Judge Dennis Davis and Professor David Peimer | The Truth and Reconciliation Commission
Forgiveness, Justice, and Revenge

- Well, good evening to everybody. David and I were asked to do this talk effectively about the South African Truth and Reconciliation Commission, and what its implications and its lessons are. And I suspect that Trudy asked us to do this because of the fact that we were coming up, at the end of the week, to Rosh Hashanah. And we know that the central theme of Rosh Hashanah is, of course... One of the central themes is this idea of teshuva, which is inappropriately translated in English as "repentance," but it's much more than that, and that's why there's a link. So if we reach back to my Maimonides in his classic work, , which are The Laws of Return, he places confession and regret at the centre of teshuva, so that effectively what then flows therefrom is a process of moral and spiritual regeneration. In the same way, it's interesting that the Kabbalists in the 13th century, the Zohar, there was a great idea about repairing the rupture because of the fact that there'd been an absence of justice and mercy, and that what Teshuva was, was to recalibrate the world, recalibrate society. I will be talking a lot more about this next week when we talk about the themes of the , the Days of . But you can see where this is going. that effectively the theme of reflection, and attempting to use the power and energy of reflection, of evaluation, of confession, if you wish, of acknowledgement to construct something better was central, in so many ways, to the Truth and Reconciliation Commission. And it's within that context that we are presenting our discussion this evening. But I know, David, that you had a clip from Desmond Tutu, which perhaps sets it all out. You may want to talk about that and then share it with everybody.

- Thanks so much, Dennis, and hi everybody, and hope everybody is well. Thanks again to Lauren and Emily for their fantastic help over the last two days. So we're going to show the first clip, which is from a talk given by Desmond Tutu quite a lot later after the Truth Commission. A talk given in America. And we're just going to show it, a short two and a half minute clip, where he's giving a speech and what he called himself, "the wounded healer." And it is just to remind us, really, of the original idea, or the aim, whether one believes in it or not, or whether it's seen as naive or not, the original aim behind Tutu and Mandela's thinking in setting up the Truth Commission, and what they were trying to achieve, and what they were trying to perhaps prevent. We'll talk a little bit later, as we go along, more about what was achieved, what wasn't achieved perhaps, and look at some theatrical representations and influence of the Truth Commission in the arts, and film, and media. But first, let's just remind ourselves of that pivotal moment in 1995 when this was set up, and to, remember for a moment, if we may, exactly what was really going on in South Africa, and why these two individuals began and set this up, together with others, obviously. Okay, if we could play that clip please, Emily.

- I wanted to speak about what I have called "The Reflections of a Wounded Healer," using Henri Nouwen's phrase, thinking back on what happened in our country, and coming to the conclusion that truth is the way to reconciliation. Most of the world, and indeed many of us in South Africa, for that matter, believe that we were going to be overwhelmed by the most comprehensive disaster. That there was no doubt at all, but that we would be victims of the most awful bloodbath in a ghastly race war. And when bombs were going off on the eve of our

historic elections, and violence seemed to be going to be endemic, it did appear as if those dire predictions were about to be fulfilled. Things had reached such a pitch that when the daily statistics of the toll of victims was... The statistics were announced, and they said five, or six, or 10 people had been killed, we would actually sigh with relief, and say that only five, or six, or 10 people had been killed. We were, as some of you say, we were rather up a creek. You might know story of the man who was driving his car-- Okay, thank you. So just to remind us, the thinking behind, at the time, obviously, was "Is there going to be a mass civil war? "Mass racial civil war? "However many dead? "Whatever would happen to the country or not?" And I guess it's contextualising the thinking behind the setting up of the commission in the beginning. And of course, it's framed very much with a Christian ethos of forgiveness and mercy. Obviously, it wasn't about justice or vengeance, really. It, as I'm sure everybody knows, was much more about, this idea that he talks about in this speech, of truth. Is truth enough to be the path to reconciliation? The way he puts this now is we can reflect back and try to see, "is this a moral approach? "Is this a religious approach? "Does it have any legal impact, "any sociocultural impact? "Was it a naive hope? "Was it a... "Did it become a deferred dream? "Did it become a coverup of all sorts "of other issues around economic, "and social, and class issues, etc?" All these questions come in, I think, as we reflect on it now. And certainly looking back at the theatre, and the performance, and the films, I think it throws up all these questions and I dunno if there are any easy answers. I don't think there are. Dennis, would you like to add anything?

- Well, yeah, I mean, I think one has to start analysing the Truth Commission from, basically, what it was about. In other words, what was our Truth Commission about? It might not be true of all Truth Commissions. There are other Truth Commissions, and there's been quite a lot of debate about whether they're efficacious, but we won't have to get there at the moment. And the truth about the South African Truth Commission was that it was essentially designed to get us through a very difficult problem. After all, Apartheid had created a complete archipelago of horror for millions of South Africans. I talk about the parcels, the Group Areas Act, the humiliation of black people on a daily basis, and we can go on, and on, and on. And of course, it was regarded as a crime against humanity. So the question was.. When we were moving from the Apartheid era into the new democratic order, the question was how were we going to do that? Now there were discussions about Nuremberg trials, and indeed, since I know there are a number of Canadians on the call, they may be interested to note that the Canadian ambassador at the time, in the very early 90s, his name escapes me now, was a very, very fine man who I had a lot of time for, and with whom I had a lot to do with in that early period of transition, he actually made a speech calling for Nuremberg Trials. And between the De Klerk and Mulroney, the then Canadian Prime Minister, he suddenly was removed from his office because there was a real sense that that's not the way... That's a dangerous route to go. Morally, he was totally correct. There were all sorts of people who deserved to essentially be subjected to a proper criminal trial. But the difficulty with that, and that, David, is really a long... This is a long-winded answer to a very complex question, was that if we had pursued a route of Nuremberg trials, how could you do that when, unlike in the Nuremberg context, the South African regime had not been defeated? In other words, the South African government, under De Klerk, still commanded the army and the police force. And in fact, everybody knew that they could have battened down the hatches and lasted for a considerable further period of time. Whether in

fact, it would've... What the consequences of that would've been, probably been totally disastrous, and Desmond Tutu's correct in his assessment thereof. But it was a realistic assessment that if you were going to go for Nuremberg Trials, then ultimately you would've forced the defence force and the ancien regime, National Party, to actually use the power that they had, military and security power, to actually subvert any transition to a peaceful, democratic country. And so, the way around the problem was effectively a Truth Commission. In other words, the way around the problem was to say, "We can't let everything just go "as if nothing had happened, "but we can't charge people criminally "for all the reasons I've advanced." So the best way to do this is to have a commission, which was presided over by Desmond Tutu and with the deputy chair, Dr. Alex Boraine. And not for nothing, in terms of what David has said, you see, Archbishop Tutu, who was the Archbishop of Cape Town, and at one point, Dr. Boraine had been a Methodist priest, although he had moved onto other things subsequent thereto. So the point I'm making is there was a religious element to it, but the Truth Commission was a vehicle, was a bridge, to ensure that South Africans could cross from a racist autocracy to some kind of possible non-racial democracy. And I have to say, with all its weaknesses, and we can talk about that, David, I'm not sure if we would've got to where we did get to, certainly, first democratic election in 1994, without the Truth Commission.

- I think there are really good points there, Dennis, and just to add in, let's also remind ourselves that this was not a defeated army. There were 175,000 soldiers armed to the teeth with tanks, aeroplanes , machine guns, atomic bomb. Let's not forget that either. So what would've been used, what wouldn't have been used, who knows? But I think the point that you're making, in a cold rational assessment, weighing up the forces against each other, what could have transpired? I think Desmond Tutu is fairly accurate in what he and the others at the time, obviously, came to the conclusion, as you were saying, Dennis, this was a path which could possibly help not let the army go ahead. Because I knew quite a few in the army at the time, this is on a personal level, not on an objective sociological level, and I think they were pretty ready to do a hell of a lot of damage. And I'm not only talking about a few extremists, but a hell of a lot of people. So I think that overall, it was an attempt to prevent that extreme of what might have... The bloodbath that he talks about that might have transpired. What happened subsequently, in the decade or two after, is a separate story. We just putting it, I think, at the moment, in its historical context.

- Yes, I think that's correct. I mean, Truth Commissions have a series of limitations attached to them. In the first place, they don't give rise to criminal consequences. It was true that the schema of the South African Truth Commission was that if you wanted amnesty, you had to come forward and actually show that any dastardly act that you had committed was for a political objective. It was fairly generously interpreted. And I, myself, as a judge, sat on I think two reviews where people had been refused amnesty, as the case may be, by the amnesty arm of the Truth Commission. If you didn't go for amnesty, then you could be subjected to a trial, and a criminal trial. Sadly, that hasn't happened. And so, the limitations of the Truth Commission were probably twofold, and we can talk about them. On the one hand, it seemed to me that we may not have got the full truth of what actually happened during the period, and there was controversy which dogged FW De Klerk to his dying day in this particular connection.

And then, secondly, did we get reconciliation? The answer to that is only very partly. And certainly what we didn't get was that for the vast majority of South Africans, they did not get a level of redistribution, or reconstruction, or restoration, if you wish to call it, which allowed them to move on. And that is not only the part of the Truth Commission. Obviously, that's the ineptitude of more than 25 years of government policy subsequent thereto, but you've got to look at it as a package. And so... But at the time, the Truth Commission seemed to be the only show in town. And I'll just make one final point before we move on. There was a very famous trial... A case, not a trial. A case brought before the Constitutional Court of South Africa in the Constitutional Court's very early days, an unbelievably moving event when you think about it. And that was that the families of Stephen Biko, who was murdered by the South African Security Police back in 1976, in fact we've just passed the anniversary of Biko's murder and his death, the family went along to the Constitutional Court to argue that the idea of a Truth Commission, which would grant people amnesty from any prosecution, was contrary to international law and effectively, therefore, should be set aside, so that, ultimately, this would've allowed a series of prosecutions to take place. I might add, of course, this is after first democratic elections. And consider the court, if I may. I mean, it's really the stuff of drama, really, when you think about it. The judges who were sitting there, many of them would've known Biko and were themselves human rights advocates. I think in particular of the Chief Justice Arthur Chaskalson, or Mr. Justice Ismail Mahomed, who were very, very central to... And Mr. Justice Pius Langa, later Chief Justice. These men were really central to the struggle for democracy in South Africa, and they would've been acutely aware of the pain of the Biko family. And their dilemma was this: If they agreed with the Biko family, that international law of the kind that they were advocating meant the scrapping of the amnesty provisions, and therefore, to some extent, the collapse of the TRC, what would've been the consequences. But they were also faced with the fact of knowing very well of the pain, and the trauma, and the hurt that the Biko and other families had had thanks to the murderous activities of security police. They finally found that the Truth Commission was valid, but it's an extraordinary judgement and hearing... And the judgement of Justice Mohamed reflects that what was important here was memory. We had to have a memory of what happened, but that memory could be vindicated through the Truth Commission, just as it could by criminal trials. And it's clear that the court realised that if they found that the Truth Commission was constitution invalid, it would've jeopardised the entire transition to democracy.

- Dennis, thank you. And to pick up on that last point about memory, which you're going to show the next clip, which is precisely that... I mean, Desmond Tutu talks about "truth is the path to reconciliation," which we can debate, but I think it's more, and not only in theatre, but in a social and historical context, it is the performance... Whether literal, or on a stage, in life or on a stage, it is the performance, the showing of memory, that I think really brings out not only identity, but revelations of truth. And from there, come all the great themes of drama and human society, revenge, prevention, justice, forgiveness, victim, perpetrator. All of these great themes of human society from ancient times to now play out. And we see this in the next clip, which is of this guy, Benzien, who was a captain in the security in the police force, one of the torturers, where he is in front of the Truth Commissioners, and he has to perform, he has to re-enact, his mode of what they call the "wet bag torture." It's a variation on waterboarding. He

has to do it in front of the commissioners with the man that he did that to literally some decades before. Okay, if we can show the next clip, please, Emily.

- About how my son died.

- [Narrator] During the inquest that cleared Benzien and his colleague, Anthony Abels, of any liability, they claimed the shooting had been an accident. Asking for amnesty for the death, Benzien repeated that version this week.

- [Translator] I don't know whether I pulled the trigger. My purpose was to arrest him and not to kill him. Although, his death was a tragedy for the family. I am very, very sorry that he had to die.

- But if Benzien never bothered to apologise to Auntie Ivy about her son's death then, he, this week, was forced to come face to face with his survivors.

- Can you see, Mr. Yengeni?

- What kind of man that uses a method like this one, of the wet bag, to people, to other human beings, repeatedly, and listening to those moans, and cries, and groans, and taking each of those people very near to their deaths, what kind of man are you? What kind of man is that?

- Do you remember saying to me that you are able to treat me like an animal or like a human being, and that how you treated me depended on whether I cooperated or not?

- I can't remember it correctly, sir, but I would concede I may have said it.

- Can I then also just ask if you remember that while I was laying on the ground, that somebody inserted a metal rod into my anus and electric... Or shocked me?

- No, sir.

- Although, the first time this type of assault took place was the day of my arrest, but that after that, whenever it came to the 16th, that it would either be the threat or actual assault.

- I deny. And Mr. Forbes, if I'm denying this, then one of us two are lying. On the Saturday, I assaulted you. I then assaulted you on, I think it was, the Monday evening. That was after we went... After that, we went for the steak. Am I correct? After that, I took you on investigation to the Eastern Cape, I... Whereas to refresh your memory, and I'm not saying it flippantly, as you said, it was the most Kentucky Fried Chicken you've ever eaten. Either after that, or prior to that, we attempted to go to the Western Transvaal, where you were going to do some pointing out. Could you remember the time that you'd seen snow for the first time? Can you remember what happened in the snow? The husband, and wife, and the two children who were taking photos of you playing in the snow along the N1.

- So after three months in your hands, and just prior to the 16th, I had, again... I had tried to commit suicide. Could you perhaps, from your perspective, try and explain, or try to help the Commission to understand why I would've come to that point to have tried to commit suicide?

- What actually led to that, I cannot say, except that I concede the method of detention was a draconian law instituted by the then nationalist government, sir.

- Okay, thanks, I think we can hold it here. Just to mention here, going from the big picture, which is what we started with, to a very specific couple of individual stories, for me, it is through the... What this commission does show is that through... It is through the stories. It is through the reenactment and the living out again of memory that trauma, and all the questions around perpetrator, victim, justice, truth, forgiveness or not, all of those questions play out in the human drama of history. It is a memory of trauma that is so crucial. Not only do we see it in theatre and how that plays out, but I think in life. And whether it was conscious or not, but this is something that, for me, emerges as quite a powerful theme inside the whole commission. Dennis, you want to--

- Yes, I think you're right, I think if you take... Benzien is merely one example. There are many... I think I lectured on this topic about two years ago in lockdown, and I gave a number of other illustrations of a similar kind. So if you put the balance sheet of the Truth Commission up for evaluation, and if you accept my argument that, to a large degree, a lack of accountability took place. And by the way, that is also shown now, with some quite extraordinary attempts at inquests. Inquests which have been revisiting some of the murders of the Imam Haron and Neil Aggett, people who were murdered by the security police, and in which now, democratically appointed judges are reevaluating evidence, and why that's so important, which is just like the TRC, because it'll never bring back their loved ones, but it gives them some sense of closure. It gives them some sense of accountability, some sense that those people who perpetrated these dreadful deeds have to be held accountable, one way or the other. And these inquests have been very effective. And indeed, so is much of the evidence that we've seen by people by Benzien, where people, like Ashley Forbes and others, could actually confront these people who had so utterly changed their lives. And I think that that's part of the Truth Commission. The ability of ordinary people, ordinary people, to come before the nation and actually tell the nation their stories, and then actually see, in the flesh, people who had murdered their loved ones, or had tortured them, and maimed them, and scarred them for life. It cannot be underestimated. It was wrenching at the time. And for those of us who lived in South Africa, particularly Antjie Krog, the very famous Africans poet, who... She did a wonderful broadcast for South African Broadcasting Corporation every day, and they were listened to by many, many people in order to convey what was going on. And so, David, the clip that you showed of Benzien is illustrative of the ability of people like Forbes to say... To confront those who had terrorised them. In fact, some have been Benzien's answers were nothing short of bizarre. But the fact of the matter is that I think we can't underestimate that aspect. Now, whether that's sufficient to actually say the Truth Commission did its job, that's entirely different question, and we can talk about that. But I did want to emphasise just how important it was. And of course,

there are all sorts of people walking around now. I think particularly of Craig Williamson, a man who did most terrible, terrible things. I mean, murdered Ruth First, and was involved in all sorts of other horrible events, and he walks around scot-free. And so, these are serious problems which confront, on a daily basis, our society in general, and those who suffered at his hands in particular. But I don't think it can take away entirely from what was partly theatrical, partly cathartic, and partly educational in what occurred. And for many South Africans, the reality of that which was done in their name was, in fact, exposed maybe for the first time. I think if there's something else--

- I think also to add... Sorry, Dennis.

- No, please carry on.

- Just to add to that, I mean, Craig Williamson and a couple of his buddies were actually in the army at the same time as I was. So taking me back, this is taking me back a hell of a long time. So I think... Also, what we can see there is I think societies need it, I think human beings need it, on an individual and on a communal level. It's the old story of Banquo's ghost. It's the ghost of memory that haunts. Whether it was the perpetrator, whether it's the victim, something, the buried secrets, the skeletons in the cupboard, unless they come out, according to the old myth... Going way back to the Greeks and before the Greeks. Unless the skeletons in the cupboard somehow are given some sort of voice or some image, they are doomed definitely to repeat and continue playing out. It's the story of Banquo's ghost. It's the story of Hamlet's dream of his father. It's the story of... We can go on, and, on and on, not only with Shakespeare but with many, many others. And the word that you used when you mentioned there, I think there is a need and it's not only a theatrical obsession, there is a need to cathart. There is a need to articulate, to name, to categorise, to frame, and to have at least a bit of catharsis; One of the main reasons I believe that people go to the theatre. And I think... That's through imagination of course. So this is through memory and whatever religion one belongs to, I think we see the stories played out again and again. And it's always a repetition of memory, trauma, with at least some catharsis.

- You see, that's true--

- And I think we can see this here in this clip.

- I think that's true. But I think if you take back to where I started, if you take the animating idea of Teshuva, not repentance. The idea of serious accountability for what one does, and using the energy of accountability, of that acknowledgement of what one has done to others, as it were, to construct a new world, to repair that which was savaged by the evil of the past, that's where South Africa has run partly aground. And I just want to make one point, before I ask you, David, to talk a little bit about the theatre, which has been formed by the Truth Commission. But I was doing an interview for television yesterday with two rather prominent people, talking about the crisis in South Africa. And one of my guests said something which struck me as really important, where he said, "Our country will never move forward "until our love for the future is greater

"than our hatred for the past." And that is true, but I struck me that unless you come to terms with the past, and unless you allow the past, as it were, to be held accountable in a whole manner of ways, I'm not sure how you love the future. I think the two are inextricably linked, one with the other. And one of the problems of South Africa at present, and the Truth Commission, I've mentioned this before but it's worth emphasising, is that, and you asked me earlier about the concept of retribution versus restitution, well, we didn't get a hell of a lot of retribution because most people got off scot-free. , Craig Williamson, many others of that kind. And many, almost like in Germany, "We had nothing to do with this," which of course was bunkum. On the other hand, when it comes to restoration, the notion of repairing damaged people's lives, which essentially was vast majority of society thanks to the ravages of apartheid, the inability of the Truth Commission to do anything sensible about restitution, and the further failure of 20... What is it now? 28 years of the government to actually reconstruct the society economically so that poverty remains as it is, and class and race remain almost the same. Meaning, that whilst yes, it's true, we've got an increasing black middle class, the vast majority of people who are poor are black, and they remained in the same position, the squalor, as they did 30 years ago. And unless that changes, you actually cannot move forward. That's the tragedy of it all. But I do think, again, that I hold on to my earlier point, that without the Truth Commission, I don't think I'd be able to be talking about this, with all its imperfections, at least this. That I've got the freedom of expression to say these things in South Africa, which wasn't entirely true before. But if we can shift the focus for a moment, and I wanted to ask you now. I mean the Truth Commission and its consequences spawned quite a lot of theatre, and theatre which essentially focused, very luminously, on all of the problems that we've discussed. So I wonder whether you would just take us through, one or two, the key areas of theatre which essentially highlighted this the best, in your view.

- Absolutely. Thanks, Dennis. Just one point to make about Antjie Krog, if anybody wants to read, as you mentioned, Dennis, her book is the best, for me, about the whole Truth Commission, called "Country of My Skull," which is written as a poet. So it's written poetically, philosophically, with a political understanding, trying to understand some of the nuances that we've been articulating today. It's a remarkable book written with remarkable language. Okay, so to move on to the theatre, just to start showing a short clip from probably the most famous and most significant piece, coming from that fantastic South African artist, William Kentridge, and his remarkable piece, "Ubu and the Truth Commission." Now, just for those who are not sure, "Ubu" is one of the great plays written at the end of the 19th century, 1896. It foreshadows so much of the world and theatre to come of the early to the middle 20th century. It is basically an extreme satire, almost like an ancient Greek satire. Ubu is this fat, garrulous, overbearing, sausage eating, etc, etc. It's a comedy, it's a satire. And Ubu is this extreme version of a kind of Idi Amin figure, I think. An extreme version of a mad and incredibly vicious dictator. But in comedy and satire, that character is sent up. And William plays with both. He plays with the satirical sending up, and also the seriousness of the crimes committed. If we can show the next clip, please, Emily.

- [Janine] Ubu thinks her husband is cheating on him, but in reality, he's running a death squad represented by a three-headed puppet dog. Her husband, Pa Ubu, is hard-headed and he feels

he owes no apologies for the atrocities he has committed during apartheid. The new South Africa changed this. The production is a hit with UK audiences.

- I've been surprised and delighted with the audiences so far. I mean, it is a small theatre, but still, it's going very well.

- [Janine] Ubu and the Truth Commission combines puppetry, live acting, music, animation, and documentary footage. The first hand testimonies you hear about police brutality are translated from original languages and accompanied by the renowned artist, William Kentridge's dark images.

- [Translator] They gave me a burning match to throw onto him.

- [Translator] I threw it over my shoulder.

- [Translator] and they all ran away.

- [Translator] It was left to me to fight for his life.

- When you're manipulating a puppet, and you have to remember your lines, also the movement of a puppet. So there are three things that are happening. First, is the lines that you have to tell; Secondly, you have to make the puppet breathe; Thirdly, you also to make the movement. So it's kind of... It takes a lot from you as an individual or as a puppeteer.

- [Janine] The historical archive of the Truth Commission also forms part of the production, as well Ubu Roy, who represents the various instruments of apartheid violence. Janine Lee, SABC News, London.

- Thanks, Emily. So in essence, what's fascinating to me, what William has fantastically done, is if we just go back to that... If we imagine that Benzien clip for a moment where he's reenacting the torture he has done, so memory is playing out in front of the commissioners, in front of the victim, and he's performing the perpetrator that he actually was. It's a complex series of roles that everybody is playing out, or performing. And what William has done is he's used the puppet device. So we are watching, in that last piece there with the elderly lady, where it is a performance of remembering, of memory, of the trauma of the torture, of the trauma of what happened to her and the family. And through that, all sorts of other things start to happen. Who are we as an audience identifying with? It's such an important question with puppets. Are we emotionally identifying with a puppet, with a puppeteer who is almost like a blank actor behind, or with the overall feeling? We are constantly shifting and moving where our emotional identification is going, and therefore where our catharsis is coming from, between the puppet and the individual. And it's an extraordinary ability, I think, of human imagination to do this. And what William has tapped into is that ability so that we can go in emotionally and reflect intellectually, constantly doing both at the same time through the technique of the puppets. And then, of course, all the drawings, and the projections, and the play with light. And then, you

actually see a live actor. And you see, Ubu is actually a terrified little character, with Dawid Minnaar, the brilliant actor. In Bob Dylan's line, "Even the president of the United States must have "sometimes stand naked." So you see him naked almost, sort of scuttling off like a fish. So the great image of the great dictator is suddenly thrown into contrast with the opposite picture. In terms of theatre overall, it's not surprising. There was some literature... We spoke about Antjie Krog, there was Gillian Slovo's book, "Red Dust," made into a film, and a whole lot of others who wrote. But it was theatre, yet again, which had been done during apartheid. Theatre again took on the extraordinary power that theatre can have. Rex spoke about theatre can have an impact, but not necessarily the same level of success that other forms of entertainment can. But through an impact, it can achieve much more, or it punches above its weight, bottom line. That has spawned many other plays coming out of South Africa and many other countries which have had similar historical trauma. One of the best plays was by an next student of mine, Yael Farber, from Joburg as well. And her play was called, "He Left Quietly." And she spent a lot of time interviewing Duma, who had been on death row, and was reprieved at the last minute through the intervention... Through the commission, etc, etc, just before... Sorry, just before the '94 elections. Anyway, all it is is you see the main character, Duma, on stage, and a psychologist sitting amongst the audience, questioning and responding. Very, very simple device, simple lights, two actors. But the memory is reenacted, the memory is re-lived, of getting so close to being hung on death row for a political crime. Then there are many others. There was Lara Foot's "Tshepang," which is ostensibly... Everybody will remember, this horrific phenomenon of baby rape which spread through South Africa as if it was a cure for AIDS. This completely crazy and insane idea. But it's not just about... Lara was also one of my students. It's not just about that, the raping of the baby. That was the actual event that happened. Baby Tshepang, as the newspaper called her. It was about abandonment. And for me, what theatre people grasped was on the one hand, William's approach, which was to look at the dictator, the victim, the perpetrator, and so on. And on the other hand, to look at the theme of abandonment. Who has still been abandoned? And in her play, "Tshepang," the whole community, and the people who have no money, no jobs, no nothing, and without blaming or pointing fingers at this political party or another, it's those who have been left behind en masse by history, by the shifts of power. And it's that sense of abandonment that gives rise to the next rage which may result in whatever... In the fault line in any society. And I think those are the two main themes that we see in the plays. And the last one that I would mention is by quite a few writers, which has been the theme of... Which is a little bit more Desmond Tutu's line. Try reconciliation, try between black and white. Martin Koboekae's "The Bush Tale, and a whole lot of other plays where they've tried to show black and white tentatively trying to understand, getting a little bit beyond prejudice, stereotype, of each other and maybe try to get a glimpse of understanding from putting themselves in the other person's shoes, white and black. So I think there are those three themes that have been played out in South African Theatre; the abandonment, the looking at the perpetrator/victim through the dictator satire, and through this attempt through truth, through trying to get a bit of a glimpse of reconciliation.

- Well, of course, there's the problem about what truth is in this particular regard. And one of the criticisms of Truth Commissions worldwide is precisely the point that George Orwell made in his novel, "1984." This is from an article I wrote and I cited it. "The past is whatever the records

"and the memories agree upon. "And since the party is in full control of all records, "it follows that the past is whatever "the party chooses to make it. "When the past has been recreated "in whatever shape is needed at the moment, "then this new version is the past, "and no different past can ever have existed." And one of the criticisms of the Truth Commission was that it did actually have a narrative which is itself contested, but yet that became the dominant narrative. And I've never been entirely sure whether that in fact was all that helpful as we've negotiated 20 odd years on. But what is unquestionably true is that the Truth Commission is now reevaluated with the benefit of hindsight. And with the benefit of hindsight, number one, it probably didn't do enough to explicate the kind of structural problems that essentially produced apartheid, 'cause many of those kind of structural factors now reappear in a slightly different guise. It's amazing how history repeats itself. And secondly, and particularly importantly, it seems to me that Truth Commissions need to impel some form of energy, as I say, not just to acknowledge, but to do something about it. And in a country where so little has been done about so many of these problems, the Truth Commission now perhaps gets an unfair rap because it couldn't do it all itself. But it kind of now looks as if, well, we didn't go... We really didn't achieve what we were trying to, in the sense that we have had too little truth and even less reconciliation. But I must insist, I think the theatre aspects which David has shown illustrate this too, that you can't underestimate the fact that we had the problem of a balance of forces at the time. We were able to hold people to some level of account, ordinary people were able to articulate their views, and ordinary people were able to stare down their perpetrators, and I think one has to hold onto that. But the fact that the narrative essentially didn't actually come to the core, in which, let's be honest about it, if it had, they would've also revealed far more authoritarian tendencies on the part of the ruling party now, which might have been rather helpful. In the grand scheme of things, we might have got further than we have. So we live now in a situation where, historically, it got us through the transition, but we need something mightily more important. And of course, it immunised all sorts of people who didn't go before the Truth Commission. And one other aspect which was constantly criticised is, as I indicated to you earlier, the amnesty provisions were such that if you didn't apply, you left yourself liable to be prosecuted, and there's more than enough evidence about all sorts of people, right? And the NPA did very little about it. All of these inquests recently have not been pushed by the National Prosecuting Authority, they've been pushed by families seeking some form of truth, and I think that also reflects very fundamentally on the dilemma that we have. But I think, really... David, that, for me, really summarises my ambivalent reaction, or my ambivalent recollections, now, when I think of the Truth Commission. Whether in fact it should have been run by clergymen rather than some forensic lawyer, that's another debate. But as the Truth Commission goes, it didn't do much worse than other Truth Commissions around the world. Chile had a very famous commission in 1991 of a similar kind. It did make a series of concrete proposals, the Chilean one. Pensions and... I mean it's interesting to compare. It suggested pensions for the families of the dead and disappeared, measures designed to commemorate the events and honour the victims, and other forms of relief. It proposed legal, institutional, and educational reforms aimed at enhancing the promotion and protection of human rights. I'm not sure we went that far, and I'm not sure we shouldn't have gone that far. And we certainly didn't do enough to provide pensions for the families of the dead and the disappeared. We certainly, I don't think, have done enough to commemorate the events and honour the victims. You notice much more of

that in Europe than you do in South Africa. It's even true, and it's rather remarkable, that I noticed recently certain of the sporting commentators commenting that when they were in Australia recently, the idea of acknowledging the original Aboriginal title to land was something that they found quite interesting, more than interesting, almost asking, "Why don't we do it here?" So I think, in some ways... Not that the Chilean Commission was entirely successful. It had real problems about naming culprits for all sorts of reasons I don't want to go into because it just won't take me too far. But I do think when you compare that to the South African, you have to say that we certainly didn't press the envelope about Truth Commissions, and that's why I feel so kind of equivocal about it. But over to you, if you have any final thoughts.

- Sure, thanks Dennis. I think also, to add onto to what you're saying, the Chilean Commission, I remember reading about it and I think it's in Antjie Krog's book exactly as a forerunner. But I think... I keep being reminded and, when we were planning for today, I kept going back to one of the great novels of the early 20th century, James Joyce's "Ulysses." And he opens it... And of course, it's based on... It's a Jewish character, but nevermind. It's a version of Homer's Odyssey transplanted into Dublin of the first part of the 20th century. And in the opening paragraph, the first words that are spoken by any character are, "History is a nightmare "from which I'm trying to awake." And the fact that James Joyce chooses to put that right in the first five or six lines of this ridiculously huge epic novel, which has become so famous, and probably unreadable for many people, for me, is fascinating. It's the haunting and the living of history, and how we reimagine, reenact, replay, whether we repeat or not. And he's going also partly back, in what you're saying, Dennis, as well, to the Hegelian idea where... Hegel has this fantastic chapter on the master/slave relationship. And without going into any more detail, how so often the slave will try and ape the master, become more the master than the master was, which goes back to this thing of, "Is history a transfer of power "from bunch to bunch? "Is history a living out of power "from the oppressed who then becomes "the next oppressor? "Is it all as simple and binary and inevitable? "Is it, with moments of traumatic intervention, "trying to replay, "through an example like the Truth Commission "or even a theatre, wherever, "can that achieve anything more "than it being a blip?" I think there isn't an answer. For me, I look at it in those terms, and it is trying at least to prevent something which I think, going right back to the beginning, was possibly, or probably, going to be a mass onslaught by the South African army at the time, or it could have been, or that was the fear anyway. So I think on balance, yes, but also I feel the same as you, Dennis, ambivalent and unsure. And yet without it, what would we be as humans? If it had never happened and we could never have this conversation, we could never talk, whether it's theatre or anything else, doesn't matter. I try to imagine if history and societies never had any of these moments, would we be richer or poorer? Would we be more insightful and knowledgeable or less? At least, it is something imagined, and then performed, and done. At least, there is the attempt to let out some of the buried secrets from the skeletons in the cupboard. And it is close to a theatrical and a religious approach, I would think. But at the same time, I think it is part of the human condition and part of ways of showing history. And that the moments which come and go all the time. In terms of South Africa itself, I think we've tried to touch on, and Dennis you've certainly touched on some of the really important points, which way it's gone, which way it could have gone this or could have been that, etc, etc. I only want to leave us with a question from Joyce. "History is a nightmare from which "we are trying to

awake." And it's a phrase which is not just a clever, partly witty phrase of Joyce's, but we're constantly, in our own personal lives and in a much broader historical context, trying to grasp, "What on earth does it mean "for identity today and for society "to go forward?" So I think we can hold it there, and...

- No, I'm just going to... Let's go to the questions. David,

Q+A

Dennis: I'm not going to go into this issue about Tutu and Palestinian. I have debated that with Rabbi Rosen. My views were made clear there. I don't think it's relevant to this topic. And I say this with utmost respect, just that it's just not the debate for tonight. "You may know that Canada had "a Truth and Reconcilia... "Reflect the treatment of indigenous peoples." "If you're aware of this..."
A: I am aware of this, Henry. They were very different because the Canadian Truth Commission had to do with indigenous education, and it made a whole series of proposals. In fact, there's a whole action plan, which is particularly interesting, which seeks to embrace diversity and effectively protect ingenuity. So it was a more limited canvas, but a very important one at the same time. Very different in the sense that what it did was, of course, pick up from a whole lot of problems that Canada was experienced with regard to the indigenous people, but different because, as I've indicated, and as David has indicated, the South African Truth Commission was a mechanism by which we got to democracy. So it was a very different context and a much broader canvas than the narrow educational set of proposals that emerged around the Canadian.
Q: Rose, "Mulroney was a conservative," I agree, "And yes, you are dealing with aboriginal issues."
A: I dealt with that Yes, the Canadian, we have spoken a bit about that. The Truth Commission did not begin because of Chile. It began because a number of people, including Professor Kader Asmal, had looked at the broader international developments and pondered whether it was the better way to go, given the context of South Africa. The Chilean commission, if I recall correctly, produced close to 2,000 pages with a very lot of detail, great deal of detail, and many of the concrete proposals, which I have set out. As you probably are aware, it's fascinating to me that we were able, on the strength of the energy of democracy, to get ourselves a much more sensible constitution. The Chileans are still having a great deal of difficulty in replacing the Pinochet constitution. And a fantastic enterprise, a beautifully written document, recently didn't pass muster. So there we are. Then, "the main reason why TRC are considered "a farce is because there was no retribution.

Q: "Biko is but one example of that."
A: Yeah, I don't think they were considered a farce, for the reasons I've mentioned. David, I think you can chip in if you want to. But I accept that if people go scot-free, like Craig Williamson, that is a problem. Biko of course was, but one example, but a hell of an example, in the sense that, although every human being's life is absolutely precious, one can't help but feeling what a role

such a man would've made in the future South Africa. And anybody who's read "I like what I write," I think, the book by Biko, with well.

Q: "David, what about reparations "for victims of the regime?"
D: I have already spoken about that, David. There wasn't enough. No question about it. And there's no doubt that that's a massive failure. But I would want to go further and say it's not just reparations per se. There was talk by the way, right upfront, marry... Sorry, borrowed from the German experiments of having a special kind of, if you could call it, reparations tax, in which people would've paid at two or three percent on top of the income tax, and that pot would've been used for precisely this period. It was, I think, a damn good idea at the time. David, somebody likes very much what you had to say about Gillian Slovo. You may want to make a comment.

- Just if anyone wants... I mean, I think Antjie Krog's book, "Country of My Skill," and then William's play, and Gillian Slovo's novel, which was then turned into film, "Red Dust." These are all really, really good. They combine the literary with some of the philosophical, and some of the historical facts. It's sort of in this contemporary way of writing fiction and non-fiction together.

- I agree entirely with your point, Rose, about the arrogance of perpetrators. I'm one of these people who feels the weight of the fact that we didn't do enough at the time, and I think our society is the poorer for that. Not everybody's arrogant, but many were. And many basically take the view, "Oh, we've finished with apartheid, let's go on". Well, you can't go on until you've dealt with the past. And I think the point that was made about Williamson, we've already spoken about. I, again, want to resist the fact that the TRC was a farce for the reasons I've mentioned. "Talk to RW Johnson," says Monty, "and Robert Hersov, " "about the troubles in present day South Africa. "One doesn't only have to read them to know that. "Whereas the study in the history of South Africa "by starting with the arrival of the Dutch, "only then might we get an idea how..." I have absolutely no idea what you're saying. But David, you may. I don't understand that.

- No, I just think that... Just to remind us and everybody, we have to go back to the early 1990s. This is a moment in history, and it was, on the one hand, a political choice, right or wrong, to try and stave off a possible bloodbath by an army, armed to the teeth, and, I think, probably willing to fight. So I think we do need to maintain that perspective before judging it over two and a half decades later because of other issues of the mess that the current government has made.

- Yes, I agree. But as I say, I mean, if we are talking about the effect of colonial rule, that's true. And you don't change history in three minutes, as it were, but nonetheless. Ron, "Is there another similar situation the US? "How do we compensate the slaves? "We've tried and we seem to have "at least partly given up affirmative action. "Now, the discussion is a monetary compensation, etc." You're right, of course. The American experiences clearly hasn't worked. In fact, for we, South Africans, there's a bit of schadenfreude here because it does seem to me that America is rapidly descending into the kind of society where democracy is truly at threat. In fact, I can link that up with Mark's question in a moment, I'll come back to it. But I do think

you're right, the fact that America is grappling... Not grappling. Is fighting out about the conditions of Black Americans, about African Americans, and that there's so much problem in that particular regard, you got to sort of say this is not only a South African or American problem. But the fact is we live in South Africa, or in America, in the case may be, and there's something we have to do about it. And in South Africa, if we want to preserve our democracy, we going to jolly well have to do something about it. When Mark says, "Is South Africa truly a democracy today? "We're beginning unfortunately "to get to a position "I'm not quite sure how many countries are "truly democracies today." If you ask, "is it democracy?" Because you've got broad freedom of speech, and because you've got a generally independent court structure, and media who still report independently, and our ability to speak out, yes, it is a democracy. Is it an imperfect democracy? Unquestionably! It's a hugely imperfect democracy. When you say "Can't the black masses "democratically improve their social circumstances?" Well I might ask why it is... Masses all over the world seem to vote very peculiarly. I could ask the same question as to why almost half of Americans vote for Donald Trump. I mean, that seems to me quite an extraordinary phenomenon, but maybe I'm wrong. I think the answer in South Africa is that we've got a very imperfect political system, and that the vast of majority people, actually, their voices don't count one way or the other. Why did they vote for the ANC for so much time? Because the ANC was the liberation movement, and we know from history that it takes a long time for liberation movements to basically collapse. But I want to tell you now that I think we are at an inflexion point. And the inflexion point is either we are going to have a reconstructed form of politics, in which... In fact, we'd all improve our social circumstances, or we're going to go down the toilet. But it is a problem for democracy generally, and I will want to concede that. Betty, "What was the title of the book..." David, that was "The Country of My Skull," by Antjie Krog.

A: Yeah, the title is by Antjie Krog, K-R-O-G, "Country of My Skull."

Q: Thank you very much, Susan and Faye. "It happened, therefore it can happen again. "That's the core of what we have to say. "It can happen. "It can happen everywhere,"
A: " Yes, and that's why I am very anxious, not just about South Africa. And when I make remarks about the United States, it's not because I don't have enormous affection for the country, but like so many, I'm anxious as to what the future of democracy can be there. And when people tell me that democracy in America is endangered, that worries me greatly because once the actual enterprise starts to collapse the world wide, anything can happen. Australia certainly had a sorry day, that's for absolutely sure.

-I think just to add on there, Dennis, what's fascinating is, and this probably comes from an obsession with theatre, but when I look at a history or a culture, I always look for the fault lines, even in times of plenty, in times of joy and pleasure and whatever else. It's always going to have the shadow, it's always going to have the fault lines, which are going to emerge or reemerge at different times in a society's history and trajectory. And I think it's so important that we understand the fault lines, which you're describing now in South Africa, 'cause it's eight and a half years since I left. And the fault lines are coming out. Differently, but the fault lines are there,

which were not addressed. But at the same time, we have to... I suppose the main point is seeing the TRC in the context of that moment in history.

A: Faye, yes, I did speak about the Canadian TRC, and I was particularly impressed. I didn't realise there were 94 calls of action. I have read it, didn't realise there were 94. But there was a lot of concrete proposals put up to essentially, as it were, embrace a greater degree of diversity in Canada, which was not unimpressive. David, there's a question here. "Does art do more to influence us, "indulge in flawed reasoning, "idealism, anthropomorphism, and romantic primitivism, "or influence us to question "and achieve control over them? "In the 70s, "I remember hearing a Dylan line "about wanting to be in a place "where dogs ran free "about the same time I saw an off-leash dog attack "a cyclist who crashed and died of head injuries." Defend your discipline.

Q: What's the first line there, Dennis, please?

A: "Does art do more to influence us, "indulge in flawed reasoning, "idealism, anthropomorphism, "and romantic primitivism, "or influence to question "and achieve control over them?"
Okay. I wish it did, but I don't think it does. I think art works fundamentally through metaphor, and the human imagination ability to imagine and create metaphor for something... It doesn't exist, obviously. It's on a stage, or words on a page, or colours on a canvas, whatever. I think that... I mean, we can go back to "Does art reflect? "Does it create?" I think it tries to crystallise and reflect something, whether it's fault lines, whether it's deferred dreams, whether it's aspirational hope, whether it's trauma that we've been talking about today, and trauma unearthed as it were, or whether some other aspect of memory linked to construction of identity. I think art does all of these things, but it works through the fundamental idea of metaphor, which is not real life. But the extraordinary ability for us as humans to imagine something, and we can actually almost believe that it's real. I remember, going way back, first time I ever read the story of Moses in Exodus, it felt real in that moment. Only later, reading, "Did it actually happen, didn't it?" Whole separate discussion. But how it goes into the collective memory, I think, is so, so powerful. And I think that's part of what art does because it works through metaphor and story. And we need... We are humans who make stories and metaphors as part of our way to try and understand life and society.

- And I agree about Gillian Slovo's memoir being stunning. It seems to me... Oh, hang on, there are a couple more. Thank you very much to Susan.

Q: "Surely, the function of TRC was "to enabled a non-violent transition."

A: I agree with you, Hazel. That's exactly what I've been trying to say. And it's not realistic, totally. I agree too.

A: And Helen, yes. As I said, I didn't know there were 94. I knew there was a whole detailed list. And you did write, Helen, one of the problems about any report is, "Well, when are you going to

implement it?" By the way, we in South Africa specialists at reports that never get implemented, so don't feel so bad.

Thank you very much to everybody. Shana Tova, a wonderful new year to you. David, as always, thank you very much for doing this, and may--

- Yeah, thank to you as well, Dennis, and thank you everybody as well. Shana Tova. Have a great new year. And for those... Some of you'll see you on Saturday with Copenhagen, that remarkable story. And thanks so much to everybody, and Dennis, Lauren, and Emily.

- Okay, bye.

- [David] Ciao.