

## **Creating A National Discourse: Truth and Reconciliation in South Africa**

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*Followed by discussion moderated by*

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*JUDITH RODIN:* OK, good morning. I'd like to call on Amy Gutmann, who will introduce our keynote speaker. Amy is the Lawrence S. Rockefeller University Professor of Politics at Princeton. Until last year, Amy was also Dean of the Faculty at Princeton. Her books, including "Democratic Education," "Liberal Equality, Ethics and Politics" and "Democracy and Disagreement," are widely known and widely cited. It is my pleasure to call on Amy Gutmann to moderate this morning's plenary session. Amy.

*AMY GUTMANN:* Good morning. This session this morning is entitled Creating a National Discourse: Truth and Reconciliation in South Africa. This commission, which has met numerous times now, has discussed in all

of our meetings two ideals of a public discourse. One ideal is that a public discourse can help reconcile differences in a deeply divided or not so deeply divided but still divided society.

Another ideal is that a public discourse can, at the same time, express mutual respect among people who are deeply divided and necessarily will remain divided in some ways, even if their divisions narrow.

Now many people not only challenge the desirability of such public discourse but, more fundamentally, challenge the very possibility of such a discourse. Deep divisions, they say, are such that words alone cannot make much of a difference. And it's important, I think, to take this skepticism—some people would call it a realism—into account. The facts do matter. If we believe—as a commission we seem to believe—that public discourse can make a difference, we ought to worry if there are a lot of people who think it simply can't, no matter how desirable it may seem to be in theory.

Now I often tell my students, who often begin also as skeptics, about this story about how important it is for those of us who theorize to take the facts into account, so let me just tell you the story. It's an airplane story. It's an old airplane story, and it's about four people who are on an airplane that's about to crash, and there are only three parachutes. And the four people are the president of the United States, the smartest philosopher in the world, or we might say the smartest commission member on this commission, a parish priest and a hippie. That'll give you a sense of how old the joke is. And there are four people on this plane and there are only three parachutes and it's about to crash, and the president of the United States gets up and he takes a parachute and he says, 'I'm the leader of the world. This is the strongest country in the world. We have the power and the responsibility to keep the world at peace,' and he takes a parachute and he jumps. The smartest philosopher in the world says, 'I'm the wisest person in the world. The world depends upon me for the continuation of wisdom and knowledge,' and he takes one and he jumps. And the parish priest at that point turns to the hippie and he says, 'Son, I've dedicated my whole life to doing the right thing. Please take the last parachute and jump.' And the hippie turns to the

parish priest and he says, 'Pop, don't worry yourself. The smartest philosopher in the world took my knapsack and jumped out of the plane.'

Well, the question here for us is, is deliberative public discourse the parachute that does not open, especially in a society that is deeply divided racially, economically, educationally, linguistically? That society is South Africa. South Africa has 11 official languages. You know a lot else about how deeply divided South Africa has been and still is racially, economically, educationally. In 1994, South Africa became a democracy after 50 years of a system of minority domination, of statutorily defined color groups. But instituting democratic institutions is not and was not enough. Two salient questions arose in the context of this miraculous, in some ways, transition to democracy. One is, how does a democracy deal with citizens who are responsible for disappearances, death squads, psychological and physical torture and other serious violations of human rights? The second question is, how does democracy deal with the fact that many of the perpetrators of these crimes remain part of the new democracy?

The decision of how to answer this question in South Africa was controversial and it was a compromise. Judge Richard Goldstone of the Constitutional Court in South Africa, which is their highest court, put the decision this way: The decision to opt for a Truth and Reconciliation Commission was an important compromise. If the African National Congress had insisted on Nuremberg-style trials for the leaders of the former apartheid government, there would have been no peaceful transition to democracy. And if the former government had insisted on blanket amnesty, then similarly, the negotiations would have broken down; a bloody revolution sooner rather than later would have been inevitable. The TRC, the Truth and Reconciliation Commission, is there for a bridge from the old to the new.

Now Dr. Alex Boraine, who will speak to us this morning, has been a central force in this transition. His work began long before the demise of apartheid, and without his work and the work of other great leaders in the country, this, in all likelihood, would not have happened, or certainly would not have happened as early as 1994, too late for many people in the eyes of people like

Dr. Alex Boraine. It is a great pleasure for us to be able to hear from Dr. Alex Boraine. I will just give you a very, very short summary of his life.

He was born in Cape Town, South Africa. He was ordained as a minister of the Methodist church and, quite quickly, became president of the Methodist Church of South Africa. He was elected to Parliament in 1974, courageous even to run for Parliament for the Progressive Party, and served in Parliament from 1974 to 1986. In 1986, Dr. Boraine founded and became the director of an institute for democracy in South Africa. This was during apartheid. This was a product of a courageous ability to organize an institute that was dedicated to negotiating between blacks in exile and blacks in prison and finding some way of moving this country beyond apartheid. It was my honor at that time to be invited to South Africa by Dr. Boraine just after Nelson Mandela had been released from prison, and I heard Nelson Mandela speak and somebody, after he spoke, asked from the audience, 'How can it be that you have no bitterness towards all the people who have perpetrated all these crimes on you?' And Nelson Mandela responded, 'I would not wish what happened to me and my people on anyone, on any human being.'

Dr. Boraine was responsible, with a group of courageous blacks and whites in South Africa, for making this transition happen. He is now the vice chairperson of the Truth and Reconciliation Commission. He is a model of civic imagination, organizational energy, deliberative commitment, moral backbone and a willingness to compromise to achieve good for others. This is a study in leadership and public discourse, and I'm really just tremendously honored to welcome Dr. Boraine.

*ALEX BORAINÉ:* I'm going to go up in the world, huh? Thank you very much, indeed, for the warm and extravagant welcome. Thank you to President Rodin for inviting me to be part of this important dialogue. I certainly appreciated listening to many of you yesterday, and I think some of the problems that you identified, some of the crises that you referred to, are certainly very familiar to those of us who live a long way from here.

There are two age-old choices which people have made and nations have been forced to make, two schools of old wisdom, summed up by Timothy

Garten Ash in his book "The File," and in which he writes, "On the one side, there's the old wisdom of the Jewish tradition: To remember is the secret of redemption. And that of George Santayana, so often quoted in relation to Naziism: Those who forget the past are condemned to repeat it. On the other side, there is the profound insight of the historian Ernest Renan, that every nation is a community both of shared memory and of shared forgetting. "Forgetting," writes the historian, and I would even say historical error, "is an essential factor in the history of a nation."

Historically, the advocates of forgetting are many and impressive. They range from Cicero in 44 BC, demanding, only two days after Caesar's murder, that the memory of past discord be consigned to eternal oblivion. From that time to Churchill in his Zurich speech 2,000 years later, recalling Gladstone's appeal for a, quote, "blessed act of oblivion" between former enemies.

Those of us who participated in the historic election in 1994, I think with some justification, were on a mountaintop for a brief time. We had come through a very bitter struggle which, I suppose, was almost 300 years long and accentuated and institutionalized for more than 50 years. So I suppose we could be forgiven for the luxury of standing on that mountaintop and rejoicing. We couldn't stand there very long, and we had to go back into the valley and to work again because there was a huge baggage weighing very heavily on our shoulders, economic and social, and there was a readiness to commit ourselves, and the government in particular, to trying to reduce the wide gap between rich and poor in my country, to try to address the social and economic needs of millions of people who had been discriminated against for so long. It's a huge task, and it's almost never-ending.

There was another choice that we had to make. What do we do, how do we cope with the human rights violations that took place during that period of oppression? Do we simply consign it to oblivion? And there were many who argued that way. They didn't put it quite so eloquently, and I suppose they had good cause. The previous government, the security forces, were adamant that we should simply forget the past and move on. It sounds very attractive,

I must say. It's such a sordid past, so complicated, affecting so many. Why can't we just forget about it and focus on the future? Sounds reasonable.

There were also those who said that we had to take the perpetrators of these human rights violations to task, to arrest them, to put them on trial, to prosecute them and to punish them. Very understandable. Many of these had suffered very deeply, and they wanted their day in court. And there were others who decided that, for the sake of South Africa, for its unity, its precarious unity, its fragmented and fragile democracy, that we ought to try and see if there was a third way. We rejected amnesia and committed ourselves to remembrance.

We also rejected the Nuremberg model of prosecutions and trials, partly arising out of political realism, where the politicians in their negotiations seeking consensus also have to reach compromise, and the compromise was, in order to have a relatively peaceful election and to stop the bloodshed, to offer a limited form of amnesty. That was part of the interim constitution. There was no going back. But those of us who received this, as it were, were faced with yet another choice. We could have simply said, 'All right, let's have the amnesty committee. Let's go through this. Those who apply and those who qualify will be granted amnesty,' and leave it like that. We decided against that also. That wasn't really a question of an ideal situation, the choice of the golden mean, if you'd like, but we could have left it like that.

We decided, rather, to put the focus not on the perpetrator but on the victim, on the survivor, and to try and find a way of restoring to them their social and human dignity; if you like, to give a voice to the voiceless, hundreds and thousands of people who had suffered for so long and had no way of telling anyone. They were silenced. And we felt that one of the ways in which to bring about a restoration, a reconciliation, was to engage in truth-telling, to take moral tradition very seriously, to enable and to empower our people, ordinary people, to come and tell their stories, not only victims and survivors but also perpetrators.

And so we introduced the Truth and Reconciliation Commission, and it has many similarities to the commissions, and there are 20 truth commissions of

one kind or another over the laand they would have to risk proceedings in court. Sixthly, there were criteria laid down in the act which would determine whether or not the applicants for amnesty would be successful. I mentioned that there were nearly 8,000 who had applied. Thus far, only 200 people have been granted amnesty. In a recommendation in our final report, we have urged that those who have not applied for amnesty and for which there is sufficient evidence that the attorney general should proceed against them.

Now the one thing that is a huge similarity between other commissions and ourselves is this tremendous determination and persistence of people who had been victims during this apartheid system to know the truth. It seemed that even however grotesque that truth was, it was part of the healing which had to take place. Essentially, the Truth and Reconciliation Commission is committed to the development of a human rights culture and a respect for the rule of law. But there is an irreducible minimum, and that is a commitment to truth. President Aylwin of Chile put it this way. 'To close our eyes and pretend none of this had ever happened would be to maintain at the core of our society a source of pain, division, hatred and violence. Only the disclosure of the truth and the search for justice can create the moral climate in which reconciliation and peace will flourish.'

More recently, a number of mature democracies have had to face the truth as well. I think of Switzerland and its relationship to the Holocaust, its banks in terms of possessions which they secured. Thomas Borer, who had been entrusted with the investigation, put it this way: 'Jews are not our enemies. Our history is not our enemy, but the way we deal with or not with our history, that would be our enemy.' And last week, I was in Geneva at an international conference, and Minister Cotti, who just relinquished the presidency of Switzerland, who is their foreign minister, said, 'I've spent 10 years in government, and until last year, no one—I mean, no one—spoke of the fundamental necessity of re-examining Swiss history. Now I realize this must be done, because a country that has not really faced its past cannot decide its history.'

I wish I had a little more time to dwell on some of the everyday experiences of the commission. Bear in mind that we traveled the length and breadth of the country. We met in very small townships, in large townships, in very urban areas, in big cities, in church buildings, in magistrates' courts, out of doors. The largest day we ever had were attended by three and a half thousand people in a huge tin structure in a township in Port Elizabeth. The average attendance, I suppose, sometimes only a number of 50; other times, 500 or 1,000, sometimes very angry people, always very deeply moved. And it was an experience of emotion, of raw emotion, of many tears, of great search, of compassion. And I think that whatever else we achieved, the uncovering of the truth, which had been hidden for so long, was extremely important. The giving voice to the voiceless, the enabling of ordinary people participating in the life and work and future of their own country, is a model which is obviously going to assist us in the future. It's not something which belonged only to a commission. People now wanted to really participate not only in the understanding of the past but also in their commitment to the future.

Finally, I'm asked on many occasions, and perhaps they put it a little more strongly than this. They say, 'Well, yes, it looks to me as though your commission has been successful in uncovering the truth, and perhaps the greatest reparation you can give to victims is the truth. But what about reconciliation? What about the deep divisions in your country?' And there's no doubt that the dead hand of racism rests very, very heavily on our shoulders as a nation and as a people, and it's going to take a generation or more to achieve anything like reconciliation. But one thing I can say: You're not going to get reconciliation unless you deal with the truth of what happened so that we can avoid it ever happening again. You're not going to get reconciliation if you base it on lies and deceit, which was characteristic of our country for so long. We have probably laid a few foundation stones in the work of the commission, but now it is up to the entire country to build on that, both state and civil society.

And to that end, in our report, we have made a large number of recommendations of how this can be taken forward, what still needs to be



done. And it is my hope that both the government of my country in terms of social and economic transformation as well as moral transformation, together with the strong civil society that does exist in South Africa—that the faltering steps that we have taken will lead to a much greater march which will ensure the consolidation of democracy and a human rights culture which has been denied us for so long. Thank you.

*GUTMANN:* We are opened for comments attached to questions, and I think people should feel free to ask Alex further questions or to make comments that refer to the model of South Africa and what we can learn from it. Calvin.

*CALVIN TRILLIN:* There were two—I suppose you'd call them attacks on the—I suppose the two acts of non-cooperation or interference with the commission that got the most publicity over here were the ANC attempt to suppress the report and the refusal of the previous prime minister to testify. How did those affect the sort of legitimacy of the commission?

*BORAINÉ:* I just happen to have a couple of quotations relating to those questions. First, let me deal with the ANC, because I think that's more serious. This is the government of today and the government of the future. When Thabo Mbeki, who is almost certainly going to succeed Mandela next year, appeared before us, he said, amongst other things, the following, and I quote: "We should avoid the danger whereby concentrating on these particular and exceptional acts of the liberation movements, which could be deemed as constituting gross human rights violations, to convey the impression that the struggle for liberation was itself a gross violation of human rights."

Now I can only assume—and I haven't talked with him yet about this. I can only assume that he was advised by people who sat on the so-called TRC desk of the ANC—each party had a special desk of its own—that this is what we had done. Of course, this is the last thing we would have done. We drew a clear distinction between the activities of a government which suppressed its own citizens violently and a liberation movement that responded to that, and during that time, that just war, if you like, committed certain gross human rights violations. The international conventions are very clear that, yes, there

is provision made for violent response to overwhelming violence in order to stop it, but that any—and as I say, the Geneva convention is so clear here that even that party which takes up arms and commits, in the course of that struggle, gross human rights violations, must accept political and moral responsibility for that. We made that very clear in the report.

And I can think only one reply, and the reply is much stronger from President Mandela. He received the report after we won the court case against the ANC, on the very day, and the following weekend, Mandela said this. 'I have now had an opportunity to read all five volumes' of our report, 3,500 pages. 'The ANC was fighting a just war, but in the course of fighting the just war, it committed gross violations of human rights.' No one can deny that, because some people died in our camps, and that's exactly what the TRC has said. 'It's not easy,' he continued, 'to be questioned about whether there's a difference between me and Deputy President Mbeki on the publishing of the report.'

'There's no doubt that Thabo Mbeki had good intentions and may only have seen extracts of the report. I am convinced my approach was correct. On the basis that he may not have seen the report, he responded on the information he had. No doubt, if the report had been read, perhaps the response of the ANC would have been totally different. I think the test, however, will come when the report is debated in Parliament, because the ANC, as the government, will have to introduce the debate and they will have to either adopt the report or reject the report. I have no doubt that they will adopt the report, because I'm sure that once Mbeki reads the report, he will see that there is a very clear distinction made.'

And I think it's very unfortunate that they had jumped in so quickly without—and the main reason for that is, we found against them in terms of gross human rights violations. We held up a mirror, if you like, to society and had no favorites. We couldn't. Some of the ANC people felt that this was a total putting them on the same level with the government of the day, with its repressive practices, and that we had condemned the whole liberation movement. They had to write a reply. Legally, we sent to every person that

we were indicting, if you like, and gave them 21 days in which to reply in writing. The deadline went by and they never replied. We gave them a second deadline. That also went by. We ran out of time. And then they wanted to come and see us and we said, 'We can't do that. We've sent over 400 of these letters. So we can't possibly do that. We want it in writing.' And I think they got annoyed and angry, and I think that's a danger, and I think civil society must play a very, very important role in having checks and balances against a very powerful majority in government, no matter who that government is. It's very, very important. So I think we've gained from this.

The second gain, of course, was that many of the white South Africans had said that we were biased in favor of the ANC; consistently made that statement right throughout our work, no matter what we did. When the ANC took us to court, it of course silenced those white critics and gave even greater integrity to the report, so I personally am quite grateful that that happened; sad in a way, but grateful in another way.

De Klerk was very different. De Klerk did a most heroic thing in 1990. It was extraordinary. I sat opposite him in Parliament for 12 years. He was on the right wing of the National Party. I never, ever heard him say one thing against apartheid, always supporting it. Yet, give him the credit: 1990, he made that speech which unbanned the ANC which made negotiation—politics which some of us had been working towards, but he had the power and the authority to do that and did it, and I give him all the credit. For years following, he seemed to imagine that he had ended apartheid and never seemed to understand that he was a part of it for a very long time as president, as deputy, as Cabinet minister, as member of Parliament, longtime supporter. He felt that he should share the presidency with Mandela despite whatever the vote was and, I think, became a little disillusioned, angry, disappointed about that.

When the commission was appointed, he was totally opposed to it. He said, 'We must just forget the past and move forward.' But his party, in the end, voted for the commission in Parliament. He appeared before us two whole days. I have to concede that the questions we put to him were very tough, but

after all, you know, that was our job, to get to the truth. And he equivocated and became very much the lawyer and not the politician and could not bring himself to say in an unqualified way, 'I'm sorry. I'm sorry.' 'Yes, of course, but you must understand—you know, he kept on qualifying that. And, of course, we kept on saying, 'But, Mr. de Klerk,' and I actually asked him publicly if he would apply for amnesty, and he thought that was an insult.

But, I mean, I still think he ought to have applied for amnesty, in my view. Then, in the very end, his own minister admitted publicly that he had been involved in the blowing up of two major buildings, one the headquarters of the trade union and the other headquarters of the Council of Churches. So that's quite a serious matter, that, you know? Planting bombs in buildings in a built-up area where people were living. Many people were actually injured. Some could have been killed. That's a pretty serious offense.

He maintained two things: One, that it was former President P.B. Botha who had told him to do it; and, secondly, that he had told de Klerk. De Klerk says he wasn't told. The commissioner of police says exactly the same thing. He knew about it, he ordered it, he told de Klerk. We found, on the balance of probability, that de Klerk knew. He's now contesting that in court. Two days before we were supposed to publish our report, he took us to court. We were only able to get senior counsel one day before. He looked at the 2,000 pages of his submission and said, 'There's no way I can go through this and do justice to a court case which is starting at 10:00 tomorrow morning. My strong advice to you as a commission is, ask for an adjournment.'

The last couple of days, I've been involved in going through hundreds of pages and writing out affidavits in New York, where I'm supposed to be researching for a book and I've been handling all this. And in March, there will be a court case where he will have every right to contest our findings. And I don't know what the judges'll do.

*TRILLIN*: Now, excuse me, under the system set up by this, if you found that he did know about it..

*BORAINÉ*: Yeah.

TRILLIN: ...and if he doesn't ask for amnesty—let's assume that you win the court case...

BORAINÉ: Yeah.

TRILLIN: ...if he doesn't apply for amnesty, then, in theory, you could have him arrested?

BORAINÉ: Yeah. He's an accessory after the fact, or certainly after the fact.

TRILLIN: Well, would you have him arrested?

BORAINÉ: Well, first, the commission doesn't have that power, but the attorney general, if he feels that there is sufficient evidence—and, you know, they're very loath to go into any trial...

TRILLIN: Right.

BORAINÉ: ...unless they can have...

TRILLIN: Sure.

BORAINÉ: ...some assurance, and that's fair enough—they could then arrest him and put him on trial for that, yeah. My guess is that they won't for a...

TRILLIN: Right. And how about Botha?

BORAINÉ: Botha?

TRILLIN: Yeah.

BORAINÉ: The same thing. P.B. Botha is very much in an even more serious situation because, I mean, two people are on record in applying for amnesty, and you can't lie in an application, saying that Botha had instructed them to do this. So this is an accessory before the fact. I mean, this is, you know, very much more serious. He's 82, 83 years old. He's had a stroke. He's not well. It may well be that the attorney general will delay and delay.

TRILLIN: Right.

*BORAINE:* I think it's a pity. I think, really, that m—I don't want to see Mr. Botha in jail. I'm not out for revenge. I don't think that's going to help our country or anyone. But I do believe very deeply in accountability, and I think that he's ducking that in the same way that Pinochet has been ducking it for so long. And, therefore, I think that he ought to be tried.

*TRILLIN:* All right. And he refused to testify, or he...

*BORAINE:* That's right. So he was then charged with contempt and found guilty, and he's now on appeal.

*TRILLIN:* I see.

*BORAINE:* What I like about that is not that I—I don't want to humiliate Mr. Botha or anyone. But, you know, I sat in that court case, that courtroom, tiny little courtroom, small town—I mean, Mr. Botha was almost as close to where I am. And he was the accused, he who had life and death in his hands, he who was one of the key architects that led to thousands of people dying, of over three million people being forcibly removed from their homes in order to fit into this black-white separation—all of that, and to crown it all, the magistrate was black. I mean, there was—as far as I'm concerned, that's enough. It's been made. The statement is loud and clear, no one is above the law—no one. And I think that's been a great help in returning to the rule of law in South Africa.

Sorry I was so long.

*GUTMANN:* No. No apologies necessary. That's—Martin.

*MARTIN SELIGMAN:* I have a psychological question on reconciliation, and that he said where...

*GUTMANN:* Speak into the mic. Speak close into the microphones, OK?

*SELIGMAN:* I'm sorry. Is the microphone on?

*BORAINE:* Yeah.

GUTMANN: Yes. Yes.

SELIGMAN: Is it—is it—yes.

BORAINÉ: Right close.

GUTMANN: Yes.

SELIGMAN: So, I have a psychological question about the possibility of reconciliation, and it comes from the literature on children and on psychotherapy. You probably know, in the field of psychotherapy, there are two very conflicting schools about what you do with severe trauma. One is Cicero's school, which is the 'Forget it. Let scars heal over.' And the other is the Freudian catharsis school which say, 'Let's find the truth.' Now I think the evidence has actually come out quite strongly in the individual level one way rather than the other, and just a couple of facts about it. If you have a child who has been brutally sexually abused and you have a trial in which the child recounts the abuse, the evidence is, that child—the length and severity of the disorder is 10 times greater than if the child does not go to trial. In addition, when people look at the question of catharsis, what we had thought when those studies started is that that would decrease anger ultimately. But I think the evidence almost universally goes toward it increases and sustains anger.

So my worry here is that the way the evidence has come out within the psychological literature about these much smaller parallels suggests that the telling and retelling and reliving of the truth feeds rather than diminishes anger. So given that, I wonder what the prospects are.

BORAINÉ: I'm way out of my depth. I must admit, I don't know the literature, or don't know much of it. All I can tell you is the experience that I've had with these 22,000 people. We avoided having children before us because we thought that they could be abused. What we did have, however, were a number of people who had been abused as children who are now adults, because apartheid had been going for a very long time. And we had that in private so that—you know, I don't want to suggest the media would

abuse the occasion, but we didn't want to allow any opportunity for that or prospect of that.

I remember a man coming—he was in his middle 30s, coming before us. He was blind. He'd been shot by the police in the face. And there were many, many instances of that, so it looked as though it was almost a deliberate tactic. This particular man was a teen-ager when this had happened, and he was running an errand for his mother; was caught in the crossfire and was shot in the face. Happened to many people. They had to help him up to the stage where we were sitting, and we always had somebody with people who came before, during and after so as to give some kind of care, as much as we possibly could.

He told us his story, which was obviously very moving, and I was in the chair at the time and I talked to him for a while and asked him what he felt the commission could do to assist him, which we'd asked everyone. He mentioned one or two things—not much, very simple. But he just sat there. And I thought, 'Well, it's perhaps because he's blind,' and so on. So I said, 'Well, is there anything else you want to say, or are you ready to go now? Because there are other people that we have to hear.' He said, 'No, I have to say one more thing.' So I said, 'Say it.' And he said, 'When I came here, I was blind. Now I can see.'

And, of course, he didn't regain his sight, but that experience we heard over and over and over again, like a woman who came and had been brutally abused over a long period of time, severely tortured. And the result is that she was a very disturbed person. She came back the next day after having given evidence the previous day, as many did, to listen to their friends and so on. And she asked if she could speak again. We were very hard-pressed in terms of time, but we said, 'OK.' And she said, 'I want to tell you that for the first time in nine years, I slept through the night.'

Now I'm not just speaking on a couple of isolated—I'm trying to illustrate that for some people, at least, the unburdening, their being given a voice, where they'd been silenced for so long, the breaking of their silence, seemed to be healing. And, obviously, we put people in touch with trauma clinics,



psychiatrists. Wherever we felt there was a specific need, we immediately—we didn't wait until the end of the commission. We referred people, and hopefully, that was a help. But my own experience tells me that a whole lot of people are helped by letting the poison come out, if you like.

And last comment: Many people warned us that if we were going to conduct this truth commission and conduct it in public, people were going to take revenge into their own hands, particularly when they heard policemen and military people and death squads describing vividly what they had done to people. We had no single instance of that, not a single instance of any—and we had witness protection programs, we had—in case, because we were well aware, you know? You can't go into this—we had psychologists on the commission, obviously, and we had doctors and we had a number of us who'd had a lot of experience in counseling. But we were terrified. I mean, you know, this was a big thing. And you're quite right; it's risky. But that's our experience.

*SELIGMAN*: May I comment? What you described is really quite consistent from what I think we know from the literatures I was talking about. In the short term, on the individual level, it's very common to see an unburdening, a great relief, but then something else takes over in the long term, which is rumination and flashbacks. And so my worry here is that we've seen a short-term effect, but now something inventive, I would suggest, needs to be done to short-circuit this very regular process so that is—if you've gone through it and rehearsed it and said it that it becomes lifelong fuel for rumination and flashback.

*BORAINÉ*: Thank you.

*GUTMANN*: Larry.

*LAWRENCE LESSIG*: I'd like to ask the same question at the level of the community or the people who participated in these hearings, either actually coming to the hearings or your understanding of people who listened to the hearings. And the question is, do you have any feedback or feel for how this discussion transformed the community within which the discussion was

occurring, either people on the side of the former government or people who had suffered under the former government? And whether your sense was from this experience that the very discussion of it had a constructive effect on the community's effort at reconciliation.

*BORAINE:* I suppose that it's almost too soon to speak with any kind of dogmatic certainty about what the long-term results are going to be. We had a staff of over 300 people, and what we did was—well, first of all, we made a decision that we would not sit in the major centers and let everybody come to us; we would go to them. So we deliberately wanted to involve the community. And that is why you had thousands of people coming and many, many more thousands participating through radio, television and the print media.

And what we did was, we sent an advance guard of people ahead of time to tell the community that the commission was going to be there next week. We put up notices. There were town hall meetings, and we went to the church—churches in the area of all faiths, specifically, and told the congregations and asked for their assistance and their prayers and their support and their attendance, if they felt that that was going to be helpful, and to encourage people who may want to come. No one had to come. These were all volunteers. And we couldn't cope with the number that really, I think, wanted to come.

I think it had an incredible impact on the community before we even were there, because people started to talk about it. And at long last, you know, they were being recognized. The thing was opening up. And, I mean, it's hard to describe the—maybe one or two of you attended some of these. I don't know. But many, many people from around the world came as well, apart from the press and media. And all I can say is that the civil society in those areas took over from where we left off. When the caravan moved on, if you like, which we had to do, we didn't just simply leave it; we had a number of people who were responsible for the continuing debate.

All sorts of new organizations have started as a result of this commission, some of them very critical of the commission, which you'll find quite

fascinating, saying that more should have been done for the victims, for example. So our challenge to them was, 'You're right. What are you going to do about it?' And as a result, they formed these support units in many of the major townships of our country. Many of the churches have become far more active than they've ever been before—high time, in my view, but—overdue, in my view. But they certainly have, and that had assisted. But I think, yeah, there was a national impact. There was a community impact. But perhaps it's too soon to assess exactly how deep or how widespread that is.

*GUTMANN*: Two things I just want to say about the report that are follow-ups to the last two questions. The report is distinctive in, from the very beginning, admitting that it may not have gotten the whole truth and it may not have gotten it all right—very open in not only the process of what the TRC did but in the conclusions. It takes a stand. It had to take a stand, and it should have, but it takes a stand that it is admittedly open to further discussion and further argument and further criticism.

And the second thing that I think is very obvious but bears saying because it's so infrequently said is that the measure of the success of public discourse in this case is not the ending of controversy or the ending of acrimony. In fact, it would be a bad thing if, somehow, all of a sudden, people could be healed by something like the TRC, but rather, whether this helps South Africa move forward, better than the alternatives would have, as a democracy, and as a democracy with people who can't possibly be healed by something even as extensive as the many, many meetings and deliberations. So I think that's one thing we should keep in mind, that the measure of public discourse should not be the end of controversy. The end of controversy would mean, by the way, the end of democracy...

*BORAINÉ*: Indeed.

*GUTMANN*: ...because democracy is designed to deal with controversy.

Judith.

*JUDITH RODIN:* You talk about in extraordinary set of events and a condition that really shows a somewhat unusual way to deal with them. And my question is, can we take lessons from the ways that you dealt with them and apply them to less extreme behaviors, but behaviors that, nonetheless, can rip the society apart? At our earlier meeting, last June, we looked at clips of tape from the race commission that the president led here in the United States, and we were struck by how poorly it was done and how little it accomplished. I'm asking myself, listening to you, whether, in the way that you've characterized it, the United States ought to go back at this? Because it is so consequential for our society. And before we get to the point of violence and atrocities and who knows what is ahead of us, do you think that what you've used, the mechanisms that you've used, can be applied?

*BORAINÉ:* Let me say that—and we have someone here from Northern Ireland—I've been asked to go, on three occasions, to Northern Ireland, and I'm going again in February, from a whole variety of different people. And what I've said when I've been asked that question is that you cannot take the South African model and impose it anywhere as it stands, as a model, but that they may well be mechanisms, approaches, learnings, that can be shared. Last week in Geneva, we were discussing the distinct possibility of a truth commission in Bosnia, argument being that there is a tribunal, but the final word of the tribunal is punishment. And if that's all we're going to do, it's going to be very difficult to reconstruct and restore a society. The same thing is true of many countries in Africa who have chosen trials rather than this way. I've recently been in Ethiopia and in Rwanda.

When I've talked about the commission in the United States—and I've been addressing a number of universities in particular, both in the East and in the South—without fail, the first questions that were asked of me were from black Americans who did not in a way ask a question; they felt—they wanted to comment and said that 'We desperately need something like this in our own country.' And I think the biggest tragedy of what's happening in this country, which is nothing new to any of you here, is that so much has been totally neglected and focused on so little, and the race commission, the report

of that, which could have been, I think, very promising and very helpful, is a non-event, and a lot of other things probably have been neglected as well.

I would argue that—I was at Emory University, and we were discussing a conference that they wanted me to assist in arranging which would include eastern Europe and to take a long, hard look there as well as Africa and the United States. But the United States was going to be the host where the conference would be. And I said, 'Well, you mean you're going to talk about Hungary and Czech Republic and Bosnia and South Africa and nothing at all here?' 'Well, we don't have conflict,' they said. Well, you know and I know that there's a subterranean conflict in this country which—I think it runs very, very deep, from people who've been—and I come here new. I don't know the situation.

But certainly, every single place I've been, there has been this—and particularly on the racial issue—this talking past each other, this accepting almost that we've solved it. We had the civil rights movement. People are equal. Affirmative action has not worked, and we must try some other way, or it's wrong. And there doesn't seem to be any real debate that I can detect as to how to take this further. I've missed it in this discussion, I must say. Probably I'm loaded, you know, coming from South Africa. These thing—I can't believe that there are no black people here and so on. But that's just because we are so—I think for us, it's in our face. We are very aware of the enormous cleavages and racial divide in South Africa, but it's on the table and it's hard and it's tough and it's not easy to bear sometimes. But rather that, I think, than something else.

So, to summarize, I think that it's worth looking at and perhaps to find possible ways. It may—and at the end of the day, you may decide, no, that's not the way to go, but I would—that's what we did. We looked at all the models in Latin America and eastern and central Europe and then brought about our own, but with learnings from other places. And I think there may be something there which may have been fair.

*ROBIN WILSON:* Alex, an ironic comment and an issue-oriented question about the ANC's response to the truth commission. The ironic comment is

that since the ANC's response to the truth commission, the steam has gone out of the boiler of a demand for a truth commission in Northern Ireland, because the demand for a truth commission in Northern Ireland came primarily from supporters of the republic and constituency. And as soon as I saw the ANC's response to the truth commission report, I thought, 'That's that. That's going to stop.'

The question, though, is also about the ANC's response. When they were young, Oliver Tambo and Nelson Mandela, when they were young lawyers together, were identified with a position which was critical of the ANC's leadership and much more black Africanist in character, but they subsequently became absolutely committed advocates of non-racialism. Thabo Mbeki has recently talked about politics which he defined in terms of an African renaissance. Is there a way you can link together the different reactions of Mbeki and Mandela to the truth commission with these perhaps different views of the future? I'm saying that we actually did find the ANC reaction very depressing, and I worry that an African renaissance, as Thabo Mbeki talks about, may actually be a way of moving way from non-racialism.

*GUTMANN:* Do you want to take several...

*BORAINÉ:* Yeah.

*GUTMANN:* I wanted to take three comments, because we're short on time. Joel and Claude.

*JOEL FLEISHMAN:* I just have a quick question about the way that the press has dealt with the Africa and the role the press played in the TRC's process—good, bad, how they did it and to what effect.

*BORAINÉ:* Sure.

*GUTMANN:* Claude.

*CLAUDE STEELE:* Yeah. This pertains to the idea of this commission being modeled or perhaps how the United States might proceed, and I am just struck by the power of the truth to be a basis of trust in a situation that's so

fractured. To begin with that, I think, is an incredibly insightful thing and has always fascinated me about that commission, that it went right to the idea of truth as a basis of that, and as a principle, that's something that I think could powerfully generalize to other societies.

However, it's—one of the things that I wonder about—and this is a question—is the extent to which the numerical relationships of South African society enable that to happen and suggest this focus on the truth. And when you think about generalizing the model to the United States, we have such a different numerical situation that it is so much easier for the truth not to be of particular concern and for other ideas about understanding race relations to emerge and dominate and take collective hold of society that the idea of truth being something that's going to—that we need to really delve into is—it just doesn't play here. And so I just wanted to get your reactions to that observation.

*BORAINÉ:* Yeah. Yeah.

*GUTMANN:* Yeah. I just want to add one more question into the mix and sort of circle back to, in some sense, one place we began, which is, what is the role of leadership here? I mean, I'm struck—we could—by how now, it's so easy to see all—I mean, I there are flaws in the TRC, but how—previous to constituting this how hopeless the situation seemed to so many people. And so I would like you to also reflect in what—when you look at other societies, do you think that leadership—what difference does leadership make, whether it's the TRC model or some variant on it?

*BORAINÉ:* Right. I'll try and be as brief as I can, because the other things have to happen. First, I don't share your pessimism about the ANC. I'm very critical of the ANC. I think they've made a lot of bad mistakes. But many of those mistakes you could almost predict. If you exclude people for generations and then ask them to lead government—highly sophisticated, complicated economy and government, you know, you've—we who imposed apartheid are paying a heavy price for that.

I got to know Thabo Mbeki very well when he was in exile. I think that one of his problems now is that he's very much in the shadow of Mandela, and it's very hard for anyone—and this man is a giant in every way, and I don't think the real Thabo Mbeki is going to emerge until he becomes president. Now I know you might say, 'Well, that's a bit late in the day.'

The second thing I want to make is that the ANC leadership is always a collective. It's never a—sure, Mandela's right up there, but he's the first to say that before he makes a decision, he would have to consult. And they have a very strong emphasis on democracy and consultation and so on. And let me tell you that the last year, there were all sorts of speculation in the media that the ANC congress was going to be split apart and was going to be very racial in its tone and so on. They had the election, secret ballot, for the national executive. There were only three Africans on the national executive; the others were of Asian and white and colored descent.

Now that's, to me, a tremendous encouragement that there's a non-racialism in the broad base of the ANC. It's true that Thabo Mbeki has talked a great deal about African renaissance, and I would support him in that. I think Africa is a basket case in many ways, and I think there needs to be a renaissance. And I think if South Africa, which has hurt Africa so badly, particularly southern Africa, and destabilized it, has a huge debt and a responsibility to assist in the recovery, if you like, and I think there are many of us who want to take part in that.

And African means African, not black, as far as my understanding of Thabo Mbeki is concerned. I think there's always a danger when a party has such a large majority and, there again, civil society, I think, has to play a very, very important role and, I think, is. I think they—rediscovery—and everybody in civil society had a target, anti-apartheid. They knew what they were against. They're now discovering what they have to be for, which is much better and much more positive.

The role of the media was extraordinary, and I know they come in for a great deal of criticism. I have to tell you that we owe them a huge debt of gratitude. The media—you know, we had a number of people—newspapers appointed a



person to look after the TRC. They stayed with us almost the entire period so that they actually got to know—they were almost like part of a family. They had to watch it so that they didn't become too supportive of us, but they invited Desmond Tutu and myself on a number of occasions to meet them privately. We actually assisted in some counseling for some of the media people, because they were also listening to these horror stories. It wasn't only the commissioners.

And, OK, it was our responsibility, but they had to write about it. They had to report about it. They had to interview people. It was a very traumatic thing for many of those people. Once a week, they had an hourlong television program, national program, which pulled together the proceedings of the previous week, so they had to go through all those tapes and transcripts, revisiting those horrors. So I have nothing but praise. Sure, they criticized us. They criticized me. That's great. But on the whole, they took a message and an experience of our commission and made it national. Everybody could participate. It was inclusive. And so I find it difficult to be critical of them. I think they did a superb job.

The third, about the whole question of a model, yes, of course, the situation here is entirely different, perhaps all the more reason why there should be a greater resolution. It's a damn sight easier to deal with a minority problem, which you have here, than I would have thought it would be in a majority that's been suppressed for so long and could so easily become very angry and anti and negative. You know, I really do th—I think PBS has done a superb job in many ways in telling the story of this country as it's emerged, and the whole question of slavery and how this has impacted on the society, whether one likes it or not. And I think it's still there, but I think it has to be taken out of the elite of PBS and become much more at home and much more freedom—and I know people are very impatient. `Damn it, how much more do they want?' kind of thing and, you know, `What must we do now?' Big guilt trips and so on and, `Why do they do'—there is a lot of pain and there's a lot of division which I think has to come out, however dangerous it may be in terms of catharsis.

Finally, leadership and—yes, I think we have been very lucky in South Africa in two ways. I think, first, 27 years in prison and a man emerges, and he's lost the best years of his life, he's lost his wife. His whole family is in tatters. And he comes out and he's not soft, he's tough, but there's no revenge. And he's pro-active; in other words, he doesn't wait for people to come on their knees and to say, 'All right. OK, you were very naughty and wrong, and now go your way and be a better person.' He goes out of his way and talks to the very people who put him there, and I think that kind of leadership is rare. And I don't think a society can depend on that kind of leadership because it doesn't always happen.

I think there is a major, major problem when leadership depends almost entirely on how much money you've got, and that's the story of leadership in this country, politically certainly. I mean, something is bad at the very core of that, at the very center of it. And so other forms of leadership, it seems to me, have to be looked at and grown and developed.

A last comment about—so leadership's very important, but institutions are equally and perhaps even more important because they are there, and then more people participate in them. So the—I mean, Havel did a superb job where he was, but I think he was impatient with the building up of institutions. And whilst it's good to search for authentic people to lead, and we've seen it in this room and many of you are outstanding in your own places of work, but we need more than that. We need to develop, I think, and strengthen institutions in relation to this.

A final word—And this is the final word, right? No more questions? So let me just say one quick thing 'cause I feel obligated to say it. One of the major mistakes we made was to create expectations in South Africa concerning reconciliation. It's a very, very loaded word. I have to bear some of that responsibility. I did not want to talk about a truth commission for other—another area of Orwellian problems.

So I felt that perhaps we ought to focus on truth and reconciliation, and truth hopefully leading to reconciliation; in part, felt—always had major reservations, but that's not the message that was given, the message that

came through. Bearing in mind that you had Tutu as a very clear, undisguised archbishop—wore his robes at many of the hearings, which I opposed, but he insisted on—my own theological background of another incarnation of a very long time ago. Two other members of the commission were fairly prominent, black clergymen. That David kind of a suggestion that the reconciliation between individuals, which is based on repentance and on contrition and on making amends and starting again, could be translated to a nation.

And I don't think you can do that. I don't think you can do that. That's why I'm interested in your terms. I mean, co-existence is something that we have had to work very, very hard for in South Africa and still have to, to learn to give people space, to allow other people to emerge and to differ, but not to kill because they don't agree with you. That's how serious it was in our country. And we're not going to get this kind of—I think if I was going to be asked to recommend the commission in Bosnia, for example, I would say call it a truth and reconstruction commission, if you like, allowing for a much more secular and that does not take away anything of my own personal values.

*GUTMANN*: Thank you very much.

*BORAINÉ*: Thank you so very much.