had more specific objectives: to draw their adversaries into a process of their own exposure, and in so doing also tying them up. In other words, it was, as well, very much a political struggle fought out through the constitution and the putting together of the TRC. I am not suggesting that they were trying to load it, that's another matter altogether. I do think they intended this TRC to help channel the ardor of their supporters. It could be a way of staving off the pressure for justice in the country building at the time. And from the National Party's point of view, they must have thought the TRC would be a way of escaping responsibility, or at least to share the responsibility, to advance a notion of, at best, equal blame for atrocities on both sides. They probably also thought that in this process they would be able to state the case for legitimizing state violence as not being that much different from revolutionary violence. In other words, we were both bad people in a struggle that we believed in, honestly, on our respective sides.

Did it succeed in its mandate? I'm going to digress and repeat a few thoughts something I've proposed several times already. You touched obliquely on some of the criticisms that I emitted elsewhere. The ostensible purpose of the TRC was to bring out truth, to draw away the curtain as you said, to promote reconciliation and perhaps also to point to possibilities of justice, maybe compensation at some point, or at least the acceptance of the principle. There is, of course, a basic paradox within the juxtaposed concept of truth and reconciliation. As somebody pointed out, truth is bound to be an early victim in the process of reconciling yourself with your wife, let alone the kind of justice which may flow from making up. One could say in a rather facile way that the more truth, perhaps the less possibility of reconciliation; the more reconciliation, the more you go softly on the truth. But that's not really the point.

What would I have liked to see happen? I felt that there were these three elements which were essential to promote. One, the truth ought to have been taken of by a specialist panel of historians, including international historians over a far longer period of time. I am not suggesting that you and your TRC did not do so to a large extent, but I don't think you had the means to do more. This panel should have had full state support and means to do their job properly and then make the results known in an appropriate way to the whole nation. By the way, it would have been part of my concept of real national reconciliation to use the state apparatus, to use the state facilities, to use television, to use the public fora, to use the universities, to use the workplace far more intensely than ever had been intended to happen in South Africa. To have these debates going on. To really drag this beast out into the open. It may sound naive, because people were heated up at the time, they were resisting this truth

from coming out, from looking it in the face. But still, I think something could have happened.

As for justice, you know, surprising enough I'm convinced that even under the previous regime we had the necessary legal framework to go after those who had committed gross violations of human rights. The laws were on the books. It's true, as happened in many other instances, that one may get to a country with a perfect constitution, and, of course, what is then done with the constitution is something totally different. But one could have caught them at their own game. Besides it had been decided that the new South Africa was in fact to be a continuation of the same state. Many of us had been hoping that it would become a totally different South Africa, but legally it was the continuation of the same entity. We retained, by and large, at least during the transitional period, and this has since been confirmed by the permanent dispensation, the existing structures for ruling the state and the same kind of demarcations. So why not use the laws which were there? In fact, why not even use the judges who were there? I would have brought in some more judges from outside just to keep the indigenous ones from taking a duck or a dive at a hot moment, but I would have put the political criminals on public trial. They would have been duly sentenced and then the new rulers could, in the name of reconciliation, in the name of promoting unity, in the name of promoting unity, for the sake of new nation-building or rainbow-ism, call it what you want, to amnesty them or modify the sentences and justify the act in such a way that it could be seen as a political gesture of good will.

As for the reconciliation which you referred to here as the narrative truth, that I think was the most moving part of the TRC proceedings. The mere fact that very ordinary people had the chance to come and tell their stories was extremely important. I would have liked to see that whole process amplified enormously. The artistic community, the cultural forces and the trade unions could have played a much bigger role. We should have ritualized our recapitulation of these memories and pains, or at least have had public sessions about this far more extensively. We should by now have had a modest but huge public monument that we could have all contributed to. We could have all picked up a stone somewhere and put the name of somebody, a victim or a protagonist, on it and taken it to a public place, the same place; and by now we would have a pyramid or a mount of memory as it were. That didn't happen. This is not a criticism of the TRC. It was not within your brief, it was not within your means to do so.

By the way, the fact that this did not happen points, for me, to something that was true then and unfortunately is still true now. It's a kind of current or line of cynicism running through South Africa party politics. Never have they really made an effort to involve civil society significantly and structurally so. During the negotiations of Codessa I and II, where were your cultural components? Where were your trade unionists? Where were your farmers?

Where for that matter were the people representing the army, both the armies? It was a deal struck between political elites. Even if, as window dressing, one had a number of people like Oom Beyers Naudé, a wonderful person, that was not enough. No wonder there are large sections of the population who do not feel involved in what has been happening there and not concerned with the kind of deal that was struck, even if they supported it as the best solution at the time. I would think that this is even now still the case.

My twenty minutes are more or less up now. I'll stop criticizing. But to return to the basic question -- one has to say in hindsight that no harm seems to have been done. Of course, it was not intended to do any harm. I am not convinced that much good was achieved either. I think the slightly cynical objectives which I spelled out when I started had been achieved. The period of transition was to a large extent permitted to go forward with relative peace and the TRC was partly instrumental in making it possible. That was not its purpose, but I think it allowed people to accept the changes that were taking place, at least for long enough to happen peacefully.

I would finally suggest that this whole transition was not intended to be a period of nation building or even ultimately reconciliation, but to facilitate the orderly and total take-over of power, the taking total control of the state and the administration by the ANC. Unfortunately, we find ourselves now in the position and the situation where, putting my ear to the ground and listening to a lot of people, and perhaps I shouldn't lend out my ears to so many people, it would seem to me that there's a hardening of attitudes again taking place.

I repeat my basic perception, given that underlying injustices and inequalities apparently endemic to our society have not been resolved satisfactorily, and given the fact that many of the previous holding structures have been starting to give way -- public health, national education, our justice system to a certain extent, the police, the army -- I mean, we tried to invade and impress Lesotho and we didn't manage to do that very successfully. The ANC government seems to have given up on the idea of the rainbow nation, or nation-building, I don't want to accuse them of bad intentions when they don't have them, but at the moment I certainly don't see any vigorous incentives to make it happen. It is nearly as if there's this attitude that since we are eighty percent of the population we don't really have to worry about the other twenty percent. This is a short-sighted and ultimately very dangerous calculation to make. It is that which I feel concerned about. A new nation or a national identity is not being forged. Again, it was not the brief of the TRC to do that. The little good which did happen was probably largely due to the TRC. I would have preferred to see the project of continuing to invent a just and tolerant and diversified South Africa amplified enormously, far more deeply than did happen and continuing much farther.

