

# **'Facing up to the Past'<sup>1</sup>: a comparative venture along the trajectories of two truth commissions - The Independent Commission of Experts (Bergier Commission) and the Truth and Reconciliation Commission**

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*'Le domaine de l'historien est un domaine sans frontière...' Fernand Braudel.<sup>2</sup>*

## *Introduction*

Fernand Braudel, who had been the graduate mentor of Jean-François Bergier, future president of the Independent Commission of Experts (ICE), on reminiscing about his own academic career, conjured up the image of a fearless historian who wilfully traverses many disciplinary boundaries but whose responsibilities to the present remains uncertain.<sup>3</sup> His former protégé was to have fewer misgivings about the contributions history could make to contemporary society and the ICE, as a whole, confidently averred that 'facing up to the past is a precondition for the future.'<sup>4</sup>

In this paper I would like to start examining some of the ideas of history that were at play surrounding South Africa's Truth and Reconciliation Commission (TRC) and the ICE in Switzerland. My work on the ICE in particular, has brought compelling questions to the fore, notably about the ways in which the relationship of the past to the present (and the future) is visualised.

## *From Switzerland and then back to the TRC*

The paper begins by reflecting on how learning more about the ICE, inaugurated in Switzerland in 1996, has stimulated me to return to a consideration of the TRC, which was roughly contemporaneous with the Swiss Commission. Learning about the ICE sent me back to criticisms that were made of the TRC roughly a decade ago. Essentially, Deborah Posel and Richard Wilson, among others,

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1 Independent Commission of Experts Switzerland – Second World War (2002). *Switzerland, National Socialism and the Second World War. Final Report.* (Zurich: Pendo Verlag Gmbtt), 524. Published summary of the Final Report, hereafter, ICE Final Report.

2 The domain of the historian is a domain without frontiers...', Braudel, F. (1985) *Une leçon d'histoire de Fernand Braudel: Chateaufallon Journées Fernand Braudel 18, 19 & 20 October* (Paris: Arthaud-Flammarion), 222.

3 Braudel, *Une leçon*, 222.

4 ICE Final Report, 524.

argued that the final TRC report would have been better for having been written by historians.<sup>5</sup> For some time I have been trying to ascertain what these critics mean by 'history' whose absence from the TRC report they regret and why they think that, had the Report been informed by historical principles it would have been better – better in what sense? I suspect that they mostly harbour a desire for a history that can render the sense of a 'completed development', as Foucault, reading off Nietzsche, described it – something that gives a whole and comprehensively satisfying explanatory account.<sup>6</sup> Cherry, Daniel and Fullard, writing from an insider perspective, recalled initially hearing a resounding 'cry for "more history"' that was drowned out by the 'maelstrom' once the TRC began its work. Although they seem to regret the vanishing of the 'dream of producing a radical new history' that beckoned them on at the outset they demonstrate how impracticable it was to imagine that the TRC could have gone in full pursuit of 'history'. Furthermore, they break ranks with some of their co-authors in the *Commissioning of the Past* collection by asking how 'desirable' it would have been had the TRC been in a position to 'explore each instance' in the manner, perhaps, of an orthodox historian.<sup>7</sup>

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5 Posel, D. (2002). 'The TRC Report: What kind of History? What kind of Truth?' in D. Posel and G. Simpson (eds), *Commissioning the Past: Understanding South Africa's Truth and Reconciliation Commission*, D. Posel and G. Simpson (eds) (Johannesburg: Witwatersrand University Press, 147 – 172) and Wilson, R. (2001). *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State* (Cambridge: Cambridge University Press).

6 Foucault, M. 'Nietzsche, Genealogy, History' in J.D. Fabion (ed) (1994). *Michel Foucault: Essential Works of Foucault 1954-1984. Volume 2 - Aesthetics* (London: Penguin), 369-391.

7 Cherry, J, Daniel, J & Fullard, M, 'Researching the "Truth": A View from Inside the Truth and Reconciliation Commission' in D. Posel & G. Simpson (eds), *Commissioning the Past*, 17-36. See also: Pigou, P, 'False Promises and Wasted Opportunities: Inside South Africa's Truth and Reconciliation Commission', 37-65 and Buur, L, 'Monumental Historical memory: Managing Truth in the Everyday Work of the South African Truth and Reconciliation Commission', 66-93 in the same collection. I am still unsure of how to classify my colleagues' paper in this collection, Bonner, P. & Nieftagodien, N. 'The Truth and Reconciliation Commission and the Pursuit of "Social Truth": The Case of Kathorus', 173-203. On one hand it seems concerned to establish 'patterns' of violence and to find an 'adequate social explanation' (176), but on the other it is very astute about the 'skewed' writings of some of the scholars who have tackled this region. Bonner and Nieftagodien emphasise the need for greater exploration and the recognition of complexity (187-8). They reject the idea that some of the violence may have been 'random' and 'motiveless' (189).

Arguments about the TRC's failure to do proper history seem to rest on an assumption that there is a general consensus about what history is. The implications in the writings of the critics is that it is highly specialised, unafraid of causal 'complexity', respectful of established intellectual tradition canonised as 'historiography' and, in the end, although they rarely say this explicitly, capable of delivering the objective truth.<sup>8</sup> Posel was particularly disappointed by the TRC report's failure to explain the apartheid state through a clinical dissection that would have revealed its vital organs and the arterial network that kept it going for the forty odd years of its existence.<sup>9</sup> She criticised the analytical resignation with which the TRC authors accepted that racism was imported into South Africa simply as if were fortuitously embedded in other products of colonialism. As a consequence of their failure to grasp the specific character that racism acquired under apartheid and the reasons for its enduring tenacity, she argued, the TRC authors missed an opportunity to offer a way out.<sup>10</sup> Her contention was that: '...in the absence of an explanation for racism itself, the report fails to suggest any plausible grounds for transcending the racism of the past.'<sup>11</sup>

Several scholars have expressed their doubts about the Posel et al treatment of the TRC's report - and more broadly of the TRC itself. David Thelen argued some years ago that the kind of history that is espoused in these critiques of the TRC's report is too wedded to old-fashioned disciplinary ideas to be of any real social use, despite the conviction of its authors to the contrary. He maintained that those who had criticised the TRC for its failure to do 'history' were indebted to its nineteenth century incarnation, with strong regulatory impulses towards classification and de-individualisation.<sup>12</sup> He pursued a powerful argument, warning of the consequences of

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8 Posel explicitly criticizes the 'indifference' of the TRC report to the 'complexities of social causation' (Posel 148 & 166); she complains that ' swathes of existing research do not find their way into the report' (163).

9 Perhaps ironic in terms of her book on Apartheid whose thesis is that there was no grand plan behind Apartheid and that influx control was erratically implemented. Posel, D. (1997). *The Making of Apartheid, 1948-1961: Conflict and Compromise* (Oxford: Oxford University Press). The reference to 40 years is meant to evoke an association with Dan O'Meara's (1996) *Forty Lost Years: The apartheid state and the politics of the National Party 1948 - 1994* (Johannesburg: Ravan Press), which tried to break away from a structuralist mode and to consider the impact of politics.

10 See Posel, 'The TRC Report', 148, 163 & 164.

11 *Ibid.*, 168.

12 Thelen, D. (2002). 'How the Truth and Reconciliation Commission challenges the ways we use history'. *South African Historical Journal*, 47, 162-190.

allowing 'history' to dictate a structuralist analysis, thus drawing an impermeable line between past and present and leaving little room for individual agency.<sup>13</sup> As we have seen above, in Posel's view, racism, if it were properly categorised and accounted for in strictly functionalist ways, could have been safely relegated to the past. But Thelen voiced a strong suspicion that the past is not so easily packed away even if it is put into strong analytical containers. He warned that it might leak into the present at any moment, confronting us with its messiness and forcing us to engage with questions about the kinds of moral choices we might have made – or indeed may yet have to make. Rather than adopting an approach that aims, with questionable success, at keeping the past safely at bay, Thelen recommended that we adopt strategies of 're-enactment' through which we keep on trying to reckon with it by putting ourselves in the shoes of the historical actors – both victims and perpetrators.

Thelen was partially inspired by RG Collingwood's famous, but often misunderstood, historical methodology, which he called 're-enactment'. Firmly rejecting the idea that history is a record of 'observed facts', Collingwood stressed that past events may be apprehended by the historian only through a process of informed inference, variously named as 're-enactment' or 'reconstruction'.<sup>14</sup> He wrote:

*If we hope...we can come to know the past exactly as it happened, our hope is vain...We cannot know the past, because it is not there to be known...There are no past facts except as far as we reconstruct them in historical thought.*<sup>15</sup>

For Collingwood then, the historian's painstaking 're-enactment' is the only tenable method for obtaining historical knowledge and he warns:

*... the work of interpreting (the sources) proceeds according to principles which (the historian) creates out of nothing for himself; he does not find them ready-made but has to decide upon them by an act of something like legislation...*<sup>16</sup>

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13 Posel does indeed complain about the way the TRC report 'disabled' the link between 'subject and object' and between 'agent and structure' (Posel, 'The TRC Report', 168).

14 Nielsen, MH. (1981). 'Re-enactment and Reconstruction in Collingwood's Philosophy of History' in *History and Theory* 20(1), Feb, 1 – 31.

15 Collingwood, RG. 'Lectures on the Philosophy of History' (1926) quoted in Nielsen 'Re-enactment and Reconstruction', 12.

16 Collingwood, 'Lectures on the Philosophy of History' quoted in Nielsen, 'Re-enactment and Reconstruction', 26.

Pumla Gobodo-Madikizela's book, *A Human Being Died that Night*, published at roughly the same time as Thelen's journal article, offers a powerful illustration of a kind of Collingwoodian 're-enactment'. She reconstitutes the sources from scratch and, rather than merely relying on a pre-existing framework of analytical principles or structural features, is impelled to enter the mind of her 'historical' subject, even though she has the strongest natural aversion to him. Gobodo-Madikizela's book both complicates the relationship between victim and perpetrator and suggests why it is necessary to modify a structuralist approach to the history of apartheid and its immediate aftermath. Gobodo-Madikizela finds that, even as a black woman who along with millions of her compatriots, was deeply wronged by apartheid and its agents, she is unable to avoid developing a degree of emotional identification with a perpetrator, who in this instance, was particularly cruel. Her book is a poignantly written series of reflections on interviews she conducted with Eugene de Kok, commander of the notorious torture and death centre on *Vlakplaas*, who was convicted and sentenced to several hundred years after his appeal for amnesty from the TRC failed.<sup>17</sup> De Kok, popularly nick-named 'Prime Evil', manacled to prevent him from striking out at her while Gobodo-Madikizela interviewed him in his jail cell, is soon exposed as bewildered and impotent without the tacit support of a society that approved of his 'evil' – which, in Hannah Arendt's famous term, 'banalised it'.<sup>18</sup> Gobodo-Madikizela portrays a human being who came to be relentlessly haunted by his memories of the atrocities he had committed but who sometimes still found himself in confused pursuit of the ideology that had convinced him that it was right to annihilate apartheid's enemies. The most memorable part of her book concerns an incident that occurred early on in the course of the interviews. Gobodo-Madikizela is horrified to discover an unbidden empathy with him when she literally reaches out to de Kok, touching what he later self-consciously reveals to her is his 'trigger hand'. Her subsequent musings, informed by her psychological training and her intimate knowledge and experience of apartheid, both on her own impulsive reaction as well as on de Kok's careful staging of his revelation that she had touched the hand that pulled the trigger, raise complex issues. Some of these issues would be hard to find on a structuralist history map with a key for decoding apartheid. They concern the possibilities of forgetting, forgiving and absolution. But also, by

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17 Gobodo-Madikizela, P. (2003). *A Human being Died that Night: A South African Story of Forgiveness*. (Houghton: Mifflin Harcourt). Gobodo-Madikizela was a TRC Commissioner.

18 The reference to Hannah Arendt arises from Gobodo-Madikizela and Albie Sachs (who wrote the foreword to her book) mentioning Arendt in connection with the 'banality of evil'. I thought they might have misunderstood the intention behind the use of the word 'banality', which is not meant to convey something that was trite but that evil had been normalised in a particular society.

accompanying Gobodo-Madikizela on the hard mental slog that she takes through the convoluted contours of de Kok's motivations and neuroses, we are granted a very rich picture of how he was prepared for, and recruited by, the apartheid state. It is not, of course, a comprehensive explanation for why men like de Kok took such extreme measures to defend apartheid. However, it conducts us towards an understanding of, not only why they acted completely ruthlessly but also why they did so believing that they were serving a superior moral order.

Catherine Cole has articulated an even plainer objection than did Thelen to those who criticised the TRC in the early 2000s for its failure to do proper history. She goes so far as to argue that their critiques created obstacles to the development of the kind of analytical sophistication that I have tried to suggest is present in Gobodo-Madikizela's *A Human Being Died that Night*. Cole contends that, partly as a consequence of the early critics' almost exclusive focus on the final report and their tendency to pass 'binary' judgments on the efficacy of the TRC, the enormous potential of the archive has largely gone 'untapped'.<sup>19</sup> Although Posel relents slightly towards the end of her chapter in *Commissioning the Past*, her concessions to the good things that the TRC managed to accomplish, pales in comparison to her scathing critique of its final report, in which she indicts it for analytical 'indifference', carelessness and pseudo Weberianism. Cole's point, like Thelen's, is that such powerful negative critiques have obscured what the TRC offers to scholars; a massive reservoir of material from which they might draw to extend the horizons of historical understanding. Cole throws out a challenge to researchers to help free historical scholarship from what she describes bluntly as the current 'intellectual cul de sac'.<sup>20</sup>

### *A Commission of Historians*

I have found it instructive to turn to another investigative exercise concerned with a difficult national past – in this case Switzerland's relationship with Nazi Germany – that was deliberately and strategically constituted as history, both by the government that set

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19 Cole is well aware that a lot of the archive is under the jealous custodianship of the Department of Justice and is very difficult to extract, but produces evidence to suggest that there is enough of the archive in the public domain to keep several hundred historians busy for a while. Cole, C. (2010). *Performing South Africa's Truth Commission: Stages of Transition* (Bloomington: Indiana University Press,), xii. For another example of 're-enactment' in connection with the TRC see Krog, A., Mpolweni, N. and Kopano, R. (2009). *There was this Goat: Investigating the Truth Commission Testimony of Notrose Nobomvu Konile* (Scottsville: University of KwaZulu-Natal Press).

20 *Ibid.*, xv.

it in motion and by the Commission's participants. The ICE members were all historians except for one jurist.<sup>21</sup> President of the Commission, Jean-François Bergier himself was a distinguished medievalist who frequently pointed out that his primary allegiance was to the methodology and rigorous documentary research that formed the core of his discipline. In the Swiss case there was a sustained attempt to write history from the outset and the members of the Commission were extremely self-conscious about how they employed historical methodology and to what ends.<sup>22</sup>

In my interviews with informants I kept asking why historians were called upon in addition to the auditors under the aegis of the Volcker Commission appointed to examine the 'dormant' accounts in Swiss banks in 1996.<sup>23</sup> Bern history professor, Brigitte Studer explained that, despite several attempts made by historians in the preceding years who had tried to root out the truth about aspects of Switzerland's relationship with Nazi Germany, a 'historical deficit' in the area of interpretation and overview had remained.<sup>24</sup>

In Switzerland, at the time of the ICE's inauguration, representatives of the government were optimistic about what a thorough and sustained exercise in historical research might be able to accomplish

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21 The four Swiss nationals were: Jacques Picard, then teaching at the University of Bielefeld in Germany, a specialist in the area of the disinherited victims of the Nazis and the only Swiss Jewish member; Georg Kreis, director of the European Institute and working at the University of Basel, a specialist in international relations; Jakob Tanner, history professor at the University of Bielefeld and Joseph Voyame, the director of the Federal Office of Justice. There were also four non-Swiss nationals: Wlaysia Bartoszewski, ex-Minister of Foreign Affairs in Poland, who had taught history in Poland and Germany; British economic historian Harold James; Sybil Milton who worked at the Holocaust Museum in Washington DC and Saul Friedlander, an Israeli historian of the Second World War.

22 Bergier accepted from the beginning that it was a unique opportunity for historians. D.S.M. 'Jamais un gouvernement n'avait compté à ce point sur les historiens,' *Le Nouveau Quotidien*, 06/05/1997, 20, *Le Temps*, [www.letempsarchives.ch](http://www.letempsarchives.ch). (hereafter *Le Temps* archives).

23 The Independent Committee of Eminent Persons chaired by Paul Volcker, ex- chairperson of the US Federal Reserve had representatives of the Swiss Bankers' Association and of the World Jewish Congress and employed auditing firms to investigate the 'dormant' accounts for 1933-45. It published 5 000 names and calculated the value of the accounts at \$44,2 million.

24 Interview with the author, 18/04/2011, Bern. Prof Studer is well-known for her reinterpretation of the Cold War based on the opening of the Russian archives as well as for her work on 1968 and the 'feminist subject'.

under the difficult circumstances that prevailed in the mid-1990s. Evidently some of the momentum for a renewed historical drive came from Ruth Dreifuss, only the second woman and the first Jewish person to be elected as a member of the Federal Council. After the original candidate nominated to lead the new commission of historians had turned down the job, Dreifuss suggested her old professor, Bergier.<sup>25</sup>

In early 1997, a couple of months after Bergier had been appointed to lead the Commission that owed its existence to a Federal decree,<sup>26</sup> the President of the Federal Council, Arnold Koller, addressed his 'fellow citizens' from Bern. He offered them reassurance through references to the properties of history. Considerable unease had been provoked by news of the Commission's mandate from the government to investigate the so-called dormant or 'heirless' accounts deposited in Swiss banks by people persecuted by the Nazi regime who had subsequently disappeared, most often as casualties of the policy of extermination. It was alleged that, in many cases, their accounts had been retained by the banks on the grounds that rightful ownership could not be established. The Commission was also mandated to trace the movement of gold deposited in the Swiss National Bank by the *Reichsbank* in the Nazi period, believed to have been looted from governments in Nazi occupied territories as well as companies and private citizens. The Commission's mandate expanded to other areas such as the fate of refugees fleeing Nazi terror who had appealed for entry into Switzerland and the movement and present whereabouts of various assets of which victims of the Nazis had been robbed.

Koller began by telling Swiss citizens that they did not have to assume collective culpability for complying with the Nazis and their 'odious' ideology. But the Swiss government was also under considerable pressure, especially from the United States, to demonstrate a serious commitment to uncovering the truth about the individual accounts and gold allegedly looted by the Nazis and traded to Swiss banks for much needed currency. In this instance, 'history' was used both as palliative and as an assurance of good faith addressed to increasingly vociferous plaintiffs who were finally able to exercise some leverage through the American courts and financial institutions and whose voices were more likely to be heard, thanks to a radically different international conjuncture occasioned by the end of the Cold War.<sup>27</sup>

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25 Arsever, S. 'La commission Bergier, une aventure unique', *Le Temps* 30/10/2009, [www.letemps.ch](http://www.letemps.ch). Accessed 11/04/2013.

26 'Le président Arnold Koller veut associer les citoyens suisses à l'examen du passé'. *Gazette de Lausanne* 06/03/1997, 4, *Le Temps* archives.



Koller had to persuade his 'fellow citizens' that they could not afford to 'give the wrong impression' by backing away from a confrontation with the past. He urged them to face it in a 'spirit of humility, mutual respect' and 'objectivity'. Presenting his audience with the image of choosing between two paths, he strongly recommended taking the 'way of research and historical truth'. Koller summed up the ICE's mandate as a 'global analysis of the political and economic facts'.

Clearly he was seeking to placate citizens who felt they were being unfairly implicated in the wickedness of the Third Reich by promising them a thorough and dispassionate investigation conveyed through his use of the words 'facts' and 'objectivity'. His summoning of the phrase 'historical truth', which occurred towards the end of his speech, was supposed to clinch his argument with its undeniable resonances of authority and scholarly integrity, both for his local audience and for the increasingly impatient lobbies abroad (notably the World Jewish Congress) that had the support of the Clinton administration. He closed with the popular notion – often most complacently held by non-historians but embraced by the ICE itself – that we can draw lessons from history. For Koller the primary lesson was vigilance against the least sign of racism, especially Anti-Semitism.

In fact, there had been several attempts to grapple with the difficult aspects of Switzerland's Second World War past by journalists, writers, historians and film-makers ever since the 1950s. Among them were two exercises that had been commissioned by the Swiss government in response to various accusations about Swiss war-time conduct – in 1957 Carl Ludwig published a work on the refugee policy and in 1970 Edgar Bonjour produced a partial analysis of neutrality and foreign policy. Two others are mentioned

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27 For more detail on the international setting which saw Switzerland lose its important Cold War ally as well as important political and institutional changes in the United States of America, see, Marrus, MR. (2010). *Some Measure of Justice: The Holocaust Era Restitution Campaign of the 1990s* (Madison: University of Wisconsin Press). See Marrus' acknowledgements of Ludi for explaining influences in Switzerland that allowed for significant local change. This latter point requires extensive elaboration in terms of what happened in Switzerland in the 1980s particularly around the way in which the public perception of the role of the army in Switzerland shifted – see Ludi, R. (2006). 'What is so Special about Switzerland? War-time memory as a national ideology in the Cold War era' in RN Lebow, W. Kansteiner & C. Fogu (eds.), *The Politics of Memory in Post-War Europe* (Durham and London: Duke University Press). Events were also influenced by developments in Africa (Mobutu's expulsion and questions about his money in Swiss banks) and by the setting up of the TRC.

here because of the role of their authors in the debates that followed the appointment of the ICE – Hans Ulrich Jost’s contribution to an edited collection entitled *Nouvelle Histoire de la Suisse et des suisses* in the early 1980s (New History of Switzerland and of the Swiss) and Jean-Claude Favez’s 1988 book about coming to terms with Switzerland’s past.<sup>28</sup>

In March 2002 when the final Report of the ICE was released, Marc Bretton enumerated in his editorial in rather a weary tone all that had already been known at least since the publication of *Nouvelle Histoire* – Jewish refugees were sent away from the Swiss borders to their deaths in Nazi camps, Swiss banks bought Nazi gold knowing that it had been pillaged and Switzerland had not always shown courage in the face of the power of the Axis.<sup>29</sup> Perhaps, he conceded there had been some refinements by the ICE, but what was fundamentally new was that this history, long known but not publicly acknowledged, was now official, bearing the stamp of the Federal Council that had initiated it. Bretton optimistically concluded that henceforth it would no longer be possible to idealise Switzerland’s past.

Bretton himself could not, however, resist clinging to some of the old illusions that were staples of the idealised version, principally that Switzerland had had no choice but to adapt in some measure to the ‘New Europe’ of the 1940s, but nonetheless had managed to retain its sovereign democracy. He also felt compelled to remark that despite turning away several thousand victims of Nazi persecution as the ICE had found, Switzerland had also admitted 160 000 civilian refugees. Switzerland may have lost its footing on the highest moral ground, but had not sold its soul.<sup>30</sup>

As Bretton noted, few of the Commission’s revelations were essentially new. Actually, its critics never tired of pointing this out as if that somehow nullified the ICE’s reiteration of them. Nevertheless in the first years between 1997 and 1999, the Commission unleashed a storm of protest as if its reports were entirely novel and outrageous.<sup>31</sup> The second interim ICE Report on refugee policy was

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28 For a fuller account of these attempts see Ludi, ‘What is so Special about Switzerland?’ which discusses fictional work as well around these themes. Note that Jean-François Bergier was on the editorial board of *Nouvelle Histoire*.

29 Editorial, *La Tribune Genève* 23/03/2002 in ‘La Suisse, Le National-Socialisme et la Seconde Guerre Mondiale: Les reactions de la presse suisse’, [http://www.aidh.org/racisme/2e\\_guerre/rapp\\_final\\_i.htm](http://www.aidh.org/racisme/2e_guerre/rapp_final_i.htm). Accessed 02/05/2011).

30 There are signs of a fairly thoroughgoing religious discourse of penitence, self-flagellation and so on in this period.

31 Some sense of the outrage is gained from reading letters to the Editor in the contemporary press e.g. Adrien Kesselring, *Journal de*

released in 1999, preceded by the damning sentence that was evidently leaked prematurely to the press: 'The Swiss authorities contributed - intentionally or not - to the national-socialist regime attaining its objectives'.<sup>32</sup> The Commission's scientific adviser, Marc Perrenoud has described the public reaction that followed the first two interim reports (on Nazi gold and refugees) through the dramatic analogy of a 'series of tidal waves' that swept over the country.<sup>33</sup> Subsequently, the public at large seemed to lose interest for reasons well documented by Perrenoud.<sup>34</sup> The Federal Council received the final weighty Report (it ran to 25 volumes and 11 000 pages) with disappointing indifference, which it did not bother to

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Gèneve, 24/03/1997, 2, Le Temps archives. Madeleine Kunin, US ambassador to Switzerland described her sentimental recollections of a childhood spent in Switzerland on the eve of the Second World War and of the difficulty of reconciling these with the ICE's revelations: 'Le Puzzle de 1939-45', *Journal de Gèneve* 08/09/1997, 2, Le Temps archives and see also letters from Maxime Florio and Roland Chatelain accusing the government of panicking and giving in to pressure, *Journal de Gèneve*, 11/09/1997, 2, Le Temps archives. People I spoke to who were in Switzerland in the late 1990s recalled the indignation and hurt occasioned by the ICE's interim reports. There was, unsurprisingly also a series of responses from the financial institutions, e.g. Rainer Gut (of Credit Suisse) in an address to the National Press Club argued that Switzerland had contributed most to the liberation of Europe, had saved the lives of many Jews and complained that the US had deserted its old ally. 'Nous avons le sentiment d'être traités injustement par des amis', *Journal de Gèneve*, 12/07/1997, 2, Le Temps archives. Also see debate hosted by the *Journal de Gèneve* and the *Gazette de Lausanne*, Le Temps archives, 'La Suisse face à l'empire américain' and 'Tentative de réponse au rapport Eizenstat', 21 September 1997, 2-3, following the release of the so-called Eizenstat report with damning evidence. Eizenstat was the US ambassador to the European Union between 1993 and 1996 and involved in many of the negotiations between the US and its former allies around Nazi assets. Although the report bore his name he wrote only the introduction.

32 Müller, B. and Boschetti, P. (2006). *Entretiens avec Jean-François Bergier* (Geneva: Editions Zoë), 80. The ICE Final Report concludes: 'By accepting numerous measures making it more difficult for refugees to reach safety, and by handing over the refugees caught directly to their persecutors, the Swiss authorities were instrumental in helping the Nazi regime to attain its goals,' 168.

33 It was claimed that the Swiss banks had received three times more gold from Nazi Germany than had been thought before the investigation and individual banks were identified against the amounts they had allegedly hoarded. 'Fonds juifs', *Journal de Gèneve*, 06/12/1997, Le Temps archives.

34 Perrenoud, M. (2010). 'Switzerland, the Third Reich, Apartheid, Remembrance and Historical Research: Certainties, Questions,

hide. But the Commission's hard-core opponents continued to contest its findings by using 'better' history or, because the Commission consisted more or less entirely of historians supposed to be 'innumerate' by nature, the disciplines of economics and mathematical probability were wielded, principally to show that the ICE had over-estimated the number of refugees who had been refused asylum in Switzerland.<sup>35</sup>

Why, after more than half a century after the principal events had transpired was there such outrage? Perrenoud pointed out to the author in an interview that the extensive oral history project *Histoire C'est Moi!* (History is Me) that was mobilised to rescue the reputation of the war-time generation, had had to resort to collecting testimonies about the war-years from people, who had, by and large, been children in the 1940s because there were very few members of the older generation left alive.<sup>36</sup> He was critical of the project's title - *Histoire C'est Moi!* - arguing that once the sources become history, historians are naturally disadvantaged - which he believed to have been the organisers' conscious intention. Perrenoud remarked that people he had spoken to informally in the 1980s who had been adults during the Second World War tended to be far more critical of the military than were the next generation, who, by and large, bought into its heroic mythology.

But the point for the purposes of this paper is that first hand memories of the War were fading fast by the time the Commission

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Controversies and Work on the Past' in *Politorbis* 3, (50),193-206.

Interview with the author, Regula Ludi, Bern, 04/05/2011. Ludi referred to orchestration from the right wing.

35 Lambelet, J. (2000). *Evaluation critique du Rapport Bergier sur "La Suisse et les refugies à l'epoch du national-socialism" et nouvelle analyse de la question* (University of Lausanne: Department d'econometrie et d'economie politique), 21. Lambelet appears to have tried to give a special twist to the knife by piously citing Braudel's instructions to historians to model their professional behaviour on the dispassionate approach of the physician. Braudel was Bergier's greatly respected mentor and role model. See also works cited by Perrenoud in 'Switzerland, the Third Reich' by Michel Fior, Daniel Heller and Joseph Jung, connected to the various Banks. The claim was made that these historians were better than those of the ICE because they understood 'economic realities'. Even commissioner Georg Kreis expressed some scepticism about the numbers of refugees that had been turned away observing to the author in an interview (13/04/2011, Basel) that the Commission may have counted 'rejections' rather than people. In the Final Report of the ICE the commissioners actually admitted that it was impossible to determine the exact number of refugees turned away.

36 Interview with the author, 29/04/2011, Bern, conducted in French.

set about its work. Although it was inconsistent, the ICE did try to avoid drawing simplistic moral conclusions. 'Historians are not judges... It is not a question of indicting individuals, groups or entire countries for their actions or indeed of exonerating them,' it proclaimed in the summary of the Final Report.<sup>37</sup> In early 1997 Bergier had explained to the press that the Commission would evaluate the Second World War past in a larger context and that he himself did not want to make moral or political judgments.<sup>38</sup> In the Final Report, Anti-Semitism and prejudice against foreigners was carefully situated in historical conditions of acute economic crisis and was ultimately attributed more to policy than to the general public. 'Xenophobia' was 'a long term aspect of policy,' the Final Report concluded.<sup>39</sup> Individuals who had risked their careers and personal freedom to protect refugees were commended.<sup>40</sup> The most famous of these was Paul Grüninger, a police captain at St Gallen, who had allowed hundreds of people to enter Switzerland illegally and consequently was dismissed in 1939 and found guilty of 'violating' his powers and forging documents. He had only been rehabilitated after his death.<sup>41</sup> The Swiss public receiving the ICE reports in the late 1990s had no real reason to feel affronted by their revelations and the conclusions they drew.

### *National Identity*

What was at issue was the vexed question of national identity and the version of history upon which it depended. In referring to the impact of the first two ICE reports (on gold and refugees released in 1997 and 1999 respectively) Georg Kreis, one of the ICE commissioners, summoned a quasi-religious iconography through his imagery of the 'radiant perception' of Switzerland's past that had been assiduously 'cultivated' by the 'general national discourse' and which was shattered by the findings of the ICE.<sup>42</sup>

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37 ICE Final Report, 517.

38 Koller, F. 'La Commission Bergier commence ses travaux sereinement', *Gazette de Lausanne* 08/03/1997, 7, Le Temps archives. We cannot be certain that we should take Bergier's word for it though. Elsewhere he talks about the historian's obligations to address the fallibilities of contemporary society. The day before he had been quoted as saying that historians had a social role to play, Schaad, B. 'Nous serons les ouvriers de pistes des historiens de demain', *Le Nouveau Quotidien*, 07/03/1997, 4, Le Temps archives.

39 *Ibid.*, 120-1 and foll.

40 Müller and Boschetti, *Entretiens*, 130 & 134.

41 ICE Final Report, 109.

42 Kreis, G. (2007). *Switzerland and South Africa 1948 - 1994* (Bern, Berlin, Bruxelles, Frankfurt, New York, Oxford, Wien: Pieter Lang), 22. Kreis was one of the Bergier commissioners and was also responsible for the subsequent commission on Switzerland's relationship with apartheid South Africa.

For those whose national identity was deeply implicated in a particular conception of how Switzerland had conducted itself during what was perceived as its most life-threatening period, the first of the ICE's reports were not simply historiographical revisions. They appeared to threaten deeply held assumptions about what it meant to be Swiss, one of whose defining characteristics was an extraordinary tenacity in defending national autonomy from predatory outsiders. As historian Regula Ludi has explained, many Swiss people subscribed to the belief that it was the 'deterrent power of military defence' configured by war-time hero General Guisan (who had done much to launch his own legend) that had saved them from the fate of their neighbours.<sup>43</sup> It was hard to accept that the reason the Nazis had not invaded Switzerland had much less to do with the Swiss military strategy of the *Réduit*<sup>44</sup> under General Guisan's fearless leadership than with the Nazis' strategic decision not to occupy a country that proved so valuable to them as an independent financial centre. For those who argued that the banks and the Swiss authorities had had little option but to accede to the demands of the Nazis, the ICE conclusions were a crushing blow. The Commission provided evidence to show that the Swiss who were implicated in looking the other way when receiving stolen assets or in implementing policies that were not that far removed from the Nazis' own, actually had a fair bit of room for manoeuvre precisely because of the unique goods and services they could offer.

### *History as Myth-Breaker*

Some of the historians associated with the Commission were attracted to it because it offered the prospect of dismantling the 'radiant perception' of the country's past that Kreis described. The Commissioners themselves and many of the staff historians responsible for collating the research believed that the 'official memory' of the Second World War<sup>45</sup> served extremely dubious ideological functions in the present.<sup>46</sup> Brigitte Studer recalled how the appointment of the Commission seemed to historians more

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43 Ludi, 'What is so Special about Switzerland?', 211. See Ludi for an excellent account of how the 'national discourse' was cultivated.

44 A three stage strategy that was composed of strengthening fortifications on the borders, managing a delayed war in the event of an attack and, ultimately, planning for a retreat to self-sufficient fortifications in the Alps.

45 Interview with the author, Bern, 04/05/2011.

46 See Ludi's explanation of the ideological functions of the 'radiant past' in 'What is so Special about Switzerland?' Also important is Ludi's careful grounding of the 'radiant past' in a much older mythology. Bergier himself was well aware of the importance of the myths of Switzerland's past and was careful to treat them with analytical respect as is evident in his book on William Tell – Bergier, 1988. J.F.B. *Guillaume Tell* (Paris: Libraire Arthème Fayod).

broadly to offer a 'tremendous opportunity' because it was an acknowledgement of the importance of history and it seemed – for a while anyway before 'suddenly it all vanished more or less' – that historians would have a part to play in creating or more properly recreating the national identity.<sup>47</sup>

Ludi, one of the Commission's thirty odd local staff historians and, for a period, the head of the research team on refugees, observed that the appointment of the Commission appeared to members of the middle generation like herself as a chance to 'rewrite' a history that had been deplorably mythologised. She described to me the 'huge enthusiasm' with which those who were born in the mid 1960s and 'socialised' by the political upheavals of the 1980s – 'by the '68 movement, which came late to Switzerland', by the Peace Movement, the New Left and the 'second' Second wave of Feminism, set to work for the Commission initially.<sup>48</sup> Some of this generation, who were in their mid-thirties at the time of the Commission with their PhDs just behind them, had been active in the student politics of the 1980s and the 'second' Second Wave feminism had, in some cases, bred a deep mistrust of the 'patriarchal state'. The middle generation saw in the Commission a real possibility for challenging features of contemporary Swiss society that had remained almost completely impervious to challenge until recently<sup>49</sup> because of the ideological capital they derived from the myth of Switzerland's miraculous military deterrence of the Nazis.

In a newspaper debate hosted by the Francophone press, the historian Jost (who was overlooked for appointment to the Commission) railed against what he called the 'historical doxa' that had been controlled or at least influenced by official institutions in the years since the war.<sup>50</sup> Pressed by the moderator of the debate to explain what he meant, he conceded that the 'doxa' was not always a single history but that it tended to a 'dogmatic discourse' that worked in the service of an erratic and self-serving foreign policy and Switzerland's controversial legislation on banking secrecy, deployed to justify the banks' refusal to investigate and release details of the 'dormant' accounts. Interestingly, he was not only

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47 Studer, 18/04/2011.

48 Interview with the author, 04/05/2011, Bern. The 'middle generation' between the older historians who were members of the ICE and the younger researchers who had newly graduated from post-graduate degrees.

49 Referendum in the 1980s on the role of the army in Switzerland suggested a change in public opinion towards one of Switzerland's most revered institutions. Pointed out to me by Ludi.

50 *Journal de Genève* and *Gazette de Lausanne*, 21/11/1997, Le Temps archives. Favez mentioned earlier also participated in this debate.

incensed by what he saw, understandably, as the ineptitude with which the government had handled the appointment of the ICE, but by the public's continuing and, by implication, wilful ignorance.

Although he tended to be more circumspect while the Commission was in session, Bergier himself declared that the time had come to take the 'rosy' tint out of the country's view of its past – although he usually added the qualifier that he did not think it desirable to demonise the Swiss either.<sup>51</sup> Ludi complained that Bergier sometimes used to restrain the language of the staff historians.<sup>52</sup> She relates that, on occasion, he adopted the position of the medievalist, claiming professional distance from modern history to insist on detachment and to reprove the more passionately engaged staff historians.<sup>53</sup> It is possible that Bergier retained something of the reticence and ambivalence of his mentor Fernand Braudel, when it came to deciding what the historian was to do in the light of 'facts analysed'. During an event held to honour him in the mid 1980s Braudel had observed that he had always admired his compatriot Jean-Paul Sartre for being 'engaged', professing to characterise his own lack of conviction about how well history could withstand the crossing into the present as 'a fault'.<sup>54</sup>

But it is probable that what really happened is that Bergier had to deny certain impulses of his own at the time of the Commission. For one thing he was under close surveillance by government watchdogs. He told Müller and Boschetti that, in the early days, the Swiss ambassador, Thomas Borer who was the head of the Task Force operating from within the Swiss Department of Foreign Affairs, had tried to 'coach' him to avoid saying anything that would besmirch the reputation of the Swiss.<sup>55</sup> Then at the Washington Conference on Holocaust Era Assets at the end of 1998, Bergier had been ordered to withdraw papers that he had put out on the delegates' tables containing some preliminary information on the Commission's findings. When he refused to comply the 'Embassy'

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51 Müller and Boschetti, *Entretiens*, 132 & 4. At the time of the Commission, Bergier played down the discoveries the Commission was likely to make, but he did suggest that there was a need to make them. He referred to the 'myths' of Swiss history while being careful to say that they should not be substituted for 'anti myths' depicting the Swiss as war criminals, Schaad, 'Nous serons les ouvriers', 4.

52 Ludi, 04/05/2011.

53 Ludi, 04/05/2011.

54 Braudel, *Une leçon d'histoire*, 158.

55 See Perrenoud, 'Switzerland, the Third Reich, Apartheid'. Also for Borer's attack on the 'Anglo Saxon' media's 'sensationalism' creating a stereotype of the bad Swiss, J.C.P. 'Un "complot" Anglo Saxon', *Le Nouveau Quotidien*, 25/06/1997, 6, Le Temps archives.



had confiscated the papers, although after an argument, they were restored.<sup>56</sup>

When he was at liberty to do so, Bergier spoke at length about his political motives. He explained that he had first thought of offering his services as historian to the political domain, belatedly in terms of his own career, in 1992 with his book *Europe et les suisses*, which he had written in an attempt to inform the debate preceding the referendum on Switzerland joining the European Economic Area. It came to him in that year as a revelation that history possessed 'instruments for reflecting on contemporary issues'.<sup>57</sup> He described the 'instruments' as 'rigorous readings' and 'substantiated critique' that are prerequisites of the profession.<sup>58</sup> As a scholar who had been deeply influenced by the *Annales* in his formative years as a graduate student in Paris, Bergier stressed that the historian is in a unique position to appreciate the depth of particular social structures and organisations.<sup>59</sup> His argument presupposed that having an in-depth view over hundreds of years of the history of the Alps as both refuge and thoroughfare through Europe was indispensable to the necessary modification of Switzerland's isolationist position.<sup>60</sup> He told Müller and Boschetti that he had been mulling over how Switzerland could prepare itself to integrate more fully into Europe and had concluded that both its policy of 'neutrality' and the system of direct democracy were sorely in need of modernisation. Although he subtitled his book '*impertinences d'un historien*'<sup>61</sup> it was obviously nothing more than a rhetorical gesture of self-deprecation. Bergier had no doubt that history was the 'stone' that was missing from the 'edifice'<sup>62</sup>. He was convinced that history could chart the way to a modern future and he took this sense of history's national importance into the ICE. For all its vexations, he seems to have retained the idea that the discipline of history was indispensable to a society that needed to reckon properly with its past in order to recognise and fix some of its fundamental systemic flaws. Bergier frequently mentioned his excitement, despite the obvious disruption and stress that being the president of the Commission caused, both to his life and a fairly

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56 Müller and Boschetti, *Entretiens*, 65.

57 *Ibid.*, 10. Also see Bergier on the Second World War as a 'short chapter' in the '*longue durée*' and the importance of contextualisation, D.S.M. 'Jamais un gouvernement n'avait compte à ce point sur les historiens', *Le Nouveau Quotidien*, 06/05/1997, 20, Le Temps archives.

58 Müller and Boschetti, *Entretiens*, 14.

59 *Ibid.*, 10.

60 Bergier, J-F. (1997). *Pour une histoire des Alpes, Moyen Âge et Temps Modernes* (Hampshire & Vermont: Ashgate Publishing Limited/Company).

61 Müller and Boschetti, *Entretiens*, 17.

62 *Ibid.*, 28.

distinguished career that might otherwise have drawn to a serene close, because he felt that the creation of the Commission was giving historians an opportunity to demonstrate their social value.<sup>63</sup> He represented the invitation to lead the commission to Müller and Boschetti as an irresistible 'temptation' to play the role of the 'useful historian' and to find a way of valorising his profession.<sup>64</sup>

Kreis, by contrast, in an interview with the author, expressed a great deal of unease about trying to combine the 'enterprise' of the Commission with scholarly practice. The latter, he pointed out, is typically comprised of individual endeavour, often directed toward professional honours and its currency is usually 'abstract debate'. He expressed impatience with the demands made on the Commission by lawyers<sup>65</sup> who failed to understand that history can be '(reconstructed) in many different ways' and maintained that the degree of generalisation required by the Commission's mandate destroyed the possibilities of doing justice to the 'many small stories' that came to the attention of the ICE. To sum up his sense of the Commission's lack of finesse he compared it to 'trying to manoeuvre a tank'.

#### *Different histories?*

There are some observable tensions that surfaced during the time of the Commission, to which Kreis' remarks cited above undoubtedly refer. There is also a very striking contradiction between the position that both Bergier himself and the ICE's Final Report take regarding the 'scientific' obligations of their mission and particular moral and political objectives, which they espouse just as energetically.

At the time the Commission was in session, perhaps understandably, Bergier denied that there were fundamental differences in terms of what he called the 'reality' of facts and interpretation.<sup>66</sup> Later however, he told Müller and Boschetti that there had been 'frictions' over interpretation because some people, particularly among the staff historians, read the texts too literally.<sup>67</sup> Tellingly, he described the Commission at the outset, as having worked in a 'fog' as it looked for an appropriate methodology for what was an unprecedented exercise.<sup>68</sup>

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63 Koller, F. and Crevoisier, J-M. 'JFB Président paratonnere', *Gazette de Lausanne*, 08/11/1997, 3, Le Temps archives.

64 Müller and Boschetti, *Entretiens*, 61.

65 Interview with the author, 13/04/2011, Basel.

66 Müller and Boschetti, *Entretiens*, 77.

67 *Ibid.*, 78. There were about 30 staff historians employed by the Commission. Bergier complained about their 'nervousness' and narrowness, 83 & 89. Ludi who was a staff historian working on the refugee team recalls a number of clashes. Interview with Ludi, 04/05/2011.

68 Müller and Boschetti, *Entretiens*, 83.

Müller and Boschetti record Bergier's account of several personal tensions that became manifest between himself and nearly every member of the Commission, except for Sybil Milton, which, on closer inspection, betray methodological and disciplinary differences. Ludi recalls a couple of quite serious clashes in her experience over the approach or where the emphasis should lie, for example whether it should be on government policy or the experiences of refugees.<sup>69</sup> She remembers that Commissioner Friedlander, in particular, whose parents were among those who had died in the Holocaust, was thought to be too 'emotional', which concurs with the account that Bergier himself gave to Müller and Boschetti.<sup>70</sup> According to Ludi, Friedlander's worth as a historian was only recognised when the second volume of his book *Nazi Germany and the Jews* came out in German.

Ludi confirmed my suspicion that the dialogue of the Commission tended to be 'male dominated' with 'good' history being coded as the history of financial transactions and the movement of material assets - the male domain - while 'soft' humanitarian issues were regarded as appropriate to the feminine sphere and (thus?) not really history. Bergier also identified at least three distinct historical 'traditions' represented on the Commission, identifying them as Germanic (leaning heavily towards theoretical analysis), Anglo-Saxon (favouring case studies) and his own which had been influenced by the French *Annales*, particularly through his quasi-filial relationship with Braudel, while he had been writing his doctoral thesis in Paris.

### *History, Politics and an Explanatory Palette*

There are two things to emphasise in light of the discussion above. First, is the incredible complexity of 'history' and second is that history is decidedly not neutral. Bergier was saddened by the way in which the Federal Council received the final Report with barely a word of thanks and distressed that no public debate followed in its wake. The last chapter of the Report, in particular, was supposed to send a message to its readers about the institutional problems responsible for some of Switzerland's poor decisions during the Second World War, which had persisted into the present like the 'division of labour' between the political organs of state and the banks.<sup>71</sup> The ICE was also interested in establishing what conditions are favourable to 'moral indifference' and how closely xenophobia

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69 Author's interview with Gregor Spuhler, who headed the division on oral history for the Commission and talked about having to leave out some testimonies because they did not fit the parameters, Zurich, 10/03/2011.

70 Ludi, 04/05/2011.

71 ICE Final Report, 516-7.

could be attached to the formation of the nation-state in the early twentieth century.<sup>72</sup>

The Final Report of the ICE did not reach definitive conclusions, however and the last chapter extends an invitation for more or less indefinite discussion and further research. For all his confidence about what historians and his own accumulated historical insights could offer, Bergier did not think that he was already in possession of all the answers and it is useful to see how he expressed his pleasure at being afforded an opportunity to deepen his understanding of Swiss history. Despite his occasional feelings of desperation – he told Müller and Boschetti that sometimes he thought that the Commission would never leave him alone<sup>73</sup> – Bergier also spoke of it expansively as the gateway to a ‘world he otherwise would never have known’.<sup>74</sup> In justifying the degree of suffering he had endured as the president of the ICE, he gestured to the new colours with which his historian’s explanatory ‘palette’ had been endowed as compensation.<sup>75</sup> This is a very striking image for several reasons. Pietro Boschetti who, with his co-author Müller, spent many hours interviewing Bergier for their book, recalled and reiterated in an interview with me how impressed he was by Bergier’s intellectual gifts and his integrity. Boschetti remarked several times that Bergier was very ‘cultured’.<sup>76</sup> Evidently, while Bergier wrote quickly he attached importance to his turn of phrase because he thought of the writing of history as an art. But the image of the historian’s ‘palette’ also conveys a sense of dynamism and innovation quite contrary to the idea that history comes with a ready-made kit of analytical apparatuses.<sup>77</sup> Through Bergier’s image of the palette it becomes conceivable that the historian expands his explanatory range as he works, which provides an interesting juxtaposition with the kind of ‘history’ invoked by the critics of the TRC alluded to at the outset of this paper in which the possibilities for discovery and experimentation seem to be circumscribed.

### *Back to the TRC*

In going back to the TRC with the ideas I have been exposed to through my study of the ICE, I want to make observations under three headings. The first I call ‘frenzied developments’; the second

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72 Müller and Boschetti, *Entretiens*, 81, 99, 100-3. See also the ICE Final Report.

73 *Ibid.*, 92.

74 *Ibid.*, 94. See also his earlier account in 1997 in which he mentioned the fascinating and rewarding aspects of the ICE’s work and the duty as he saw it of helping Switzerland to find a clearer vision of its past, Koller and Crevoisier, ‘JFB, president paratonnere’.

75 Müller and Boschetti, *Entretiens*, 96.

76 Interview with author, Geneva, 27/04/2011 conducted in French.

77 As I think might be the impression one gets from reading Posel, ‘The TRC Report’.

'national fragility' and the third 'conflictual historical interpretations'.

**1.Frenzied developments.** If one reads the contemporary press and Müller and Boschetti's book one senses that there was a real possibility that the Swiss Commission could have been scuttled after only a couple of months.<sup>78</sup> Bergier had to fight for adequate resources, provoking the famous sarcastic observation during a parliamentary debate from arch-conservative Christoph Blocher that historians are expensive.<sup>79</sup> Despite the Federal Council's compulsory opening of all archives to the Commission, there were many obstacles to be overcome in that area and several scandals, which there is not the space to relate here.<sup>80</sup> Vested interests were powerful and the ICE's only defence appears to have been Bergier's personal diplomacy and ability to reason pragmatically with big business. By several accounts the public shock and outrage provoked by the initial reports were deeply upsetting to Bergier and probably to other members of the Commission as well. Added to that was the pressure on the ICE.<sup>81</sup> The year 1997 was a particularly gruelling one, especially after it was announced that the London Conference on Nazi gold would be held at the beginning of December that year.<sup>82</sup> The pressure continued to mount as the date

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78 See Bergier's appeal for additional funding and his dire prediction of what would happen if it were not allocated, A.T.S. 'Pour JFB, le sérieux doit primer sur la rapidité', *Journal de Genève*, 21/10/1997, 9, Le Temps archives.

79 Quoted in Miéville, D.S. 'Le cout de la commission' in *Le Nouveau Quotidien*, 12/12/1997, 6, Le Temps archives. Blocher is quoted as saying: 'ça fait cher l'historien'.

80 See FK/A.T.S. 'Les politiques au secours de la commission Bergier', *Journal de Genève*, 22/10/1997, 8, Le Temps archives. The press drew a link between the interests of certain politicians, who were anxious about what investigations of affiliate archives on German soil might reveal with their unwillingness to vote more funding, A.T.S. 'Pressons politiques contre la commission Bergier', *Journal de Genève*, 20/10/1997, 6, Le Temps archives.

81 Bergier called it 'enorme', 'La commission sous pression', *Le Nouveau Quotidien*, 13/10/1997, 11, Le Temps archives, and journalists Frédéric Koller and Jean-Marc Crevoisier described this as a 'tumultuous period', 'JFB renoue le dialogue avec l'économie', *Gazette de Lausanne*, 08/11/1997, 1, Le Temps archives.

82 Initiated by the British Minister of Foreign Affairs and to be hosted in conjunction with the signatories of the Washington Accord, the US and France. Representatives of forty states and non-governmental organisations that had been involved in transactions involving Nazi gold were expected to attend. Miéville, D.S. 'La Suisse pourrait trouver à Londres une occasion en or d'expliquer son passé', *Le Nouveau Quotidien*, 07/08/1997, 2, Le Temps archives; Koller, F. 'La Suisse participera à une conférence

of the Conference approached with no sign of the interim report on the looted gold in Swiss banks that Bergier had promised. The report was intended to demonstrate the seriousness with which Switzerland was addressing what some of the bankers were still excusing euphemistically as errors.<sup>83</sup> The consequences of Switzerland appearing to renege on its commitment to review its past were perceived as serious. There had even been talk of renegotiating the 1946 Washington Accord at the London Conference, through which the Swiss had supposedly made arrangements decades before to donate a proportion of the assets realised from the liquidation of Nazi gold to the reconstruction of Europe.<sup>84</sup> The banks had only managed to stave off a boycott threatened by the State of New York by creating a Holocaust survivor fund. But it was made quite clear to them that the boycott had only been 'frozen' not abandoned.<sup>85</sup> The message was clear – the onus was on the Swiss to demonstrate their good faith in a way that its former allies found convincing and, in the meantime class action law suits were raging in the Brooklyn court.<sup>86</sup>

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englargie sur l'or pillé par les Nazis', *Journal de Genève*, 23/10/97, 21, Le Temps archives. The plans for the conference were shadowed by a report compiled by the World Jewish Congress alleging that 80% of the gold pillaged by the Nazis had been taken through Switzerland and that it had retained it to the value of \$3 billion. Koller, 'La Suisse participera...'

83 It was claimed that although Swiss bankers had been alerted some years before to the concerns that the World Jewish Congress was going to pursue they chose to say nothing. Robert Studer, president of the administrative council of the United Bank of Switzerland (UBS) allegedly remarked that there were only 'peanuts' left in the dormant accounts, Maram Stern (Secretary General of the World Jewish Congress), 'Depuis deux ans les banquiers suisses étaient alertés', *Le Nouveau Quotidien*, 17/09/1997, Le Temps archives.

84 The Washington Accord was more complex than this – but this principle lay at its core. It was never properly implemented.

85 ATS/Red, 'New York suspend sa menace de boycott contre les banques suisses', *Journal de Genève*, 11/2/1997, 8, Le Temps archives.

86 A.T.S. 'Une audience decisive s'ouvre aujourd'hui à New York', *Le Nouveau Quotidien*, 31/10/1997, 9. There were also a number of TV documentaries that increased the pressure on the Commission. Notably one in which a woman claimed to have seen a train carrying Jewish passengers bound for the camps at the station in Zurich. A film shown on the BBC's Channel 4 showed Jews in internment camps in Switzerland and featured advocate Ed Fagan, then representing over 20 000 clients in a class action law suit against the Swiss banks. It was also screened on TSR (German channel) of Swiss TV. See, A.T.S. 'Protestation Suisse contre la BBC', *Le Nouveau Quotidien*, 01/07/1997, 35, Le Temps archives and the response of

The accounts of the turbulence surrounding the first few months of the ICE's life caused me to think about how the context of the TRC is usually delineated quite thinly as the 'politics of compromise', which fails to convey how dangerous it may have been if some measure of compromise between formerly warring parties had not been reached. Ironically, Antjie Krog's idiosyncratic account refracted through her personal anguish as an Afrikaner in *Country of my Skull* may be the most effective portrayal we have of the environment in which the TRC had to operate.<sup>87</sup> There are several criticisms of Krog's supposedly cavalier mixing of genres and her alleged exploitation of testimonies for poetic effect and personal therapeutic benefit. But I would argue that she makes the nature of the book almost entirely clear, even owning up at least once to a gratuitous fiction. *Country of my Skull* is an explicitly mixed genre that is part searing memoir, part poetic reflection and part a series of reports from the front by a shell-shocked journalist who is getting in way over her head. As a direct consequence of its disregard for pure genre demarcations it is able to provide a rich and multi-faceted account of the TRC's proceedings and their wider impact. Beyond her summary of some of the testimonies, Krog provides a deeply disturbing account of the violence of the early 1990s encroaching on the new democracy,<sup>88</sup> the inevitable duplicity involved in old and new elites settling down together and of the corrosive anger of (right wing) Afrikaners witnessing what they thought was the TRC's attempt to sabotage their history and thus destroy them. Moving from the account of the stressful environment in which the ICE scrambled to complete its first urgent tasks to Krog's tense evocation of the high stakes for which the TRC was playing, makes it plain that much of the scholarly work that adopts a scathing, dismissive tone about the achievements of the latter are manifestly unjust.

But Krog's introduction of the angry Afrikaners erupting into her narrative is also instructive in another way. The history manufactured over several decades by intellectuals of the so-called

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Swiss historian André Laserre, Menuisier, A. 'André Laserre. Non, en Suisse, les camps...', *Le Nouveau Quotidien*, 07/01/1998, 7, Le Temps archives. A delegation from Israel also came to Bern in this period, 'La commission Bergier critiquée par une délégation d'Israël en Suisse', *Le Nouveau Quotidien*, 02/09/1997, 7, Le Temps archives, and see press comments on the impact of the Eizenstat report that claimed the neutral countries had prolonged the Second World War deliberately, Koller, F. 'Le conseil fédéral conteste fermement les accusations du rapport Eizenstat', *Gazette de Lausanne*, 23/05/1997, 1, Le Temps archives.

87 A. Krog. (1998). *Country of my Skull* (Parktown: Random House).

88 See also Bonner and Nieftagodien's vivid account of violence in the early 1990s in Kathorus in 'The Truth and Reconciliation Commission and the Pursuit of "Social Truth"'.

Afrikaner School, as several scholars have demonstrated,<sup>89</sup> infused Afrikaner nationalism with its life-blood. Textbook history, pageantry and memorialisation drew many Afrikaners together from divergent and potentially antagonistic class backgrounds to affirm their belief in an Afrikaner 'nation' with a God-given destiny that had sustained them through a century and a half of suffering and worldly defeat. It is necessary to appreciate the extraordinary intensity and significance of this history that was produced and vigorously disseminated through various media by the Afrikaner School. Of all the things that Afrikaners who had supported apartheid found it hard to think of relinquishing, perhaps the standard 'Afrikaner' history that depicted their ancestors as fearless pioneers and innocent victims of British imperialism whose struggles finally culminated in their achievement of an autonomous Republic - was among the most difficult.<sup>90</sup>

Krog 's very painful ruminations in *Country of my Skull* revolve around the relationship between apartheid and an Afrikaner identity invested in its language and history that she feels simultaneously drawn to and repelled by. She effectively juxtaposes Afrikaner iconography and the picturesque earthiness of Afrikaans with the horrors related by witnesses to the TRC. Her deep pain is provoked by the sense that the very landscape, language and history that have shaped and nurtured her may have conspired to create an unspeakably bestial system for others. She makes us conscious of the uncomfortable proximity of the busts and statues of the old 'Afrikaner' pioneers in their city parks and streets to the places where witnesses to the TRC were testifying to apartheid's seemingly illimitable abominations.

Krog reports on the often very angry reactions of local Afrikaners when they hear that she is covering the TRC for the state's broadcasting corporation and we know that it was not just local farmers of the type she encountered driving their *bakkies* into small towns, who were prone to anger and suspicion about what the TRC was trying to steal from them. Respected historian Hermann Giliomee, who had always had a reputation for being relatively enlightened hit back at what he saw as the TRC's fundamental attack on Afrikaner history with his monumental *The Afrikaner: Biography of a People*, a secularised version, it might be argued, of what Dunbar Moodie long ago dubbed the 'sacred saga'.<sup>91</sup>

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89 Moodie, T.D. (1975). *The Rise of Afrikanerdom: Power, Apartheid and the Afrikaner Civil Religion* (Los Angeles and London: University of California Press) and Thompson, L (1985). *The Political Mythology of Apartheid* (New Haven: Yale University Press), for example.

90 This is not to say that there were not English-speaking and other people who supported apartheid.

91 Giliomee, H. (2003). *The Afrikaners: Biography of a People* (University of Virginia Press). In an interview with the South African



Giliomee's self-righteous defence of the right of 'the Afrikaner' to (continue to) tell his 'ethnic' history largely as that of a 'nation' born out of adversity whose 'mistakes' were regrettable but understandable in terms of its own suffering at the hands of imperialists makes for a stark contrast with the subdued penitence with which Krog concludes her book on the TRC.

**2. The 'fragility of nation'.** As has been suggested above, the TRC was experienced by many of those who identified themselves as Afrikaners as a direct attack on their collective nationhood. Many people were in no mood for a new kind of history lesson in which they suspected that they would be cast in a diametrically opposed role to their old one - as the villains instead of the virtuous heroes. Recalling how important history was to the project of Afrikaner nationalism should serve to remind us that by the mid 1990s there were several competing ways of narrating and explaining South African history, none of which was politically neutral. This immeasurably complicates the question of what we mean by 'history' in a disciplinary sense.

History in South Africa, as in Switzerland, was deeply imbricated with national identity. The anger expressed by Afrikaners who crossed Krog's path while she was reporting on the TRC seems to me to provide a close parallel with what we have seen in the Swiss case. In the latter, people were confronted with the idea that Switzerland owed its survival in the Second World War, not to its own military ingenuity or to the policy of neutrality (which was, in any case, inconsistently applied), but to the Nazis' appreciation of what the country could offer them as an independent entity. The corollary was that Swiss banks and Swiss authorities had collaborated with the Nazis, not out of fear or coercion but because they either profited from the association or shared some of the Nazis' prejudices.

Many Swiss citizens - like the Afrikaners referred to here - feared that a radical reassessment of history carried risks for the soul of the nation. Bergier meditated quite extensively on the fragility of the 'Helvetic' identity.<sup>92</sup> His reflections on the subject were heightened by his seemingly ever-present consciousness of himself as a 'Romand' living in German Switzerland and he mentioned his loneliness as a member of the linguistic minority on the Commission several times.<sup>93</sup> The book, *L'Europe et les suisses* he had written in the early 1990s, which had marked his first tentative step into the

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journal *Historia* Giliomee made his motives for writing this book quite clear in relation to the TRC, Templehoff, J, 'Historia in gesprek met Hermann Giliomee', *Historia* 48, 1, 7-12. See Dunbar Moodie, *The Rise of Afrikanerdom* for the original analysis of how 'Afrikaner' history bolstered the political struggles of 'Afrikaners'.

92 Müller and Boschetti, *Entretiens*, 33.

93 *Ibid.*, 27 & 75.

political domain, prompted by the debate about whether or not Switzerland should join the European Economic Area (see above), used '*les suisses*' in the title - the people rather than the name of the country - to emphasise, Bergier explained, that he understood the Swiss to be an 'ensemble' of a nation. Its culture owed something to the three European countries around it but it remained 'ununified'.<sup>94</sup>

Ludi attributes the resilience of the mythologised Second World War history of Switzerland to the function it fulfils in 'compensating' for the 'lack of an easy national identity'.<sup>95</sup> She argues that, in addition, the myth is also used to 'justify many national oddities' that have persisted long after the War.<sup>96</sup> The 'national oddities' she enumerates include: Switzerland's aloofness from international organisations; its subordination of human rights to the will of 'the people' supposedly expressed through ad hoc referenda, the ways in which Swiss society was organised through militarism and an enduring reluctance to take steps towards establishing gender equality because women were excluded from the 'popular cult of resistance'.<sup>97</sup>

**3. Conflictual Historical Interpretations.** I have proposed, to put it crudely, that what Posel et al wanted was factual accuracy, in particular an accurate, objective account of how apartheid had mobilised racism. Wilson concentrated his call for better history more narrowly on the matter of accurate periodisation so as to identify the full range of culprits implicated in the violence of late apartheid. For both Posel and Wilson, history is the converse of the morality tale to which Posel, in particular, objects. By summoning the phrase 'moral narrative',<sup>98</sup> she means to gesture to the antithesis of 'history': something that is flimsy, unreliable and constructed around subjective values. History, on the other hand, is able, through its disciplinary strength, to establish an authoritative as well as a diagnostic truth. But the Final Report of the ICE, composed over a much longer time than was the TRC report and authored by self-conscious professional historians, does not represent itself as definitive. One of its most vivid images is of the archive as a difficult and sometimes treacherous terrain. It observes: 'An intensive operation was initiated to tap the rugged terrain of archival sources'.<sup>99</sup> It represents itself as open to further exploration and revision.

Without wishing to concede ground to those on the right who contested the findings of the ICE on the grounds of the inherent

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94 *Ibid.*, 25.

95 Ludi, 'What is so Special about Switzerland?' 216.

96 *Ibid.*, 212.

97 *Ibid.*, 'What is so Special about Switzerland?' 220.

98 Posel, 'The TRC Report', 148.

99 ICE Final Report, 34.

innumeracy of historians, it is worth citing Urs A. Müller-Lhotska, head of the United Bank of Switzerland (UBS) archive, who recalled how difficult it was for many of the ICE's researchers to make sense of the 'heirless' accounts to which, theoretically, they had unmediated access.<sup>100</sup> As a professional historian himself, Müller-Lhotska appreciates the bravura of the synthesis that was accomplished in the Final Report. He doubts that many of its critics have really read a Report that is not only prodigiously long but is also substantiated through meticulous citations.<sup>101</sup> But he asserted that the accounts were difficult to read even for those who 'work with banking documents every day', adding that they also had to be read contextually within the framework of the banking conventions of the time. The point is not that the ICE historians were necessarily wrong and certainly not that they were incompetent. They followed historical procedures with admirable rigour but their interpretation of even such an apparently straightforward document as a bank account may still be open to question. The reading of every historical document invariably is.

The ICE would probably have had no quarrel with the observations made by Müller-Lhotska. In the final report it acknowledges quite candidly that: 'there was no guarantee that (ICE) could make events dating back over half a century fully transparent...even corporate archives tell only part of the story, and only one of many possible stories.'<sup>102</sup>

### *Conclusions*

The ICE had many advantages over the TRC including, theoretically, unimpeded access to all relevant archives and a team of experienced professional historians working over a longer time period and distanced from the events they were investigating by half a century. Even so the Final Report enumerates many places where the ICE would have liked to pause and could not. It had to abandon a proposed oral history project<sup>103</sup> and confessed that it was not in a position to 'break new ground in terms of historical attitudes and daily life at the time.'<sup>104</sup> It was frustrated by being able to produce only 'fragmentary' evidence' on the extent of looted assets<sup>105</sup> and unable, on the basis of the information available to be certain about the exact number of refugees who had been turned

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100 Interview with the author, Basel, 25/05/2011. I am aware that some critics might caution against using what Müller-Lhotska says in light of his position at the UBS. Interestingly he says he is still committed to tracking down heirs of the 'heirless accounts' and cited an example in the interview.

101 Müller-Lhotska, 25/05/2011.

102 ICE Final Report, 38.

103 *Ibid.*, 36.

104 *Ibid.*, 44.

105 *Ibid.*, 36.

away at Switzerland's borders.<sup>106</sup> At the relatively more leisurely pace afforded to the ICE and with the expertise at its disposal, it was able to produce cogent reflections on degrees of accountability<sup>107</sup> and to delineate a coherent historical context that highlighted *inter alia* the relationship between law and the historical *Zeitgeist*,<sup>108</sup> the origins of federalism, neutrality, direct democracy and 'liberal corporatism'<sup>109</sup> and the insidious growth of the fear of *Überfremdung* (over-foreignisation). But even so, by the end of the Final Report, it had to be said that there were still 'a number of unresolved questions highlighted for future discussion and research'.<sup>110</sup> On the basis of its recognition that there was no 'single truth', the ICE Report makes the declaration that: 'Historical research can never be brought to a conclusion'<sup>111</sup> with what seems like a kind of exaltation. For all its rigour in terms of the examination and interpretation of available evidence (or selected evidence since the Commission could not possibly scrutinise everything that was available), the Final Report sometimes tends to the poetic as when the observation is made that the ICE had been confronted with 'more moments of darkness than had been anticipated.'<sup>112</sup> It certainly does not shy away from taking a moral tone, which reaches a crescendo on the final page with its reference to the 'unprecedented human suffering' caused by the Nazi regime and exhorts readers to 'face up to the past', concluding sonorously with: 'Let us remember and take heed.'<sup>113</sup>

I have argued that a review of the ICE's work is salutary for a re-evaluation of the TRC's work and its final report. The latter has been treated dismissively by scholars who have judged it for its failure to measure up to the exactitudes of what is conceived of as the discipline of History. But a comparative study of the ICE reinforces the observation expressed by Collingwood as far back as the 1920s that it is not as if either the historical facts or the necessary theoretical apparatus are there for the taking. As Foucault working with Nietzsche's denunciations of 'historians' history' cautions, the objectivity assumed by historians - the sense that they speak from 'outside of time' is an illusion they have deliberately cultivated to boost their authority.

By the time he came to head the Commission Bergier, whatever his previous reservations may have been, had decided that history did have an important role to play in opening citizens' eyes to the

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106 *Ibid.*, 118.

107 *Ibid.*, 28.

108 *Ibid.*, 29.

109 *Ibid.*, 85.

110 *Ibid.*, 498.

111 *Ibid.*, 524.

112 *Ibid.*, 522.

113 *Ibid.*, 524.

institutional weaknesses of their society. Many of the historians associated with the ICE enterprise were even more strongly imbued with a conviction that their profession was being offered a once in a lifetime opportunity to urge much needed changes on Swiss society. At least for the first year that the Commission was in session, many of the younger historians imagined that by rewriting Switzerland's Second World War history they could deflate the popular myths they saw as responsible for perpetuating the tolerance of inequalities and prejudice in the present.

In South Africa, none of the various historiographical interpretations developed over the course of the twentieth century arose out of pure intellectual preferences for one version of history over another. None can be divorced from their authors' concerns about the nature of South African society and its likely or desirable trajectory. By pretending that there is only a single understanding of history that is able to transcend its political and temporal locations and personal allegiances we, ironically perhaps, deprive history of its vitality and ability to engage with the present.

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