

The truth must dazzle gradually: The Truth and Reconciliation Commission and the ongoing practice of ignorance in South Africa

by

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BA, University of Victoria, 2005

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Supervisory Committee

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Abstract

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This thesis examines the long term effects of the South African Truth and Reconciliation Commission (TRC). Building on existing critique of the TRC's narrow mandate and sociologist Melissa Steyn's argument that apartheid was predicated on an ignorance contract amongst South African citizenry, this thesis asks if the mandate of a truth commission can actually serve to entrench ignorances and divisions. More specifically, this thesis asks in what ways can the ignorance contract be seen in South African society now? It identifies key discourses that represent ongoing ignorances in South Africa: non-acknowledgement, denial, misrecognition and truth and ignorance. Looking at the performance of memory and the areas of immigration, emigration, and gender, this thesis finds that the TRC's mandate has led to ongoing ignorance about apartheid in South Africa.

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Dedication

This thesis is dedicated to Crystal Cloete, with whom I first started having these conversations.

Introduction

The truth commission is an increasingly popular tool for promoting reconciliation in societies that have experienced major injustices. Hayner (2011) defines a truth commission as “(1) focused on the past; (2) set up to investigate a pattern of abuses over a period of time rather than a specific event; (3) a temporary body, with the intention to conclude with a public report; and (4) officially authorized or empowered by the state” (p. 11). The very nature of a truth commission is to reveal, to unveil, and to make known the true horrors of a conflict or an injustice. The oft-explicitly stated rationale for a truth commission is that the truth heals. The truth will set you free. Revealing the truth builds community, and allows for the existence of a new kind of society. However, a truth commission also necessitates a compromise. In other words, a truth commission can be understood as a social contract: We will hear this truth, we will have this reckoning, and then we will move on.

A truth commission can also be interpreted as a post-conflict or post-injustice instrument of the social contract. Social contract theory is a useful overarching concept with which we can examine the existence of truth commissions. Specifically, Hobbes’ conception of a social contract explains the reason that parties may enter into a truth commission as a part of, as in the case of South Africa, a negotiated transition to democracy. By submitting to the political authority of the truth commission, all parties are necessarily surrendering the naked self-interest that characterizes the state of nature. In the case of a truth commission, this would mean surrendering conflict, injustices, or violence in exchange for a negotiated peace process, or a process of reconciliation. In its

more recent incarnation, social contract theory has evolved to be a “normative tool, a conceptual device to elicit our intuitions about justice” (Mills, 1997, p. 5). In the South African case, the social contract is a useful metaphor for understanding what the Truth and Reconciliation Commission (TRC) attempted to achieve. Plainly, there was a proposed exchange between the violence and self-interest of the state of nature and the truth and forgiveness of a new society. Thus, the promise that lies in the contract of the truth commission is that the revelation of truth will allow for the creation of this new society. In other words, the contract represents the relationship between truth telling and peace building (Borer, 2006, p.2). But, what are the societal implications of a truth commission that leaves some truth out? A particularly underexplored aspect of the study of truth commissions is the ongoing societal effect of what is and is not included in a truth commission mandate, and subsequently how a mandate shapes the legacy of a truth commission. Because truth commissions are a relatively new phenomenon, the longer-term effects are underexplored. This thesis will begin to fill this gap in the literature by analyzing the societal effects of the TRC.

The South African TRC was set up in 1995 as part of the negotiated transition to democracy and the resulting Promotion of National Unity and Reconciliation Act, and has undoubtedly been the most internationally well-known and celebrated truth commission to date. Although it was not the first truth commission to be held in a post-conflict society, it is recognized as having been the catalyst for the growing use of transitional justice measures that we see today (Moon, 2008, p. 2). Since South Africa’s TRC, twenty-five truth commissions have been set up internationally (Hayner, 2011, p. xi), and a wealth of other transitional justice initiatives and organizations exist.

The TRC's remit covered human rights abuses under the apartheid system during the period of 1960-1994. The structure consisted of three committees: the Human Rights Violation Committee, which heard victim testimony; the Reparation and Rehabilitation Committee, which provided recommendations to the government; and the Amnesty Committee, which heard perpetrator testimony in exchange for amnesty. This thesis focuses on the workings of the Human Rights Violation Committee (HRVC) because, as I will explain, the TRC's definition of a human rights violation in many ways shaped the entire tone and discourse of the TRC and the way that South Africans talk about apartheid – the discourse of apartheid.

Broadly, both South Africa's uniquely influential position in the transitional justice field and the timing of my project – a generation has come of age since the TRC was set up– make South Africa an ideal case study for exploring the effects of truth commission mandates on social discourse. Specifically, an investigation into the ongoing effects of the TRC in South Africa today will serve to illuminate some of the longer-term effects of the nature and character of the TRC, in turn contributing to research on other truth commissions and informing future truth commission design.

The first wave of responses arising from South Africa's TRC focused on the positive developments it promoted and were characterized by extremely high praise from both domestic and international observers (Moon, 2008, p. 1) and the promotion of transitional justice as an essential tool in post-conflict societies. Verdoolaege (2007) argued that the concepts of truth and reconciliation were inspiring and inclusive in that they provided a “superstructure” (p. 182) of sorts for South African society to rally around. She argued that testifying before the TRC helped ordinary South Africans

contribute to nation building as an act of citizenship (p. 191). The discourse of reconciliation promoted through the TRC was optimistic and rich with the vocabulary of nationhood, racial harmony, renewal and the creation of the Rainbow Nation (Fullard, 2004).

But, as I have noted, the overarching TRC discourse of reconciliation did not include everyone, and the structure of the TRC only allowed for “something less substantial than its vaunted international reputation would suggest” (Wiebelhaus-Brahm, 2010, p. 50). Of course a truth commission cannot be limitless. The decision to define human rights violations in the way it did was perhaps taken largely because of the Commission’s time and financial restrictions (Stanley, 2001, p. 530). In fact, Hayner (2011) argues that one of the most underappreciated aspects of truth commissions in practice is the incredible difficulty of being tasked with an enormous undertaking yet operating within limits of time and cost (p.5). Nevertheless, Verdoolaege’s argument (2007) that testifying at the TRC was an act of citizenship begs the question: What about the South Africans who were not eligible to testify at the TRC due to the narrow definition of human rights abuses? Verdoolaege’s analysis reduces the citizenship building capacity of the TRC to a relatively small number of South Africans.

Thus, on closer inspection, the TRC itself was not an inclusive program. Herein lies the crux of the problem: the TRC’s definition of a human rights violation was limited to violations of “bodily integrity rights”, namely, “killing, abduction, torture, or severe ill-treatment” (TRC final report cited in Borer, 2009, p. 1173). The decision to define human rights violations in this way served as a tipping point for the TRC and its potential to be an inclusive process. Furthermore, not only were human rights violations defined as

bodily crimes, they had to be bodily crimes that were politically motivated, or “originate within a political context” (TRC final report cited in Mamdani, 2002, p. 46). For example, Aronson (2011) explains that in the area of missing persons, an individual who disappeared due to social, cultural or economic problems caused by apartheid was not defined by the TRC as a missing person (p. 266). Similarly troublingly, the TRC’s definition of ‘political context’ was very narrow. In order for a human rights violation to have occurred in the TRC’s version of a political context, the act had to have been committed by an agent of the state against someone with a tie to a known opposition organization and with the intent to counter said opposition, or to have been committed by someone from an opposition organization in the name of political struggle (Mamdani, 2002, p. 38). Referring to the pass laws not being deemed suitably political for coverage at the TRC, Mamdani (2002) wrote: “When a state brands its entire population racially, then tags each member of the racialized majority with documents that allow administrative officials to monitor their every movement – and utilizes the plethora of racially focused administrative regulations at its command to target suspected political opponents – from which point of view can it be said that the motive behind this set of practices was not political?” (p. 46). In short, the TRC’s definition of a human rights abuse was that which was politically motivated, physical in nature, and thus outside of the realm of apartheid legality.

The structures of apartheid that South Africans were not permitted to testify about at the HRVC included such widespread abuses as forced displacements, land removals, the migrant labour system, Bantu education, and the everyday workings of apartheid (Fullard, 2004). Thus, the narrowed focus of the TRC effectively reduced apartheid to a

context rather than the human rights violation itself (Mamdani, 2002, p. 37). In other words, as Mamdani (2002) succinctly argued, the definition of human rights abuses “ignored apartheid as experienced by the broad masses of the people of South Africa” (p. 38). The limited mandate also had profound implications for the TRC’s ability to be a gender progressive process, and I examine the question of gender and the TRC in Chapter One. Finally, Mamdani (2002) argues that the TRC’s mandate allowed the white population of South Africa to avoid any sense of responsibility for apartheid. In focusing specifically on bodily harms, the TRC divided apartheid into victims and perpetrators. Mamdani (2000) argues that a more accurate, and more fruitful, TRC would have recognized the role of bystanders as the beneficiaries of apartheid, and acknowledged their complicity in the maintenance of the apartheid system.

Thus, suffice it to say that the official collective memory and truth that emerged from the TRC was a narrative of physical violence: disappearance, torture, and murder. As Gready (2011) argued, the TRC represented “the symbolic and the spectacular” (p. 195) aspects of apartheid, of which there were no doubt many. Ross (2008), in turn, categorized the TRC’s mandate as “an insistence on documenting events rather than processes, a focus on gross violations of human rights rather than systemic relationships” (p. 239). The decision to focus on these particular traumas has had practical implications in South Africa that can be seen in the lack of change in institutions such as the police and the military, institutions that formed the architecture of apartheid. Specifically, Ross (2008) argues that by focusing on specific bodily harm incidents, the TRC neglected to more deeply analyze abuses carried out by the aforementioned institutions and their wider structures of power (p. 239). Although the military, security, and police forces were

required to transform substantially with the defeat of apartheid, many continuities remained. For example, apartheid-era police negotiated ongoing job security as part of the democratic transition (Gready, 2011, p. 132), meaning that in terms of personnel, the police forces were not significantly transformed. Furthermore, Gordon (cited in Gready, 2011) points to the enormity of the task of reforming the state apparatus by noting that military, police and security forces had to undergo a complete about face in their ethos, from protecting the apartheid regime to protecting the citizens of South Africa (p. 132). This is not to mention the complication of the diversity in the police force by the time of the democratic transition. In other words, the question of who was a victim and who was a perpetrator was often confusing in post-apartheid South Africa but was made particularly so when faced with a police force that was in some areas of the country largely black. Perhaps if these institutions had been more rigorously examined at the TRC, a fuller transformation of their workings would have resulted.

Of course, a truth commission is not tasked with solving societal inequalities and largely serves to create an accurate historical record about human rights abuses sustained during a specific period of time. However, even if the role of a truth commission is largely investigative, it also has a forward shaping responsibility in promoting the way a society understands and copes with a legacy of historical injustices. As Hayner (1994) argues, “the expressed intent of most truth commissions is to lessen the likelihood of human rights atrocities reoccurring in the future” (p. 609). Furthermore, a truth commission does not have endless resources and time in which to investigate human rights abuses, and so must define its mandate somehow.

It is a widely argued point that apartheid was predicated on a wide swathe of ignorance – intentional or otherwise – of the true nature of apartheid amongst many citizens of South Africa, the so-called bystanders. Steyn (2012) argues that South Africa has suffered an entrenchment of this apartheid-era ignorance, a phenomenon she refers to as an ignorance contract. Although Steyn’s argument (2012) is largely about framing the epistemologies of ignorance that were rampant during the apartheid era, she also argues that this ignorance contract did not end when apartheid did. In other words, despite the fact that South African society experienced a distinct rupture in social and political relations with the end of apartheid as well as a mechanism in the form of the TRC to out the truth, in significant ways, ignorances and dominant power relations remain. In Chapter One I will explain Steyn’s argument in further detail and will specifically expand upon the way in which my argument follows from hers.

In short, Steyn (2012) concludes her exploration of the ignorance contract with the recommendation that further research is required into how “epistemologies of ignorance [are] being generated and entrenched in post-apartheid South Africa” (Steyn, 2012, p. 22). In Chapter Three I directly address this point. In summary, my argument takes its starting point from Steyn’s contention and asks: How can the mandate of a truth commission serve to entrench ignorances and divisions? More specifically, in what ways can the ignorance contract be seen in South African society now?

Literature Review

The transitional justice literature has been prolific since the 1990s. While, as I have noted, Steyn (2012) and Mamdani (2002) provide the starting point and the

foundation, respectively, for my argument, a wealth of literature has informed this thesis, from work on truth commissions specifically to transitional justice generally, and from research into the happenings of the South African TRC to analysis of its ongoing effects in South African society. Finally, there have been theoretical and methodological works that have been essential to this research project.

Undoubtedly, the expert on truth commissions is Hayner (1994, 2006, 2011). Her pioneering, broad ranging, comparative work on truth commissions is unique in its field. Hayner's work is both analytical and normative: it serves as a classification of existing truth commissions, but also evaluates their respective strengths and weaknesses. Hayner's *Unspeakable Truths* (2011) is an invaluable resource for details of each truth commission in history. Also expert in a broad range of issues around truth commissions, from both a qualitative and a quantitative approach, is Wiebelhaus-Brahm (2007¹, 2010), who is vocal about the need for more rigorous evaluation of truth commissions. Focusing on truth commissions from a legal standpoint is Freeman (2006). Minow (1998) also approaches truth commissions from a legal standpoint, although her work is interdisciplinary. Phelps is another scholar who examines truth commissions, although her book *Shattered Voices* (2004) examines the language of truth commission storytelling, drawing on her PhD in English. Each of these authors is broadly supportive of the use of the truth commission as a means of rebuilding post-conflict societies. Nagy (2008) is more critical of the types of truth commissions that the world has seen thus far, arguing for a more thoughtful evaluation of what truth commissions have accomplished and a wider understanding of what they could address. Furthermore, the wider concepts surrounding transitional justice

¹ Wiebelhaus-Brahm's 2007 article is published under the name 'Eric Brahm'.

initiatives have produced no shortage of scholarship. For example, Quinn's edited volume (2009) simultaneously attempts to define reconciliation while allowing for a plurality of understandings and applications of the term. Furthermore, Hamber (2002, 2007, 2009, 2010), approaching the issue with a background in psychology, has written extensively on the various types and meanings of reconciliation.² Hamber has written extensively on the South African case.

Questions of collective memory and memorialisation are paramount in Chapter Two, my investigation into ongoing memory performance. Olick (2003) is an important scholar in the field of memory, contributing an edited volume and investigations into the formation and effects of collective memory on politics. In turn, Edkins (2003) addresses the ways in which museums, memorials, and ceremonies interact with collective memory. Ahmed (2004) contributes to the collective memory research area in the form of her book on the politics of emotion. Meanwhile, Amadiume & An-Na'im's edited volume (2000) focuses on transitional justice and memory in Africa, specifically. Questions of memory and memorialisation have also been interrogated in the South African context specifically. Hamber, Sevcenco, & Naidu (2010) look at the post-apartheid function of memorialisation. Similarly, Grunebaum (2011) interrogates the politics of memorialisation in South Africa. Naidu (2004, 2006), through her work with the Centre for the Study of Violence and Reconciliation (CSV), a South African research institute, has established herself as a specialist on memorialisation in South Africa. The CSV's contributions to research into ongoing social problems in South Africa are invaluable for

² It would be an overwhelming exercise to list all of Hamber's publications here beyond those directly cited. He is very prolific. For a full list of his publications, see <http://www.brandonhamber.com/>

scholars of South African politics. However, the literature on collective memory and memorialisation is still largely discrete from the truth commission literature, which represents a missed opportunity to complete richer evaluations of truth commissions through combining these two fields of scholarship. Gready (2011) has contributed towards addressing this significant gap.

The South African TRC produced an abundance of creative and academic material. The Commission captured the public imagination in the form of films and novels as well as rich scholarly analysis. As discussed, I am guided by Mamdani's seminal critique of the TRC's mandate (2002). Moon (2008) contributes a discourse analysis of the TRC proceedings, although her account is largely linguistic. A significant body of gender analysis of the TRC (Ross, 2003; Moffett, 2006; Borer, 2009) has both aided me in recognizing and analyzing the gendered outcomes of the TRC's mandate and guided me in forming the basis of my overall critique of the TRC. Others have contributed analyses into various aspects of the TRC (Posel & Simpson, 2002; James & Van de Vlijver 2001; Wilson, 2001). Finally, Krog's *Country of my Skull* (2000) is a journalistic account of the TRC, also drawing on Krog's background as a poet. Her book is a widely-read primary account of the TRC. Furthermore, numerous TRC commissioners have written personal accounts of the process of the TRC (Boraine, 2000; Tutu, 1999; Villa Vincencio & Verwoerd, 2000).

The most broad-ranging quantitative study of the TRC's effects on reconciliation in South Africa is Gibson's (2004), which assesses societal attitudes towards reconciliation through the use of surveys. Qualitatively, Du Bois & Du Bois-Pedain's edited volume, *Justice and Reconciliation in Post-Apartheid South Africa* (2009) further

explores the reconciliation project in South Africa today through an assessment of reconciliation projects undertaken by institutions other than the TRC. Stanley (2001) argues that the truth emphasized by the TRC has led to little reconciliation due to a squandered opportunity for social change through reparations and social development. Thus, my appraisal of the TRC's mandate joins an existing chorus of critique.

Analysis of politics, social issues, and race relations in South Africa post-apartheid naturally deals somewhat with the TRC. Alexander's wide-ranging exploration of social transformation in South Africa during the transition period (2003) was prescient and thus remains relevant in analyzing current social issues. As previously mentioned, Gready's *The Era of Transitional Justice* (2011) covers an extensive range of topics looked at through the prism of the South African TRC. Gready is measured in his orientation towards the TRC, arguing both that it had an important role in promoting debate around social change but that it also missed an opportunity to address present day economic and social injustices. Another important piece of post-apartheid social analysis is Shepherd & Robins's *New South African Keywords* (2008), a collection of chapters exploring the dominant topics, or keywords, in South Africa today. Discourse analysis has also been employed to assess post-TRC developments. For example, Norval (2009) employs discourse analysis to assess post-apartheid redress demands, specifically those of the Khulumani Support Group. However, there is also a gap in the literature directly addressing the South African case. Specifically, while research on present day social and political issues in South Africa often references the TRC and its effects, this thesis's explicit link between the mandate of the TRC's promotion of ignorance and its ongoing societal effects is a unique contribution to the literature.

‘Whiteness’ in South Africa in the wake of the TRC is a somewhat under researched area. Theissen & Hamber (1998) addressed the level of denial of apartheid’s wrongs amongst white South Africans relatively soon after the transition to democracy by way of a nation-wide telephone survey. Theissen & Hamber’s short piece sets the stage for ongoing discussion of whiteness in South Africa to follow. Steyn also focuses on whiteness in her piece in Lopez’s *Postcolonial Reader* (2005), outlining the discursive operations of white South Africans as ‘White Talk’. Vice (2010) explores the unusual position of white South Africans. She builds on Steyn’s discussion of ‘White Talk’ and concludes that shame is an appropriate position for white South Africans to take. Steyn’s later work, *The Ignorance Contract* (2012), argues that “ignorance functions as social regulation” (p. 9) in South Africa. Specifically, she ties the critiques of Mamdani (2002) and others of the TRC mandate to ongoing, inherited, wilful ignorance about apartheid in all areas of South African society. Steyn (2012) concludes her article by asserting that further research is required into the manifestations of the ignorance contract in both the South African context and in “other interracial contexts” (p. 22). It is this recommendation for further research that this thesis, weaving together research on truth commissions, memory and memorialisation, acknowledgement, and analysis of discourse, has attempted to address.

Comparatively speaking, recent work on the Canadian Truth and Reconciliation Commission has covered elements of the reconciliation question that are interesting in the South African context. Regan’s unique book, *Unsettling the Settler Within* (2010) is virtually unprecedented in its focus on reconciliation as a responsibility of the settler/white person, specifically, the responsibility of the settler to undergo a

decolonizing process, while James (2012) interrogates the mandate of the Canadian TRC. The immense literature on the Holocaust is an important touchpoint for any work on transitional justice, and this thesis is no exception to that rule. For example, Geras (1998) explores political philosophy and perpetrator-victim-bystander relations in a post-Holocaust context, but his work has applicability in the wider transitional justice field.

Methodology and theoretical approach

My study is constructivist in its philosophy, and qualitative in its design. A qualitative approach is appropriate for the kind of exploratory work I have undertaken on my topic, as qualitative research in general is well suited to emerging areas of research (Creswell, 2009, p. 18). Specifically, I use the case study method. According to Yin (2009), the case study is an ideal approach for research questions that “seek to explain some present circumstance (e.g. ‘how’ or ‘why’ some social phenomenon works)” (p. 4). Furthermore, the method is well suited to explore contemporary issues (Yin, 2009, p. 10). Thus, because of the nature of my research question and because of my interest in exploring the present day effects of the South African TRC in depth, I have chosen a case study research design. In terms of generalizability, I do not aim to establish *definitive* cause and effect principles. However, by providing a comprehensive understanding of the South African case I will form a basis for either analysis of other truth commissions or for the planning of new transitional justice measures. Furthermore, my case study can serve as the basis for a future comparative study of other countries, or for an evaluation of new truth commissions. My data collection consists of naturally occurring data in the form of documentary/scholarly analysis, and analysis of discourse.

Firstly, in analyzing discourse about in South Africa, I have been reliant on a rich body of existing literature, which I have detailed in my literature review. Second, my research question is aimed at analyzing and evaluating discourse; thus, the evaluation of discourse (Fairclough, 1995; Wodak & Chilton, 2005) is my primary method. Discourse analysis “examines ways in which versions of the world, of society, events and inner psychological worlds are produced in discourse” (Potter, cited in Ritchie & Lewis, 2003, p. 35). Specifically, I have used the critical discourse analysis method, which focuses on three types of analysis of talk and text: description, interpretation, and explanation focusing on social problems. In analyzing the interplay between the TRC and the ignorance contract in South Africa, I have identified characteristics of the ignorance contract, and pointed out places where these characteristics can still be seen. These characteristics are non-acknowledgement, misrecognition, denial, and of course ignorance. At times I also identify their opposites – acknowledgement, recognition, responsibility, and truth and reconciliation in either invoking successes of the TRC or in raising the possibility of what the TRC could have accomplished, had its mandate been different. I have conducted an analysis of the ways in which these characteristics of the ignorance contract appear in the use of talk and text in post-apartheid South Africa. Furthermore, Steyn’s epistemologies of ignorance (2012) naturally serve as themes for this thesis: internalized ignorance, protective ignorance, ignorances of resistance, and survival ignorances.

In Chapter One, I summarize Steyn’s (2012) ignorance contract and explain the ways in which my argument draws on hers. Subsequently, I explore the truth commission phenomenon generally and the key concepts of truth and reconciliation specifically,

illustrating the contradiction that arises between the purported values of the TRC and the actual outcomes of the process that arises when we invoke the ignorance contract. I also look at gender as an area that exemplifies the implications of the limited mandate of the TRC. This sets the stage for a later discussion of the ways in which the ignorance contract was set up at the TRC and continues to be seen in a number of areas in society, the status of women in South Africa being one of them. Chapter Two explores the ongoing performance of memory in South Africa of what I call the ‘unfinished business’ of apartheid: the aspects of apartheid that Mamdani and others argue were not covered adequately by the TRC. Chapter Three delves further into Steyn’s notion of an ignorance contract by looking at concrete ways in which the unfinished business of the transition from apartheid can be seen in South African society today. I will explore South African emigration and immigration and the status of women in South Africa. Finally, I will conclude by discussing, in Chapter Four, the meaning of closure and acknowledgement when it comes to the nature of truth commissions more generally.

Chapter One: Truth, Reconciliation, and Gender

This chapter will examine the ways in which the South African TRC perpetuated the ignorance contract. It will do so by first expounding upon Steyn's ignorance contract argument (2012), and in doing so will delineate the concept of truth as it relates to the TRC's mandate. Second, I will interrogate the concept of reconciliation. In particular, I will explain the specific ways in which these key concepts stand in contrast to the concept of ignorance and create a stark dichotomy between the stated purpose of the TRC and its actual effects. Finally, the chapter will look at the treatment of gender at the TRC as a clear example of a specific area in which the ignorance contract was solidified. Chapter One will equip us for a discussion in Chapters Two and Three about the ways in which the ignorance contract can be seen in South Africa today.

Steyn (2012), referencing the work of the Apartheid Archive Project (n.d.), frames the ignorances that abounded in apartheid-era South Africa – her epistemologies of ignorance - as an ignorance contract. This contract was a necessary condition for the maintenance of the apartheid system. I take Steyn's argument about ignorance as my starting point, but invoke the TRC as a particular historical event that had the potential to either eradicate the ignorance contract or to perpetuate it. I argue that the TRC perpetuated the ignorance contract. Furthermore, I answer Steyn's call for further research into the presence of the ignorance contract in post-apartheid South Africa in Chapters Two and Three.

The Apartheid Archive Project serves as an ongoing repository of apartheid-era memories in the form of a web page, designed to preserve the history of everyday apartheid (Steyn, 2012). Steyn draws on narratives submitted to the Project to illustrate

her argument that apartheid-era South Africa was in the grips of an ignorance contract. By this, Steyn (2012) means that South Africans used “ignorance to function as social regulation” (p. 8). In other words, the maintenance of South African apartheid was predicated on the dominant population’s willful submission to ignorance. Steyn (2012) further outlines the various types, or epistemologies, of ignorance witnessed in the Apartheid Archive Project submissions: internalized ignorance, protective ignorance, ignorances of resistance, and survival ignorances. For example, in describing internalized ignorance, Steyn (2012) refers to a Project narrative in which a white child is scolded for attempting to serve his black maid a drink using the best china (p. 15), but not told why his actions were wrong. Steyn (2012) explains that this child “was mentored into repressing the impulse to question, thus minimizing opportunities for misgivings about the racial and political realities being played out in his home and beyond” (p. 14).

Before I move to the South African case, it is crucial first to explore the nature of a truth commission generally and the ways in which the concept of an ongoing ignorance contract is at odds with the revelatory ethos of a truth commission. What is the purpose of a truth commission? Hayner (2011) argues that one of the key objectives of any truth commission is to “lift the lid of silence and denial from a contentious and painful period of history” (p. 20). Yet, I argue that ignorance is a dominant social force in post-apartheid South Africa. I will ask how this type of juxtaposition can happen, and in this case, has happened.

As I noted in my introduction, the role of a truth commission is often discursive. Mazzei (2011) argues that a truth commission can serve to break open the ways in which parties in society relate to each other by creating a “cognitive dissonance [that] interrupts

the social cognition that had resulted from the dominant group's message" (p. 439).

There is a natural interplay between discourse and reconciliation that truth commissions embody (p. 433). Thus, although a truth commission is primarily evaluated on how well it constructs a shared history and a shared discourse, it also has a future facing role and carries an implicit mandate to prevent future conflict through this promotion of reconciliatory discourse. For example, future-facing discourse can be seen in the Latin American rallying cry that often accompanies transitional justice, *Nunca mas!* (never again). Du Toit, cited in Mazzei (2011) characterizes the role of a truth commission as not solely historical but also community building (p. 435). Van der Merwe, Baxter and Chapman (2009) argued that this forward facing mandate often does not come to fruition and that after a truth commission "frequently too much stays the same, including the structural underpinnings of violence, the experiences of marginalization and racial or ethnic exclusion, and popular attitudes towards 'the other' in historically divided societies" (p. 5). Certainly elements of this failure to effect major change can be seen in South Africa, the details of which I will discuss in Chapter Three.

Of course, the South African TRC, unlike preceding truth commissions in Latin America, had a particularly daunting task in its forward facing role. As Phelps (2004) points out, the South African TRC was not investigating a break in just relations, it was "creating an entirely new and hitherto inconceivable state that had never existed" (p. 105). Thus, the reconciliation that was being attempted was more accurately conciliation, or the coming together of deeply historically divided parties to construct a just South African society for the first time. Although the South African TRC had some precedents in the form of truth commissions that came before, it was the South African TRC that truly

brought truth commissions to international public consciousness, with all of the accompaniments that go with that, including a burgeoning research field and international public bodies dedicated to the work of truth commissions and transitional justice. By contrast, the backwards-looking role of the South African TRC is addressed in the TRC's final report, which states that "The Commission was founded in the belief that, in order to build the 'historic bridge' of which the interim Constitution speaks, one must establish as complete a picture as possible of the injustices committed in the past. This must be coupled with a public, official acknowledgement of the untold suffering which resulted from those injustices. It is to these goals that the Commission must contribute" (vol 1 ch 5, p. 104 pt 2).

Interestingly, Hayner (2011) notes that although there have been some attempts to informally evaluate elements of truth commissions, as well as two major qualitative studies measuring the effects of truth commissions on human rights and democracy (Olsen, Payne, & Reiter 2010a, Olsen, Payne, & Reiter 2010b), there have been no attempts to comprehensively evaluate a truth commission against its mandate (p. 25). This seems a serious omission in truth commission research, and one that has significant implications for future truth commission research and design. The ways in which the TRC did not establish a complete picture of apartheid has, as previously mentioned, been argued elsewhere (Mamdani, 2002, Ross, 2003). I have invoked such arguments in my introduction. I further argue that the dissonance between the reality of life under apartheid and the TRC mandate cemented an ignorance contract in South African society.

In assessing the South African TRC, it is informative to interrogate the concepts of truth and reconciliation, and in doing so, lay bare the fact that truth and reconciliation

are ignorance's opposites. This examination helps to emphasize just how significant a missed opportunity the TRC was in its failure to meaningfully abate the ignorance contract in South Africa. Although the TRC did not formally define reconciliation (Hamber, 2002, p. 66), the version of reconciliation espoused by the Chairperson of the TRC, Archbishop Desmond Tutu, dominated the TRC's proceedings. Tutu promoted the Commission as a process that had formed a complete, collective memory of apartheid for South Africans, asserting that "the truth has emerged" (Tutu cited in Henderson, 2000, p. 458) as a result of the TRC. In his introduction to the TRC's final report, Tutu cited the criticism of a Dutch observer to the TRC, who, believing the task of the TRC to be too onerous, invoked an Emily Dickinson poem, citing the lines: "the truth must dazzle gradually... or all the world would be blind" (Truth and Reconciliation Commission of South Africa, 1998, p. 4). Tutu contested the notion of truth dazzling gradually. Instead, he argued that the TRC had to reveal the devastating truth of apartheid all at once so that South Africa could "come to terms with its past and, in so doing, reach out to a new future" (Truth and Reconciliation Commission of South Africa, 1998, p. 2). Further emphasizing his insistence on closure, Tutu proclaimed that "having looked the beast of the past in the eye, having asked for and received forgiveness and having made amends, let us shut the door on the past" (Tutu cited in Moon, 2008, p. 118). Thus, for Tutu, and for the TRC, reconciliation meant closure. I will return to the concept of closure in Chapter Four, but for now suffice it to say that the TRC's definition of reconciliation necessitated closure, and, I argue, in this type of closure there lies a problematic and ahistoric lack of connection between the ills of the past and the ills of the present: an ongoing ignorance contract.

More generally, other varied meanings of reconciliation have been debated elsewhere (Quinn 2009), as has the TRC's efficacy in promoting reconciliation in South Africa (Gibson, 2004). However, it is important to explore the concept further as it relates specifically to the ignorance contract. Dubois and Dubois-Pedain (2008) argue that "reconciliation comes into view only once political community is successfully imagined" (p. 7). This contention calls to mind Anderson's argument (2006) that imagined communities are the foundation for the emotive forces of nationalism. It is not too big a leap to make to say that imagined communities would be the foundation for such similarly emotive and unifying political forces as reconciliation. Whether a unified South Africa post-transition is in fact a successfully imagined community and a successfully reconciled community is a matter for further debate. Moreover, relevant to the process of building an imagined community, Dubois and Dubois-Pedain (2008) remark that reconciliation "presupposes that *these others matter*, and that is why it matters to be reconciled with them" (p. 7). In turn, Hamber & Kelly (2009), in exploring a definition of reconciliation in divided societies, identify five strands of reconciliation: "developing a shared vision of an interdependent and fair society, acknowledging and dealing with the past, building positive relationships, significant cultural and attitudinal change, and substantial social, economic, and political change" (p. 291). I will return to Hamber & Kelly's criteria in Chapter Four, when I look at the ways in which the ignorance contract may prevent reconciliation in South Africa.

Finally, writing long before the TRC and the popularization of the 'truth and reconciliation' concept, Steve Biko, an influential South African writer and anti-apartheid activist who died in police custody under the apartheid regime, argued that reconciliation

is not simply a matter of opposing apartheid: “No matter how genuine a liberal’s motivations may be, he has to accept that, although he did not choose to be born into privilege, the blacks cannot but be suspicious of his motives” (Biko cited in Vice, 210, p. 326). Biko reminds us that reconciliation is a concept laden in history and emotion. Such a concept is undoubtedly exceedingly difficult to define and operationalize. For example, South Africa pursued the idea that reconciliation necessitates forgiveness. This is not always the case and has come under critique (see Crocker, 2006).

Nevertheless, the mandate of the TRC undoubtedly shaped the form of reconciliation that the commission promoted, as espoused by Tutu. However, despite Tutu’s proclamations that South Africa was a healed nation, the narrow remit of the HRVC was problematic in many ways. It individualized the process of reconciliation, which, if part of the remit of a truth commission is to promote the “re-definition of collective identity” (James, 2010, p. 42), or to contribute to the building of community, is not conducive to a collective understanding of human rights abuses. Hamber (2002) characterizes this focus on individual reconciliation as a type of catharsis for those individuals directly involved in the process (p. 68). Gibson, cited in Gready (2011), also describes reconciliation as an individual process. He argues that “a reconciled South African is one who respects and trusts those of other races, who is tolerant of those with different political views, who extends legitimacy and respect to the major governing institutions of South Africa’s democracy, and who supports the extension of human rights to all South Africans” (p. 190). Gibson’s conceptualization of reconciliation as the characteristics of an individual further demonstrates the type of individualized reconciliation discourse arising out of the HRVC’s human rights abuses definition.

Reconciliation was not the only thing individualized by the TRC. The definition of human rights abuses allowed South Africa's white population, the beneficiaries of apartheid, to distance themselves from the reconciliation process. Specifically, the TRC promoted a victim/perpetrator dichotomy. The result of this structure was the creation of supervillians such as Eugene de Kock, a police Colonel, who confessed to overseeing the murder and torture of hundreds of anti-apartheid activists and became known as 'Prime Evil' (Gobodo-Madikizela, 2004). If individuals such as de Kock were the perpetrators of apartheid, surely the wider beneficiary populace could claim some degree of innocence. Mamdani (2000) argues that if beneficiaries were involved in the TRC, they were invited to share in the condemnation of perpetrators and such supervillians as de Kock (p. 182). The definition of a human rights abuse therefore cut out many South Africans from direct investment in the TRC process and direct responsibility for the system of apartheid.

The historically advantageous white South African way of life is one of the reasons Mamdani (2002) referred to those not directly involved in the application of apartheid as beneficiaries rather than bystanders, thus assigning responsibility. This is not an identity that is generally accepted by white South Africans. In 1996, while the TRC was underway, the Centre for the Study of Violence and Reconciliation (CSVr) carried out a telephone survey of 124 white South Africans (Theissen & Hamber, 1998). The CSVr found that the majority of white South Africans felt little personal responsibility or accountability for the apartheid system. For example, "only 14 percent of white South Africans surveyed by the CSVr felt that those people who supported the NP [National Party] in the past were, at least to some degree, responsible for the repression of black communities. Instead, they saw only those directly involved to be blameworthy"

(Theissen & Hamber, 1998, p. 3). And by those directly involved, survey respondents specified: “apartheid activists and ‘troublemakers’ in black communities (57%)... security forces (46%)... and the former NP government (46%)” (Theissen & Hamber, p. 3). Even if the overt denial of responsibility identified by the CSVR’s survey were to be overcome, Vice (2010) argued that white privilege is a deep seated way of life in South Africa, and that however conscious of this fact some white South Africans may be, “their characters and modes of interaction with the world just will be constituted in ways that are morally damaging” (p. 326). Steyn (2012) further explores the idea that the very fact of being white in South Africa is a cause for shame and argues that this segment of the population “ought to see themselves as a problem” (p. 326). Vice’s argument in favour of a highly self-aware, shamed populace of white South Africans is of course very different than the reality that exists and is in fact the opposite of the ignorance contract that Steyn (2012) describes. Vice asks “how to live decently with this recognition” (p. 326) of apartheid as a white South African. It seems a necessarily prior question may be: does South Africa’s white population have a true recognition of and appreciation for the truth of apartheid, both extraordinary and mundane, and their role in it?

The ignorance contract may at first seem a strange notion. The South African TRC was internationally publicized and broadcast live on South African television every night for its duration. South Africa was at first internationally reviled and then internationally praised for its journey from the lows of the apartheid regime to the highs of the new Rainbow Nation. It is hard to believe that any South African could be ignorant of the horrors of apartheid. Furthermore, as Vice (2010) vividly argues, South Africa’s “famous history of stupefying injustice and inhumanity feels still with us: its effects press

around us every day, in the visible poverty, the crime that has affected everyone, the child beggars on the pavement, the *de facto* racial segregation of living spaces, in who is serving whom in restaurants and shops and in homes” (p. 323). By invoking Steyn’s (2012) ignorance contract concept, I am not suggesting that South Africans are actually ignorant of the historical details of apartheid. I am instead suggesting that society’s approach to social and political problems is often disingenuously ahistorical, and that society in general has chosen to ignore the everyday aspects of apartheid and their continuation in other forms in contemporary South Africa, aided by the TRC. As Steyn (2012) puts it, there exists a “tacit agreement to entertain ignorance” (p. 8) about apartheid.

Vice (2010) argues that the characteristics that allow a group to remain in a dominant position are “indifference or callousness, cowardice or dishonesty, the failure of imagination or empathy, or just plain laziness” (p. 327). I argue that these characteristics can be among those that make up the ignorance contract. In particular, as described in my methodology section, the key hallmarks of the ignorance contract that I have identified as being ongoing in South African society are non-acknowledgement, misrecognition, denial, and of course ignorance. In analyzing the ignorance contract these characteristics are often present when looking at the ways in which South Africans address the legacy of apartheid. In the following chapters I will explore the ways in which these themes, as well as Steyn’s (2012) epistemologies of ignorance, are present.

Gender

The mandate of the TRC perpetuated the ignorance contract in a number of ways.

One area that exemplifies this phenomenon is that of gender. In this section I will explain the ways in which the TRC's mandate was particularly gender biased, and in Chapter Three I will revisit this argument by using the ignorance contract lens to examine the status of women in South Africa today. To begin with, it is important to note that truth commissions and transitional justice discourse in general have come under feminist critique in recent years (Bell & O'Rourke, 2007). As Borer (2009) argues, although the gendered nature of conflict has received much scholarly attention, the role of women and the gendered nature of transitional justice have not (p. 1170). Rimmer (2011) raises the following questions in her feminist critique of transitional justice: Whose justice? Whose transition (p. 131)? Has there been a transition to peace for everyone, or has violence against women continued unabated (p. 124)? Hayner argues (2011) that out of a wider suite of transitional justice measures such as reparations and memorials, it is the truth commission in particular that has failed women. According to the International Centre for Transitional Justice (ICTJ) (2006), "the crimes [women] have suffered are under-reported, their voices are rendered inaudible, their depiction in commission reports is one-dimensional, and their needs and goals are de-prioritized in recommendations for reparations, reform, and prosecutions" (ICTJ cited in Hayner, 2011, p. 86).

The South African TRC's focus on individually perpetrated political violence leads directly to a gender critique of the TRC. Specifically, the TRC's definition of human rights abuses largely excluded the kinds of oppression most commonly experienced by women. Moreover, in its initial planning, the TRC adopted a blindly gender-neutral position. As Borer (2009) explains, at its outset, the TRC made no reference to a particular investigation into gender or the experiences of women under

apartheid (p. 1182). Gender-neutrality, in a case like the TRC, merely serves to solidify the status quo of gender oppression, rather than to challenge societal norms. Kleinman (2007), in her work on feminist methodology, argues that a gender-neutral methodology is most often ahistorical and disingenuous, which are of course characteristics that we have already identified as being a part of the ignorance contract.

Arguably, the methodology and planning of a truth commission dictates its success in the arena of gender (Hayner, 2011, p. 89). Rimmer (2011) argues that a necessary precursor to a gender sensitive truth commission is the process of gender mapping the conflict that preceded the truth commission (p. 137). In the case of the South African TRC, this could have consisted of identifying patterns of gender abuses that took place over the years specified and also identifying specific strategies to engage women in the TRC in a gender sensitive way. In contrast, the methodology and structure of South Africa's TRC was ever changing. As Gready (2011) argues, "insights into the extent to which the TRC's methodology was improvised are not hard to find" (p. 17). This improvisation certainly impacted the TRC's ability to adequately address gender and contributed to ongoing ignorance regarding the experiences of women under apartheid.

Regardless of the TRC's failure to specifically plan for women's involvement, over 50% of those who testified at the HRVC hearings were women (Truth and Reconciliation Commission of South Africa, 1998, p. 285). But, most of those women testified about family members who were the victims of human rights abuses (Ross, 2003, p. 17). The TRC initially distinguished these women's testimonies as those of secondary victims. However, the primary victims/secondary victims dichotomy was broken down by the end of the TRC hearings as the commissioners "acknowledged the difficulty of

distinguishing between, or weighting, the physical and psychological pain suffered by the direct victim and the psychological pain of those to whom this person was precious” (TRC final report, 1996, p. 285). Nevertheless, this granting of the status of victim to the women testifying was not the progressive move it purported to be, for it still emphasized the human rights violation as something that happened primarily to men rather than looking at the human rights violations that happened directly to women.

There were many reasons why women were testifying about the men in their families rather than testifying about themselves. It certainly was not because women had not suffered direct attacks and abuses even as defined by the Commission (Ross, 2003). Ross, in her case study of women in the rural area of Zwelethemba and their engagement with the TRC (2003), identifies the following reasons why women were reluctant to identify themselves as victims: not desiring acknowledgement for their suffering, fear of one’s children reading or hearing about the abuses, and of course not qualifying to testify under the definition of human rights abuse. Specifically, “women often fail to see that their experience of sexual violence has a political dimension and coming forward to talk about this violence is extremely difficult” (p. 10). Goldblatt & Meintjes (1997) further argue that the deeply gendered public/private sphere division in South African society led to a lack of testimony from women.

Reviewing the documentary coverage of the TRC hearings demonstrates the level of gender discourse in South Africa during the TRC. For example, during the South African Broadcast Corporation’s televised coverage of the TRC, the reporter introduced a segment of the HRVC hearings thusly: “we note the anguish of widows, of mothers, and of the victims themselves” (TRC: Episode 01, Part 01). This was a telling

characterization of popular discourse regarding the role of women in the Commission's workings. Furthermore, even in the TRC final report the language was not unproblematic. The report referred to the Centre for Applied Legal Studies (CALs) submitting a report to the TRC which "*unashamedly* focused on women" (Truth and Reconciliation Commission of South Africa, 1998, p. 284, emphasis mine).

The CALs report in question criticized the TRC's understanding of human rights abuses on the grounds that the definition did not encompass "the types of violations more commonly suffered by women" (Truth and Reconciliation Commission of South Africa, 2008, p. 284). The outcome of the CALs report was that the TRC agreed to offer three women's hearings, held in Johannesburg, Durban, and Cape Town. I argue that these women's hearings ghettoized the issue of women as the victims of human rights violations and did little to increase awareness of the position of women under apartheid. Had the hearings been strategically planned and incorporated within the aims and goals of the TRC, they would have had the potential to be a powerful and effective part of the Commission and to at least contribute to a deeper acknowledgement of women's political experiences during apartheid. As they did occur, as a last minute addition to the TRC, they appeared tokenistic. Furthermore, the women's hearings were allocated a separate chapter in the final volume of the TRC report, further relegating women to a symbolic afterthought and homogenizing the 'woman's experience' into a single chapter. Media coverage of the women's hearings was almost non-existent (McEwan, 2003, p. 745). Moreover, there was a general absence of testimony from victims of sexual violence (Goldblatt & Meintjes, 1997, p. 8), perhaps in part because there was no concerted effort to promote the notion that systematic sexual violence was a political act and thus eligible

as grounds for testimony before the TRC.

The TRC's final report admitted some of its failings as regards gender:

The Commission's relative neglect of the effects of the 'ordinary' workings of apartheid has a gender bias, as well as a racial one. A large number of statistics can be produced to substantiate the fact that women were subject to more restrictions and suffered more in economic terms than did men during the apartheid years. The most direct measure of disadvantage is poverty, and there is a clear link between the distribution of poverty and apartheid policies. Black women, in particular, are disadvantaged, and black women living in former homeland areas remain the most disadvantaged of all. It is also true that this type of abuse affected a far larger number of people, and usually with much longer-term consequences, than the types of violations on which the Commission was mandated to focus its attention. (Truth and Reconciliation Commission of South Africa, 1998, p. 290)

However, despite the fact that the Commission's final report admitted failure in terms of the definition of human rights violations and gender, not one of the TRC's 100 recommendations for societal reconciliation focused on improving women's rights in South Africa (Borer, 2009, p. 1183).

Thus, this brief gender analysis of the TRC has demonstrated one of the ways in which the TRC perpetuated the ignorance contract from the outset. More generally, in this chapter I have sought to delineate Steyn's (2012) ignorance contract and to explain the ways in which my argument builds on hers. I have situated the TRC as an event which could have served as a turning point in the trajectory of the ignorance contract but

which instead, I argue, perpetuated it. Furthermore, by holding the ignorance contract up against the key concepts of truth and reconciliation in the South African context, I have found a significant juxtaposition between the TRC's stated values of complete openness and revelation and the outcomes of partial truth produced by the TRC's narrow mandate. In other words, invoking truth and reconciliation could have ushered in an era in which apartheid was addressed comprehensively and openly. Instead, the TRC's narrow mandate meant that the Commission was a substantial missed opportunity. In the upcoming chapters, I will detail my findings in the areas of the impact the TRC's mandate (in the form of performance of memories of elements of apartheid not comprehensively addressed at the TRC) and the ways in which ignorance can be seen today (in the form of problems surrounding immigration, emigration, and gender) in South Africa.

Chapter Two deals with collective memory in South Africa. Returning to gender and transitioning to an examination of the ways in which memorialisation and collective memory reflects the ignorance contract in South Africa, it is also important to note that the way in which the TRC was gender biased plays out in the way that apartheid is remembered in the public sphere. For example, Robben Island is the most well known apartheid prison, and today is a museum, where visitors can tour the facilities and visit Nelson Mandela's former cell. Naidu & Adonis (2007) argue that Robben Island "is perceived as being more preoccupied with the past of male political prisoners at the expense of female political prisoners" (p. 25). Thus, we can see how an official history is formed and is repeated in official remembrance. In Chapter Two, I will look at unofficial remembrances, or performances of memory, and what these performances tell us about

the ongoing effects of ignorance in South Africa today.

Chapter Two: Memory Performance

The revelation of truth, the granting of forgiveness, and the closing of the door on the past: the message promoted by Tutu and the discourse of the TRC was one of a bloodletting of memory, a cleansing, and a finality. But, was this the actual experience of those who participated in the TRC, and, significantly, of those who did not participate in the TRC but lived through apartheid? I argue that the narrow subject matter covered by the TRC has in fact led to the ongoing and gradual public revelation of truths that weren't heard at the TRC and the ongoing performance of alternative memories about apartheid in South Africa. In other words, despite the fact that the discourse arising from the TRC was one of closure, the truths about apartheid are, in fact, dazzling gradually across South Africa.

Moreover, in particular, the TRC did not provide closure on the economic, social, and cultural abuses of apartheid that were left out by the mandate, and this is evident in ongoing memory performance in this area. In using the term 'memory performance', I seek to capture the performative element of public expressions of memory, in other words, expressions of collective or individual memory about apartheid 'performed' for an audience in a broadly understood way. It is easier to find evidence of the ignorance contract within state sponsored memory initiatives, or top-down dominant historical narratives. These dominant narratives, as I will explain, often emphasize the traditional, TRC-promoted ideas of perpetrators and victims and body bound crimes of apartheid. However, in some of the bottom-up, community-level memory performances that I will discuss, we find the missing history of apartheid.

In developing my argument, I will first briefly delve further into exactly what kind of truth the TRC revealed and promoted and examine the implications for collective memory in South Africa. Second, I will look at the societal impact of the exclusion of some apartheid memories – those of practices previously discussed as not being defined as human rights abuses by the TRC, for example, Bantu education, pass laws, and forced removals - from the official collective memory by means of the discourse promoted by the TRC. Furthermore, I will briefly canvass a range of sites of memory performance in South Africa today. I will ask how these performances reflect what I will call the ‘missing history’ and what the societal impact of these ongoing performances is. Furthermore, I will interrogate the societal impacts and effects of the memory performance. Who is doing the performance? Does this matter? What are the impacts?

The research of memory performance is a crucial tool in the analysis of transitional justice. Hamber, Sevchenko & Naidu (2010) warn that a failure to address and interrogate both formal and informal memory performance “could undermine other transitional justice efforts, and peace more generally” (p. 398). A rich body of literature exists in the realm of memory in politics (see Olick, 2003 and Edkins, 2003) and a further body of literature exists that touches on South Africa and memorialization specifically (see Hamber, 2010 and Alexander, 2003). However, there is a gap in the literature (with the notable exception of Gready, 2011) when it comes to the question of explicitly linking ongoing memory performance to the character and mandate of a given TRC or political initiative. In this chapter, I hope to shed some light on the matter of truth commission mandates and their linkages to discourses of closure and memory performance. While examining memory performance of those abuses covered by the

TRC and indeed examining the memory performance of the TRC itself would also provide interesting insights on this topic, those areas are beyond the scope of this chapter, which will focus specifically on the missing history of apartheid.

A note on definitions: in using the term ‘memory performance’, I seek to capture the wide array of memory work that takes place in the public eye in South Africa. For example, in discussion of memory work, Edkins (2003) describes the variety of ways in which “traumas such as wars or persecutions are inscribed and re-inscribed into everyday narratives” (p. 15), specifically citing “remembrance, memorialisation and witnessing” (p. 15) as methods of memory work. Remembrance, memorialisation and witnessing can take myriad forms, such as museum exhibits, theatre performances, literature, artwork, and ceremonies on holidays. These are all memory practices that are ongoing in South Africa and that fall under the umbrella of memory performance.

As noted, the TRC’s definition of a human rights violation was limited to violations of “bodily integrity rights”, namely, “killing, abduction, torture, or severe ill-treatment” (TRC final report cited in Borer, 2009, p. 1173). It could be argued that there are underlying reasons relating to human psychological needs why a truth commission might focus only on physical violations. In other words, perhaps the TRC’s narrow mandate actually served a self-protective function for individuals in South Africa. By treating the physical violence that occurred under apartheid as an aberration rather than treating apartheid itself – a system that permeated all walks of life in South Africa – as the crime, did the country promote the psychological health of its citizens? Mamdani (2002) would certainly disagree with this proposition. He argued that “if the ‘crime against humanity’ involved the targeting of entire communities for racial and ethnic

cleansing and policing, individualizing the victim obliterated this particular – many would argue *central* – characteristic of apartheid” (p. 34). Steyn (2012) would perhaps label this proposition an example of protective ignorance, in which an individual is protected “from the pain of full knowledge of the indignity” (p. 19) imposed by the apartheid regime. Thus, the past is not comprehensively addressed.

As detailed in my Introduction, not only were South Africans denied the right to give testimony before the TRC regarding some of the most widespread abuses of apartheid, but the TRC final report emerged as a shared history of physical violence that did not contain a thorough evaluation of economic, social, and cultural abuses. The implications of this history being omitted from the TRC are numerous. If we envision the TRC as an archive of South African history, it is woefully incomplete. Furthermore, as Gready (2011) argues, the TRC’s decision to focus on the human rights violations that it did, and its insistence on closure, perhaps diminished its ongoing relevance in South African society, and was therefore detrimental to efforts at nation building. Gready (2011) argues that “the TRC did too little to insert itself into the agendas and priorities of the present, in this case debates about reform of the criminal justice system and the issue of violent crime” (p.113). Gready highlights one of my core characteristics of an ongoing ignorance contract: denial. Specifically, there is again a willful denial of the link between the crimes of apartheid and the crimes of the present day, an assertion that I will return to in Chapter Three.

There are not only collective nation-level psychological implications but also individual psychological implications inherent in the discourse of closure that permeated the TRC. As Hamber (2009) argues, many South Africans “felt that their ordinary

process of mourning was being hurried by a national political process,” and that the processing of grief and the working through of memory was happening on the state’s timeline rather than as an individual or community level journey. The way that the TRC took hold of South Africa as the official mechanism through which a collective apartheid narrative was to be built is difficult to overemphasize. The TRC was incredibly influential both within South Africa and internationally, meaning that the TRC loomed large in the lives of most South Africans and that the discourse arising from the Commission touched the lives of South Africans in a powerful fashion.

If we accept that collective memory shapes political culture (see McCarthy, 2004, p. 766), and we accept that the TRC was the ultimate expression of collective memory in South Africa, and was the dominant narrative, how has the missing memory and the missing history of apartheid shaped post-apartheid South Africa? As Olick (2003) argues, the ability to remember is cue-dependent and mediated through mnemonic devices (p. 26). Therefore, if the official collective memory event for South Africa, the TRC, serves as a cue, and discourse arising out of the TRC is a powerful mnemonic device, what happens to the collective memory of the other types of violations? As we will see, this memory is being performed in a multitude of ways at a grassroots level in South Africa.

I argue that it should be a crucial task in post-apartheid South Africa to ensure that those previously disenfranchised are empowered to tell their diverse stories of life under apartheid in a way that was not necessarily facilitated by the TRC. McEwan (2003) argues that this storytelling is most powerful at the local level (p. 746). In fact, memory is being performed both at the local and at national levels, in a variety of forms. Shepherd (2008) argues that the TRC’s proceedings were predicated on the assumption of coherent,

intact stories about the past that could be told in a relatively standardized fashion, using “the ordinary language of who did what to whom” (p. 241) and fitting neatly into the TRC’s narrowly defined category of a human rights abuse. Conversely, stories about apartheid were not always packaged in this way. I argue that these stories are being told in a multitude of languages, in fragmented ways.

Next, I will discuss the ongoing performances of memory that reflect this missing part of the apartheid narrative. Throughout these various forms of memory performance in the South African context there are a number of influences at play. First, the state undoubtedly has an influence in controlling public memory performance. Second, numerous grassroots movements and expressions exist. Third, an international influence can be seen in some performance. Although the focus of this chapter is largely on grassroots memory performance, it is also important to examine the ways in which the state dictates memory performance for the sake of comparison and in order to analyze how the official narratives about apartheid are constructed.

Sites of Memory Performance

Public holidays, or “institutionalized occasions for remembering” (Zerubavel, 2003, p. 317) are a key method by which states impose a memory agenda on a given society. South Africa’s public holiday calendar changed significantly in 1994. A number of apartheid-era holidays were abolished and a variety of new holidays were instituted: Human Rights Day (commemorating the Sharpeville massacre in 1960), Freedom Day (commemorating the day of the first post-apartheid elections in 1994), Youth Day (marking the start of the Soweto riots in 1976), Women’s Day (commemorating a

national women's march against pass laws in 1956), and Reconciliation Day.

Reconciliation Day is a particularly interesting case in delivering particular state messages through the creation of public holidays. December 16th was previously commemorated as the Day of the Vow, which celebrated the Afrikaner victory over the Zulus at the Battle of Blood River in 1838. However, December 16th also marks the anniversary of the founding of Umkhonto we Sizwe (known as MK), the ANC's armed wing. Through the overwriting of the previous days of commemoration with the new narrative of reconciliation, the state is essentially overlaying old memories with a new, homogenous, state-dictated narrative.

A further example of the new holiday calendar's intervention into memory politics is Youth Day. June 16th has long been remembered in South Africa as the day of the Soweto uprisings in 1976 and has been an occasion for people to gather informally in Soweto to remember the role of youth in the apartheid struggle. When the African National Congress (ANC) government came into power in 1994, it designated June 16th a public holiday: Youth Day. In short, this means that Youth Day has now become an occasion for the promotion of government messaging (Hlongwane, 2008, p. 157). Public events are run by the government and held in Soweto. Thus, in this situation a powerful government narrative has overwhelmed more grassroots efforts at memory performance. Naidu & Adonis (2007), in a survey of students, found that students felt that the days leading up to holidays such as Youth Day "should be days of information sharing where specific programmes were designed to inform learners about the commemorative day; its meaning and purpose" (p. 26).

An actual site of memory that has also sustained criticism for being state

dominated is the National Apartheid Museum in Johannesburg, which opened in 2001. Teeger & Vinitzky-Seroussi (2007) argue that the Apartheid Museum “controls for consensus” (p.64) through its physical design, its exhibitions, and its narrative. Specifically, Teeger & Vinitzky-Seroussi argue that a visitor to the museum is ushered through a very specific narrative journey, which tells the story of ANC resistance to apartheid in the forefront. Displays such as ‘White opposition to apartheid’, ‘Women’s resistance’ and ‘Rural resistance’ are in the background (p. 69). Furthermore, the Apartheid Museum can be seen as echoing the closure discourse that was espoused by the TRC. As Teeger & Vinitzky-Seroussi argue, “in its narratives, the museum consistently attempts to divorce the (dreadful) past from the (hopeful) present” (p. 64).

If we conceive of the Apartheid Museum as a potential site of memory performance that has been dominated by the state’s official memory, Constitution Hill, a former prison in Johannesburg, provides a counter-example. It is a space where a variety of memories are allowed to flourish and be performed and re-interpreted. For example, Constitution Hill’s artifacts include a shopping bag which “commemorates the black women who were arrested for buying food in white areas without a pass” (Design of Constitution Hill) and a wedding dress “belonging to Nikiwe Deborah Mathsoba, who was arrested on the way to her own wedding” (Design of Constitution Hill) for breaking pass laws. Ordinary objects are displayed alongside narratives that explain their significance to the history of apartheid. Constitution Hill also encourages ongoing memory performance. On site is a ‘Response Room’, “where visitors are encouraged to document their reactions and can view videos of former prisoners returning to the site” (Constitution Hill website). This connection between past and present undoubtedly

strengthens a museum's efficacy and contributes to social awareness. For example, reflecting on the Canadian War Museum in Ottawa, Regan (2010) praises the way the museum's exhibits serve as opportunities for the visitor to take action (p. 144). Similar to Constitution Hill, visitors in Ottawa are invited to answer questions such as "What do you think? What do you fear? What do you hope? What will you do?" (p. 144), and pre-addressed postcards are provided that can be sent to political leaders.

Coombes (2003) asserts that, particularly for the former inmates of the women's prison at Constitution Hill, the public performance of these everyday stories is of the utmost importance. Coombes argues that for former prisoners, Constitution Hill symbolizes acknowledgement of their struggle and sacrifices (p. 23). Such acknowledgement of the everyday suffering of women under apartheid is not always seen in official narrative controlling devices such as public holidays and government sponsored events. In emphasizing the importance of Constitution Hill to former inmates, Coombes raises an interesting point about the purpose of museums. Of course, tourism can be interpreted as a form of public memory performance. However, as Hlongwane (2008) asks, does an emphasis on tourism mean that a museum's ability to fulfil its responsibility to civic engagement with South Africans is lessened (p. 141)? Undoubtedly the dual roles of civic engagement and tourism are not an unusual quandary for museums the world over, but perhaps the museums that are housed within former sites of apartheid brutality such as Constitution Hill, and Robben Island, have a particular responsibility to civic engagement. As Gready (2011) argues, "speaking truth to place is an important component of transitional truth-telling" (p. 174). I would argue that this responsibility goes beyond the transitional moment. Furthermore, Nevins (cited in Gready, 2011)

argues that “all memories have a geography” (p. 174). Thus, the power of such sites to invoke and invite performance of memory is paramount.

In terms of international influence, Robben Island, Constitution Hill, and the District Six Museum in Cape Town are examples of sites of memory that are influenced by an international presence, namely the “transitional justice discourse” (Gready, 2011, p. 192) that arises from being members of the International Coalition of Historic Site Museums of Conscience and UNESCO’s World Heritage Sites. Since the South African TRC there have been a proliferation of truth commissions and transitional justice measures across the globe, often mediated or assisted by a global transitional justice juggernaut. The International Centre for Transitional Justice cites memorialization as a key element of transitional justice (Hamber, Sevcenko & Naidu, 2010, p. 399) and thus a component in which international transitional justice organizations will have a vested interest. International narratives about transitional justice may differ from state and grassroots narratives or may influence them in some way that inhibits or indeed encourages ongoing memory performance. For example, if an international transitional justice organization or NGO is participating in a time-bound transitional justice effort (a truth commission, or a memorialization effort), they may have an interest in imposing closure. This interest may be counter to the interests of ongoing memory performance.

Finally, an academic initiative, the Apartheid Archive Project, is an ongoing, collaborative effort to ensure that the everyday voices of apartheid are heard. The Project’s website invites South Africans to submit their memories of apartheid to the site (Steyn, 2012, p. 9). The Project’s website states that the TRC’s “focus on the more ‘dramatic’ or salient narratives of apartheid atrocities” (The Apartheid Archive Project,

About) left a gap in the official narrative where the “details of apartheid racism” (The Apartheid Archive Project, About) should be. The Apartheid Archive Project is the memory performance initiative that perhaps best exemplifies efforts to counter ignorance: it is a democratic initiative (anyone can participate), and its very ethos is to reveal, and to acknowledge. The Project’s website states: “The project is fundamentally premised on the understanding that traumatic experiences from the past will constantly attempt to reinscribe themselves (often in masked form) in the present, if they are not acknowledged, interrogated and addressed. Specifically, we believe that it is important for South African society to review, so as to acknowledge and deal with its past, in order to better manage its present and future” (Apartheid Archive Project, About). Thus, the Project’s ethos reveals the important link between the ignorance contract and ongoing memory performance, emphasizing the importance of the acknowledgement of traumatic experiences and the theory that memory performance is a means of combating ongoing ignorance.

Turning now to a community movement that is performing memory, the Khulumani Support Group (Khulumani) provides an interesting example of a group that was originally strongly aligned with the TRC but has now significantly departed from the TRC discourse of closure and its narrow definition of human rights abuses. Khulumani (which means ‘Speak Out’ in Zulu) was formed in Johannesburg in 1995 in response to the launch of the TRC (Khulumani Support Group). The purpose of the group was initially to help South Africans participate in the TRC through assisting with processes and support throughout and after the process (Gready, 2011, p. 172). However, Khulumani has not fallen in line with the TRC’s discourse of closure, and has carried on

advocating for redress for victims of apartheid. Khulumani now argues that “the TRC failed to address the consequences of political violence and human rights violations for many people” (Khulumani Support Group). According to Khulumani’s website, 90% of its members, survivors of apartheid, were not able to access the TRC (Khulumani Support Group). This is largely because “they were not victims of party political violence but of the systemic effects of apartheid” (Moon, 2008, p. 145).

Khulumani has called for a TRC department to be located within the South African Human Rights Commission through which ongoing claims could be heard (Makhalemele, 2004). The group argues that it is left to do the work that should have been carried out by the state in the wake of the TRC, such as memorialization and reparations work (Makhalemele, 2004). Much of Khulumani’s work has focused on campaigning for reparations, both legally and politically, and its most famous demands have involved lawsuits against multi-national organizations such as General Motors and IBM for their roles in supplying the apartheid regime (Smith, 2012). Although the Khulumani group has also stressed the need for the South African government to deliver on both symbolic *and* monetary reparations, the organization is insistent that monetary reparations are not forgotten. Khulumani’s Victim Empowerment Manager, Duma Khumalo, wrote: “A symbolic stone will not pay my children’s school fees” (Khumalo cited in Makhalemele, 2004). Khulumani’s ongoing work raises an interesting question: Can we conceive of the demand for reparations for apartheid in South Africa as public memory performance? Continuing demands for reparation certainly keep the memory of apartheid on the political agenda. Hamber (2007) argues that there are numerous emotions at play beneath the surface of South African reparations demands (p. 265). One

such emotion is the fear that perpetrators will “get away with it” (p. 265) and never have to be held truly to account for decades of abuses under apartheid. Reparations claims are arguably a way of performing memory in order to keep this history alive and in public contention.

A tangible way of keeping history and memory alive is of course through literature. South African literature has been instrumental in memory production since the fall of apartheid, both in the forms of fiction and of autobiography. Magona (2010) argues that the TRC actually promoted the genre of autobiography in South Africa through its emphasis on individual stories. She argues that because of the TRC, “more and more people began to realize that there is value in their hitherto worthless lives” (p. 34) and that their stories are worth telling. However, memory making through literature, similarly to through museums, also raises questions of intent. It cannot be ignored that domestically, there can be limited access to such literature due to potential constraints of literacy, cost, and lack of a home grown publishing industry in South Africa (Case, 2010, p. 67). Is this memory performance literature being produced for an international audience, thus lessening its impact in South Africa? Gagiano (2010) posits that artistic renditions of trauma are outward facing. In other words, they exist so that those who haven’t undergone trauma can begin to understand. Thus, perhaps memory literature can be seen as a way of telling an international audience about the missing history of apartheid.

Artwork, on the other hand, is more universally accessible on many levels to South Africans. Interestingly, South African art has evolved from the immediate post-apartheid years. Williamson (2009) describes initial post-apartheid era artwork as derived

from the “rainbow nation” pieties, whereas more recent art is “riven by an internal struggle against both an emerging totalitarian democracy and a debilitating amnesia that seeks to return the country back to the comforts of segregated lives” (p. 18). Certainly art since the TRC has continued to perform memories of the economic, social, and cultural rights abuses that occurred under apartheid. Mustafa Maluka’s 1999 show, ‘Staking Claims: Confronting Cape Town’ featured photographic self-portraits of Maluka “locating himself forcefully against Cape Town backgrounds where he might once have been regarded as a second class citizen” (Williamson, 2009, p. 108). Another example of this missing history memory performance is a project by Kevin Brand. As a part of the District Six Sculpture Project of 1997, Brand re-created, using recycled cardboard, the ‘Seven Steps’, a location from his childhood (Williamson, 2009, p. 1990). The Seven Steps were located in District Six, a neighbourhood completely destroyed by the apartheid regime in the 1970s. Brand constructed his Seven Steps right on the spot where they originally were. These two art projects are emblematic of memory performance that addresses the history, or the truth, of apartheid not addressed by the TRC.

Societal Implications

If memories alternative to the dominant TRC narrative are dazzling gradually throughout the country, what impact does this have on South Africa’s reconciliation project? First, we must look at the intentions of those who perform memory about apartheid. Almost certainly, one of the key underlying desires in performing memory is for acknowledgement; more specifically, it is an implicit demand for public recognition of those apartheid-era abuses not addressed at the TRC. In terms of demands for

reparations, Hamber (2007) notes that social and economic development in South Africa is largely forward-looking rather than focused on corrective or reparative development and reparations (p. 269), which may seem amnesiac to those who feel their voices were not heard throughout the TRC process. Hamber (2007) furthermore defines this desire for acknowledgement as a question of *reparation* versus *reparations* (p. 270). That is to say, Hamber defines reparations (plural) as “the acts or objects associated with attempts to make amends” (p. 270) and reparation as “a psychological state in which [the claimant] will feel that adequate amends have been made for a wrong committed” (p. 270). Thus, we can interpret the type of memory performance discussed in this chapter as a desire for reparation. Furthermore, recalling Mamdani’s argument (2002) that beyond the perpetrator-victim dichotomy, the TRC, and more broadly the transition from apartheid to democracy, did not ask enough of the beneficiaries of apartheid, I argue that ongoing memory performance in South Africa reflects the search of victims and survivors for acknowledgement from both the state and from the beneficiaries of apartheid. Had the TRC successfully addressed the missing history of apartheid, it could have had an effect on public discourse by facilitating beneficiary acknowledgement of both the missing history of apartheid and crucially, of *their part to play in it*.

This theory of the significance of the performance of memory in South Africa could also be characterized as being about the desire to influence and contribute to collective memory by way of individual memories. This desire presupposes a notion of collective memory as a changeable, mutable, ongoing process rather than the closed TRC notion of collective memory. By contributing to collective memory, a challenging and reworking of dominant narratives occurs. Coombes (2003) sees the ongoing debate over

memory and history in South Africa as demonstrating a healthy debate that is symptomatic of a healthy political culture (p. 5). Whether this sort of ongoing re-interpreting of memory and history is healthy for individuals or healthy for society is a topic that of course engenders much debate. Hamber (2009) argues that memory performance may spark calls for prosecution or revenge, a possibility that Moon (2008) argues is always present in South Africa and is a threat to the reconciliation narrative (p. 13).

However, ongoing memory performance cannot always be explained by an unsatisfied need for reparation. A further reason why memory can be performed is for pragmatic political purposes. Marschall (2008) reminds us that that the anti-apartheid struggle was by no means carried out by a homogenous, co-operative movement. Thus, memorialization and the ongoing performance of memory are often ways for groups – for example, the ANC, the Inkatha Freedom Party, and the Pan-African Congress (PAC) to claim ownership of heroes, events, and stories, thereby improving or solidify their political fortunes (p. 105).

The literature on evaluating the functions and impacts of memorialization (see Hamber, 2010) is a developing area. Gready (2011) takes a pragmatic view to analyzing ongoing memory performance. In interpreting such performance, he envisions “the need to combine truth-telling with other initiatives seeking to ground reconciliation in everyday life” (p. 189) in order to achieve concrete goals such as redressing societal inequalities. The idea of memory performance rooted in present day concerns also raises the question of inherited memory and the generational impacts of trauma. Is the next generation more disposed to forgetting than the generation that participated in the

apartheid struggle? Although this is also an area in which further research is required, the literature suggests otherwise. Netshitenzhe (cited in Hlongwone, 2008) argues that memory can be passed on by practical means. He argues that in order for memory to retain significance for the next generation, memory performance and memory initiatives must allow for changeability and a variety of interpretations (p. 165). Netshitenzhe's argument has numerous implications. It may mean that the performance of memory must link past historical injustices to modern day circumstances. Furthermore, it may mean that the past can be used to influence the next generation's political consciousness. For example, Marschall (2008) reminds us that "one can manipulate the younger generation's experience of the present by influencing its knowledge and perception of the past" (p. 116). On the other hand, perhaps this approach simplifies youth engagement with historical memory. As Zerubavel (2003) notes, even individual memory is composed of far more than what any individual has experienced. Specifically, he argues that a melding of individual memory and collective memory, or a blending of one's personal story with the history of the nation, shapes identity (p. 316). Thus, following Zerubavel's argument, remembering the experiences of apartheid may remain a contemporary process for youth in South Africa.

Thus far, I have discussed memory performance in South Africa that is related to trauma and human rights abuses. Expressing nostalgia is a tricky business in South Africa, as is perpetrator and beneficiary memory performance. As Poplak (2007) asks, in *Ja No, Man*, his memoir of growing up white in South Africa, "what does it mean to feel an almost painful pang of nostalgia for your childhood and boyhood when those years played out under one of the vilest regimes in history?" (p. 312) Hamber (2009) argues

that although memory performance amongst the beneficiaries of apartheid is not as overt as victim memory performance in fact “memory of the past continues on in the lives of the perpetrators who walk free... as well as in the legacy of the inequality that is so tied to the historical memory of human rights violations in South Africa” (p. 163).

Furthermore, beneficiary memory performance can arguably be seen in the mass white emigration from South Africa post-apartheid. By no means are white South Africans the only ones emigrating, but by and large those emigrating from South Africa are of white, British origin, and an estimated 800,000 white South Africans emigrated between 1995 and 2008 (*Between staying and going*, 2008). I address the significance of South African emigration in further detail in Chapter Three. However, in terms of memory performance, looking at the area of emigration begs the question: Does the South African diaspora publicly talk about and remember apartheid, if at all, and how does this differ from the way apartheid memory is performed in South Africa? Information in this area is anecdotal at best, and is an area for future research.

Furthermore, memory performance can take a form that threatens societal harmony. As Olick (2003) warns, “memory-makers don’t always succeed in creating the images they want and in having them understood in the ways they intended” (p. 7). For example, 2010 saw the resurgence of a political protest song that features the refrain “kill the Boer” (Peroshni, 2010). The song is most often used politically by the ANC’s Youth League. ANC Secretary General Gwede Mantashe says that the song is used “as a means of ensuring South African history [is] remembered” (Peroshni, 2010) and not as an incitement to kill. However, many white South Africans argue that the performance of this song breeds hostility and threatens race relations in South Africa (Peroshni, 2010).

Testifying at a court case on the singing of “Kill the Boer” in public rallies, a senior ANC Minister said that “the singing of liberation songs was a celebration of ‘who we are’. They represented ‘every part of our history’” (Call for SA to debate ‘kill the Boer’).

In a much broader sense, the fact that we recognize and analyze the act of memory being performed at all is a statement on the role of memory in modern politics. As Olick (2003) argues, “contemporary societies have separated memory from the continuity of social production; memory is now a matter of explicit signs, not of implicit meanings” (p. 3). In other words, memory is now a deliberate tool, exercise, or indeed performance. This is certainly a phenomenon that we have seen in the South African case, in the examples discussed. I have sought to identify and analyze specific overt memory performances in South Africa that reflect the history that is missing from the official TRC narrative. However, daily life in South Africa is unavoidably infused with the memory of apartheid. Democracy in South Africa is relatively young, and many of the structures, systems, and certainly inequalities of apartheid exist. As Gready (2011) argues, South Africa is still engaged in a process of “recovery and reimagining of the everyday” (p. 195). This can have two meanings: reimagining of the everyday in present day South Africa, and the reimagining/reinscribing of the everyday of *apartheid* onto the collective memory/dominant narrative of South Africa in the form of memory performance.

As I argued in my introduction, we are at a critical juncture in the evaluation of South Africa’s TRC. In many ways, evaluation of the TRC is still beset by the “problems of contemporary history” (Palme-Dutt, cited in Alexander, p. 4), namely, that it is in many ways ‘too soon to tell’ how the processes of memory performance and the unfinished business of the TRC will work themselves out in practical terms. Nevertheless,

both short term and long term evaluation of truth commissions are underexplored areas (see Hayner, 2011, p. 237), and the effects of the type of mandate a truth commission chooses has implications for future truth commissions. Of course, truth commissions are proliferating at a high rate and often learn from previous commissions. Furthermore, Naidu (2006) argues that memorialization is the element of transitional justice that is least critically analyzed (p.1). The combining of these two fields, the study of truth commissions and the study of memorialization, is crucial for a comprehensive understanding of transitional justice.

I have argued that, contrary to popular discourse, the crafting of collective memory in South Africa did not end with the TRC's final report. In fact, it was that material that was left out of the TRC that is dazzling gradually and powerfully in the myriad of forms that I have discussed. Memory performance of the missing history of apartheid continues in South Africa, despite state discourse to the contrary. In this chapter, through a survey of holidays, museums, and the arts I have found that expressions of apartheid memory both reflect the limited mandate of the TRC and the ongoing, pervasive ignorance that Steyn (2012) has characterized as the ignorance contract.

Chapter Three: The Ignorance Contract as Lens

I have argued that memory performance of the unfinished business of apartheid is ongoing in South Africa and is a reflection of the limited mandate of the TRC and the continuation of South Africa's ignorance contract. In other words, much of the memory performance happening in South Africa today addresses and contests the dominant narrative of apartheid that emerged from the TRC. I now turn to the ways in which structures of ignorance remain active in South Africa in other ways. Recall that Steyn (2012) identifies this as an area for further research. Specifically, in order to illuminate the character of the ignorance contract in contemporary South African society, I will look at the areas of immigration and emigration as well as the status of women in South Africa, using critical discourse analysis (Wodak & Chilton, 2005). In other words, I will identify the presence of Steyn's epistemologies of ignorance, which I will describe in further detail, as well as the characteristics of the ignorance contract that I named in my introduction: non-acknowledgement, misrecognition, denial, and ignorance. In doing so, I will argue that the ignorance contract continues to structure South African society in many ways. Sources and areas of South African social and political life abound through which we could analyze the presence of the ignorance contract in South Africa, and many are naturally beyond the scope of this thesis. Areas through which it would be interesting to view the presence of the ignorance contract include youth politics, political parties, and the education system. In terms of sources, social media groups and blogs would provide an interesting and authentic avenue by which to examine the ignorance contract. All of these are areas for future research.

Immigration and emigration are the first key topics that I will analyze through the

lens of the ignorance contract. Both of these areas are emblematic of race relations and cultural division in South Africa. Very simplistically, emigration from South Africa is largely a 'white issue' and immigration to South Africa from surrounding African countries has gained media attention as a 'black issue'. Steyn (2012), referring to the ignorance contract as practiced during apartheid, contends that "because of the dominance of Whiteness, the terms of the ignorance contract are set by the white population" (p. 9); however, both black and white epistemologies of ignorance were practiced during apartheid, and continue in myriad forms today. For example, Steyn (2012) cites internalized ignorance (p. 18), protective ignorance (p. 19) and ignorances of resistance (p. 20) as the "counter-ignorances" (p. 18) most practiced by 'black' South Africans. Specifically, Steyn defines internalized ignorance as the acceptance of apartheid as a normal way of life. This acceptance is due to the fact that "the formative broader social, political and economic dynamics [are] rendered invisible at the level of ordinary, daily life" (p. 18). Protective ignorance is most often practiced on an intergenerational level and involves protecting younger generations from the knowledge of what their forebearers suffered during apartheid. Ignorances of resistance exist when an individual lives a 'double life' in which he or she is able to be both an obedient participant in the apartheid regime and an active resister. Steyn (2012) calls these epistemologies of ignorance "survival ignorances" (p. 21). It is important to note at this point that by examining these topics as 'black issues' and 'white issues' I do not intend to generalize the South African populace into two neatly divided groups or to simplify these topics as solely the concern of one 'race' or another. Of course there is diversity within ethnic groupings as well as the existence of many other ethnic groupings within South

Africa, all of which engaged with apartheid and the TRC in a variety of ways. For example, Hansen (2012), in his anthropological study covering life in a South African Indian township, argues that “Africans and Indians have only been able to properly see and recognize each other through the mediation of a white colonial gaze” (p. 136). Indeed, Indians, those classified as ‘coloured’, and others who did not fit into the ‘black’ or ‘white’ racial categories had a complicated relationship with apartheid. Thus, Hansen (2012) argues that South Africa’s democratic transition was exceedingly complicated for Indians and other minority groups in South Africa (p. 136). Therefore, the facets and areas of South African society through which we can examine the ignorance contract are myriad. However, emigration, immigration, and the status of women will be most comprehensively representative of the types of ignorance characterized by the ignorance contract.

It is perhaps easier to imagine how the ignorance contract can be seen amongst the bystanders, or beneficiaries, of apartheid. This analysis of the role of bystanders is not without precedent in the history of conflict and injustice. For example, Geras (1998) notes that in post-Holocaust literature and analysis, “the bystander is a prominent figure – passive and indifferent, or worse” (p. 6). This is not to say that all ‘bystanders’ can be placed in this category. South Africa was of course home to many white anti-apartheid activists. Also exploring the role of a dominant race in society, and cited by Steyn (2012) in her discussion of the ignorance contract, Mills (1997), invokes the concept of a racial contract, an agreement amongst a dominant white population that involves “*misunderstanding, misrepresentation, evasion, and self-deception on matters related to race*” (p. 19). The racial contract necessarily involves a willful lack of acknowledgement,

or, as Mills explains it, “a certain schedule of structured blindnesses and opacities in order to establish and maintain the white polity” (p. 19). The concept of the racial contract is in many ways a useful device for explaining the presence of ongoing ignorance in South Africa.

But how can the ignorance contract be understood amongst the rest of South Africa’s population, amongst the victims of apartheid? Again with reference to the Holocaust, but applicable elsewhere and somewhat instructional in our case, Geras (1998) refers to a “contract of mutual indifference” (p. 28) between victim and bystander. By this he means that due to the history of the atrocity, there exists afterwards a natural indifference in this relationship, and an unwillingness to form any sort of relationship with, or mutual dependence on, one another. Kruger (2012) in turn compares apartheid victimhood to that of Holocaust witnesses. She argues that holocaust witnesses – and apartheid victims - suffered a crisis of identity when, in many ways having been denied human agency, they found themselves with increased control over their own circumstances (p. 138). This is a situation rife with confusion for victims. As is evident, the Holocaust is not an uncommon comparison to invoke in post-conflict societies. Meister (2011) argues that human rights discourse is still largely about the touchstone of the Holocaust (p. 175), an argument that certainly holds true for the transitional justice literature.

Before looking specifically at the question of immigration in South Africa, it is necessary to cast our ignorance contract gaze on some of the wider social problems that serve as the context for the conflict over immigration: ongoing social and economic inequalities in South Africa since the end of apartheid. Bandeira & Higson-Smith (2011)

refer to this stratification as “differential citizenship” (p. 22). Differential citizenship refers to the differentiation of black South Africans into a new elite class on the one hand, and the ever expanding disadvantaged class on the other. This stratification has been caused by a number of factors. South Africa’s affirmative action programs are intended to address ongoing inequalities, yet are controversial. Alexander (2007) argues that affirmative action perpetuates racial categories, or enforces continued racial divisions in South Africa (p. 92). He argues instead for affirmative action based on income. However, I would argue that, at least in theory, the creation of affirmative action programs based on race is an example of a social program in which the ignorance contract is *not* a factor. The fact is that the original discrimination of apartheid was based on racial categorization, and that to base affirmative action programs on any other criteria is to ignore the basis for these programs. Affirmative action programs, by their very nature, are not meant to last forever, and are a tool for correcting previous wrongs and effecting societal transformation. It seems disingenuous to whitewash their *raison d’etre*.

However, Alexander’s argument (2007) is that the racial categories of apartheid are empty and arbitrary signifiers, which of course they are. He argues that “referring unproblematically to ‘Blacks’, ‘Coloureds’, ‘Indians’, and ‘Whites’ in... normal public discourse [means that the government is] perpetuating the racial categories of apartheid South Africa and wittingly or unwittingly entrenching racial prejudice” (p. 94). This is not to mention of course concerns about corruption in and government misuse of the Black Economic Empowerment (BEE) program, a key piece of the government’s affirmative action policy (Emkes, 2012). In that vein, Desmond Tutu has lambasted the BEE program, saying that it is ineffectual, and constitutes a “recycling technique that

circulates power and wealth within the same conduit” (Kunda, 2009, p. 121), the new black middle/upper class. Tutu has become a vocal critic of government inaction on rectifying the major societal inequalities of the apartheid era. He referred to ongoing poverty and inequality in South Africa as a “powder keg” (Tutu cited in Kunda, 2009, p. 121). Tutu’s comments were prophetic in the wake of the violence that occurred in South Africa in 2008.

Immigration

The last decade has seen increasing numbers of African migrants coming to South Africa. In 2008, there were an estimated 6.5 million immigrants living in South Africa out of a population total of 49 million (Duval Smith, 2008). Many of these migrants are from nearby African countries, with a substantial number of people coming from Zimbabwe, fleeing from the repression of Robert Mugabe’s Zanu-PF government. A particular boiling over of unfavourable public opinion towards immigration is the case to which I will now turn in looking for the presence and workings of the ignorance contract in post apartheid South Africa.

In 2008, there was a wave of so-called ‘xenophobic attacks’ across the country carried out by black South Africans in poor communities against African immigrants, or those thought to be African immigrants (Coplan, 2009, p. 367). 62 people were killed, and 100,000 people were displaced (Vromans et al, 2011, p. 90). Businesses and personal properties were destroyed, and immigrants were forced to take shelter in nearby churches (Duval Smith, 2008). The South African citizenry and the international community responded with both shock that the country that had undertaken the TRC could

experience such a violent spate of race-based hatred, and also weary familiarity at the display of collective violence. Sichone (2008) argues that the attacks provided evidence that South Africa is by no means completely healed from the wounds of apartheid (p. 257). South Africa's crime rate alone – for example, there were 19,202 murders in 2006-2007 and more than 52,000 *reported* rapes (Duval-Smith, 2008, emphasis mine) - speaks truth to Sichone's point.

However, what was different about 2008 from South Africa's usual crime rate pattern was the motivation behind the attacks. They were borne out of a specific frustration at societal inequalities in South Africa and the perception that immigrants were faring better economically than native-born South Africans. In other words, Bandeira & Higson-Smith (2011) describe the attacks as a direct response to differential citizenship. They argue that the violence was an attempt to draw clear lines between the South African citizen and the 'foreigner' (real or imagined) and to, in effect, exclude non-citizens from basic rights that those perpetrating the violence perceive that they themselves are somehow lacking in or denied (p. 31). To this point, the attacks are commonly referred to as the xenophobic attacks of 2008, and for ease of reference and recognition I also refer to them as such. However, although a convenient label, I would argue that xenophobia does not quite accurately explain what happened in South Africa in 2008. Clinically, xenophobia is "an irrational and debilitating anxiety induced by fear of strangers, foreign things and places" (Sichone, 2008, p. 255). The attacks against non-South Africans in 2008 were, it seems, not guided by fear but rather by frustration at ongoing economic inequality and social ills and a desire to gain control over that which the attackers had no control. The resulting actions could be more accurately labeled as

scapegoating rather than xenophobia.

In these particular episodes of violence in South Africa, we can see both the ongoing presence of the ignorance contract and the particular flavour of willful ignorance that pervaded the TRC. The 2008 attacks can be analyzed as a symptom of the ignorance contract. Specifically, the deep economic inequalities that precipitated the attacks are a direct result of successive ANC governments' failures to adequately address socio-economic inequalities, or, some of the everyday aspects of apartheid. Of course, it was always going to be impossible to meet high post-apartheid expectations of land reform, economic development, and narrowing the equality gap. However, as has been argued, particularly effectively by Alexander (2003, 2007), there are unacceptable levels of continuity with the previous regime. Many of the dominant structures of apartheid remain, such as the bureaucracy and security and police forces, as I mentioned in my introduction. But, Alexander (2003) argues that structural continuity is somewhat of a red herring in the matter of a lack of change. He argues that some of these continuities in the social and economic arenas perhaps can be explained by looking to the dramatic shift to the right that the ANC has made, economically, noting that many top ANC officials who previously espoused radical socialist beliefs now propogate neoliberal economics and are themselves members of a new class of wealthy black South Africans (p. 61).

Of course, this shift towards neoliberalism cannot be divorced from the xenophobic attacks or the ignorance contract. Had the TRC focused on economic, social and cultural rights abuses, successive ANC governments would have arguably placed more of an emphasis on questions of social welfare.

Following on from Alexander's argument (2007) about the perpetuation of

apartheid-era racial categories in South Africa, the events of 2008 also followed a predictable South African tradition, namely the “recourse to ethnic devices for excluding others from resources” (Sichone, 2008, p. 258). The very fact that this recourse occurred is particularly ahistorical given the fact that many of the immigrants targeted were in fact refugees fleeing political violence, a situation not so foreign to South Africa (Duval-Smith, 2008). In other words, the fact that there is a disturbing continuity with the past in terms of violence based on ethnic categories, real or imagined, is emblematic of the TRC’s failure to definitively disrupt apartheid-era discourse in South Africa.³ Furthermore, it reflects the TRC’s focus on spectacular violence rather than problems of deep-seated racialized thinking and community divisions.

The violence in 2008 also showcases the reality of both generational trauma and the ignorance contract as a particularly problematic phenomenon for youth. Youth were heavily involved in the xenophobic attacks, both men and women. Bandeira & Higson-Smith (2011) argue that the violence was an opportunity for those living in poverty and feeling powerless about their circumstances to imagine themselves as fighting for their community. They further argue that the violence provided an outlet through which to express masculinity. Specifically, the violence was a display of protest by young men acting in frustration at their inability to provide for their families or to start families (p. 3). Furthermore, a generation has now come of age since the end of apartheid and the TRC. These youth did not live under apartheid, and thus their attitudes about apartheid are shaped by inherited discourse, performances of collective memory, and lived experience

³ There was nothing scientific about the judgment of who was a ‘foreigner’ or not during the xenophobic attacks. Conversely, during apartheid there was an attempt to be scientific about racial categorization, but the ‘science’ (such as assessing whether or not a person could hold a pencil in one’s hair) was complete nonsense.

of the ongoing effects of apartheid. The ongoing ignorance contract in South Africa has particularly stark consequences for youth.

Widening our lens to address crime more generally, it can be argued that South Africa's approach to crime is emblematic of the ignorance contract. As previously discussed, South Africa has one of the highest rates of violent crime in the world (Duval Smith, 2008). Gready (2011) argues that "the transitional era is characterized by hopelessly mixed messages" (p. 117). By way of explanation, he describes how the "apartheid assassin is granted amnesty, while the car hijacker is portrayed as the new nation's nemesis" (p. 117). The TRC's approach to the perpetrators of violent crime does not translate to South Africa's approach to perpetrators of violent crime in the present day. Furthermore, the connections between decades of oppression, lack of post-apartheid social change, and criminal activity are under-explored in practice. In South Africa, as Bandeira & Higson-Smith (2011) argue, "violence is a taken-for-granted social fact, rather than a phenomenon to be problematised" (p. 26). In turn, Steinberg (2008) argues that white South Africans misdiagnose the causes of crime in South Africa, too often reading it as a type of post-apartheid malady of vengeance (p. 27). He notes that on the contrary, white South Africans are significantly under-represented as victims of violence (p. 27). He concludes that crime is largely unrelated to race relations (p. 27). I agree that crime in South Africa has little to do with race *relations* per se, but it has everything to do with a legacy of racial inequality. That is to say, crime is of course often borne out of disadvantage. Apartheid offered an extreme cocktail of economic and social disadvantage coupled with dispossession of land, education, and identity. Thus, while the xenophobic violence of 2008 was an openly proclaimed response to social inequalities and lack of

real change, surely crime more generally, although not as starkly laid out, is also at least in part a product of ongoing apartheid-era ills not discussed comprehensively at the TRC and not addressed comprehensively now.

Although the violent attacks in 2008 were an exception in a post-apartheid period largely free of ethnicity-based violence, they both displayed a disturbing revisiting of old types of divisions and were symptomatic of wider causes underlying South Africa's crime problem. Specifically, I have cited the TRC's failure to address many of the socio-economic aspects of apartheid as a factor behind crime in South Africa. Furthermore, the TRC's failure to acknowledge and discuss racialized patterns of thinking and acting has led to an ongoing recourse to these divisions against a landscape of such deep social inequalities. Thus, the silencing of such pervasive problems brought about by the TRC's mandate can be seen in such ongoing patterns of willful ignorance as the xenophobic attacks of 2008 and in the South African government's lack of decisive delivery on socio-economic inequality.

Emigration

In 2009, the South African Institute of Race Relations said that the level of white migration from South Africa was “at a pace consistent with the advent of widespread disease, mass natural disasters or large-scale civil conflict” (Johnson, 2009). According to Richman (cited in Marchetti-Mercer, 2012), “Should I stay or should I go [is] the defining question for today's South Africans” (p. 243). Of course, it would be more accurate to state that the emigration decision is the defining question for white South Africans. The most popular destinations for South African émigrés are Australia, New

Zealand, Canada, the United Kingdom, and the United States (Crush, cited in Marchetti-Mercer, 2012, p. 244). These locales are unsurprising, given oft-occurring diasporic connections between white South Africans – English speaking white South Africans in particular – and the aforementioned countries. Drawing on statistics from the South African Institute of Race Relations – the South African government no longer keeps emigration statistics – Griffiths & Prozesky (2010) note that “about 20 to 25 percent of White South Africans have left their country of birth since the 1990s” (p. 28). The most commonly given reasons for emigration are violent crime and affirmative action programmes (Griffiths & Prozesky, 2010, p. 29).

Griffiths & Prozesky (2010) invoke Charles Taylor’s concept of the social imaginary to explain the overarching rationale behind white emigration. The social imaginary refers to the fashion in which people imagine their social surroundings and their place within society (Taylor, 2004, p. 23). They argue that the apartheid system maintained a very particular collective social imaginary for white South Africans, and that when apartheid ended, this social imaginary was no longer so well supported by external conditions (p. 23). As Griffiths & Prozesky (2010) note, the very nature of a social imaginary is for social conditions to remain “latent, unexamined” (p. 34) so that the imaginary will not be disrupted. Those that cannot cope with the dissonance that is brought on by the new South Africa emigrate, and are able to in some way maintain their social imaginary. The fact that such dissonance exists and is unpalatable to many who emigrate, even after such a process as the TRC, surely reveals many of the ongoing ignorances represented by the ignorance contract. In other words, if bystanders and beneficiaries had truly been engaged in a TRC that laid bare the insidious monotones of

everyday apartheid, it could have demystified the social imaginary to the point that the democratic transition would seem natural, rather than confusing and troubling, or would have at least helped to raise these issues as public problems for discussion. This may seem a large leap to make, but it is a worthwhile exercise to envisage what the effects of a different type of TRC would have been on white South African attitude and behaviour. Again, recall the acknowledgement and recognition of a topic dealt with comprehensively at the TRC: the discrediting of the apartheid regime.

All of this is not to say that South Africans who emigrate do not have very real social concerns that factor into their decisions, or that concerns of safety and economy are somehow sinister or invalid. Nor is it to say that emigration is solely the purview of white South Africans. However, I have argued that ignorance, non-acknowledgement, and a lack of responsibility are common themes in emigration from South Africa. For example, in his in depth survey of South Africans living in the United Kingdom, Crawford (2011) found that for the myriad of concerns stated as reasons for emigrating, many of these reasons led to racial identity. Specifically, the top three answers given when asked why a respondent had emigrated were crime, politics, and affirmative action. Crawford explains that these are key issues over which white South Africans express perceived victimhood based on their whiteness (p. 29). It can further be argued that in order to emigrate from South Africa, one does not necessarily need to leave the country. Highly securitized gated communities abound, in which residents are neatly sequestered from the realities of life in South Africa. This type of living could be described as a sort of psychological emigration. Landman & Schonteich (2002) describe the South African approach as one of “total security” (p. 77), in which the securing of one’s home is not

sufficient. Instead we see completely enclosed, private, gated communities.

Of course, expressing a lack of responsibility for apartheid is not limited to those who emigrate, and we can use the ignorance contract lens to look at white identity in South Africa more generally. Steyn (2005) delineates the discourse of the white South African by naming the five themes of what she calls White Talk: “crime and violence, corruption, dropping standards, affirmative action, and Africans’ ingratitude” (p. 130). Steyn (2005) further argues that in terms of accountability for apartheid, White Talk “establishes enough *personal* innocence to provide levels of psychological comfort in dealing with the past” (p. 129). White Talk comprehensively ignores and represses the ways in which the effects of apartheid can still be seen in South African society. The fact that this sort of discursive repression is widely practiced is, I argue, testament to the fact that the TRC did not provide opportunities for new discursive patterns, or a new type of White Talk, to emerge: discursive patterns in which white South Africans recognized their complicity in maintaining the system of apartheid. In this vein, recall Mamdani’s (2000) argument that the TRC’s greatest achievement has been to “discredit the apartheid regime in the eyes of its beneficiaries” (p. 183). But, what have the beneficiaries done with this information, this discrediting of the apartheid regime? The regime may be discredited, but there is no widespread agreement on who was responsible for its existence. This is the crucial disconnect, and the crucial step that the TRC could have taken towards eradicating the ignorance contract.

Moreover, the fact that there is no widespread agreement on who is responsible for apartheid speaks to the type of transition discourse bequeathed by the TRC. The TRC laid bare the horrifying physical crimes perpetrated by the state and by political

organizations but left virtually unexamined the role of bystanders and how white privilege was by no means an innocent state of affairs but was instead a form of complicity with the apartheid regime. Thus, the concept of the social imaginary is applicable here in a number of ways. Not only did the end of apartheid disrupt a social imaginary for many white South Africans – a substantial number of whom emigrated after 1994 – but the TRC perpetuated another kind of social imaginary, one in which clear perpetrator and victim categories left no room for a discussion of the role of bystanders.

Women

Mengel, Borzaga & Orantes (2010) refer to the state of reconciliation in South Africa today as “continuous traumatic stress syndrome” (p. x). They argue that “racial inequality, abject poverty, and unemployment are ‘violent’ social structures that are doomed to produce and perpetuate trauma instead of interrupting it” (p. x). Of course, as I have emphasized, the TRC cannot be held responsible for solving structural injustices. However, I have also argued that the Commission did a disservice to societal reconciliation by not comprehensively addressing economic, social, and cultural abuses so that these problems of apartheid would have become key points of public focus and discussion in the transition rather than silences of suppression and denial. This state of collective anxiety to which Mengel, Borzaga, & Orantes (2010) refer takes on another dimension for women, who “live permanently on red alert” (Moffett, 2008, p.227) in South Africa today. This chronic anxiety is caused by ongoing gender violence, in particular, sexual violence. I argue that the state of gender discourse and of women in

South Africa today was not helped by the TRC's silence in this area. In other words, there is an ongoing lack of acknowledgement of women's experiences during apartheid and thus ongoing problems for women.

On the surface of it, women as a group have been reasonably successful in post-apartheid South Africa in the public sphere, for example, in terms of women in government, the establishment of a national Commission on Gender Equality, and gender progressive court decisions (Borer, 2009, p. 1185). However, a stark contrast can be made between these gains and the state of other aspects of life for women. Sexual violence is an epidemic in South Africa today. Moffett (2008) refers to it as no less than a "gender civil war" (p. 110). A strong case can be made for this endemic violence being a legacy of the fact that violence was a way of life in South Africa for many years, and of course violence often begets violence (Sigsworth, 2009, p.18). Sexual violence in particular has become normalized in South Africa to the point that it is akin to a way of life. However, Sigsworth also argues that tying the normalization of sexual violence to South Africa's history of apartheid is a damaging characterization of the violence because it removes responsibility from the perpetrator (p. 20). I appreciate the warning in Sigsworth's argument. However, I argue that we need to both recognize individual responsibility and what shapes individual behaviour, and that it is perhaps more damaging to ignore historical context in a discussion of sexual violence. To this end, Moffett (2006) argues that the normalization of sexual violence in South Africa is at least to some extent a product of apartheid (p. 143). I further argue that had more of an effort been made to address sexual violence at the TRC, debate around sexual violence in South Africa today may not be as cloaked in secrecy, shame, and ignorance as it is and that

there would possibly be room for a more open debate regarding combating the blight of sexual violence.

Moffett (2010) has conducted extensive research into the discourse of rape in South Africa, which I do not have the space to fully explore in this thesis. Nevertheless, it is worth raising one point as it relates to gender and the way in which patterns of ignorance were perpetuated through the TRC's approach towards women. Moffett has explored patterns of language in discussion of sexual violence. For example, she notes that rape is often referred to in the passive voice: I was raped; she was raped (p.232). She also pointed to the language of rape prevention, which usually comes in the form of a series of things women can do or not do to avoid being raped (p.232). What these patterns of language in talking about rape in South Africa, and in the rest of the world for that matter, serve to do is to eliminate the perpetrator in the equation and make rape "squarely a woman's problem" (p.233). This harkens back to rape being framed by the TRC as a private problem that belonged to women. While the TRC final report acknowledges sexual violence in the chapter on women and contained a "specific set of findings" in relation to women and sexual violence, it does not contain findings relating to men as the perpetrators of sexual violence (Ross, 2003, p. 24). To this point, not a single person applied to the Amnesty Committee for amnesty for politically motivated rape or sexual violence (Borer, 2009, p. 1178).

In terms of a very public and symbolic demonstration of rape discourse in South Africa, President Jacob Zuma was accused of rape in 2009. Although he was eventually acquitted, his statements were rife with arguments that his appellant had " 'asked for it' by wearing a traditional wrap and by sitting 'like a man'" (Hassim, 2009, p. 59). On the

one hand, it can be argued that Zuma's appellant speaking out about the alleged incident and coming forward to trial is symbolically positive in terms of women speaking out about sexual violence in South Africa (Ross, 2003, p.72). However, both Zuma's characterization of consent and the virulent discourse of the crowds that gathered outside the courthouse in support of Zuma disprove any notion that it is safe to speak out about sexual violence in South Africa. It is clearly not made any safer to speak out about sexual violence in the present day than it was at the TRC hearings.

South Africa's HIV/AIDS epidemic is the final way in which women are subjugated in South Africa today that I will address. It is impossible to divorce rape from HIV/AIDS in South Africa. They are two of the many parts of the sexual violence continuum, including "rape, domestic violence, sexual harassment, 'corrective rape' against gays and lesbians, virginity testing, and sexual assaults" (Britton, 2006, p.149). Urdang (2006) argues that HIV/AIDS has become a feminized issue in Southern Africa (p.165). Women are "both physiologically and socially" (p.165) more vulnerable than men to contracting the virus. Furthermore, another dimension in which women are more vulnerable to the ravages of HIV/AIDS is in their traditional roles as caregivers, meaning that women are more likely also to be caring for family members who are ill with the virus. Urdang refers to this situation as women being "disproportionately *infected*... [as well as] disproportionately *affected*" (p. 166).

South Africa's response to the HIV/AIDS crisis was, according to UN AIDS Envoy Stephen Lewis, "more worthy of a lunatic fringe than of a concerned and compassionate state" (Lewis cited in Russell, 2009, p. 201). Former President Thabo Mbeki famously doubted the link between HIV and AIDS and also called into question

the effectiveness of anti-retroviral drugs. Current President Jacob Zuma has also contributed to this dangerous discourse, claiming that he showered after having unprotected sex with his rape accuser so that he would not contract HIV (Russell, 2009, p. 228). Although Zuma has gone further than his predecessors in publicly being tested for HIV and encouraging all South Africans to do the same, again we can see a wide gulf between public sphere actions and private sphere discourse. In this section, we have seen the ignorance contract in action, particularly in a glaring and ongoing lack of acknowledgement for the experiences of women in South Africa.

In summary, this chapter has identified ongoing patterns of ignorance in South African society through an analysis of three areas: emigration, immigration, and the status of women. I have discussed the ongoing social ills that are reminiscent of apartheid South Africa and that are still present in these areas, specifically the problems of bystander/beneficiary lack of responsibility and denial, recourse to ethnic divisions and violence, and a lack of acknowledgement of the experiences of women. I have argued that the TRC, rather than serving as a catalyst for truth and reconciliation and a deeper recognition of apartheid abuses, led to an entrenchment of the ignorances that were the foundation of the apartheid system. That is to say, the TRC's narrow mandate did not allow room for a discussion of many of the economic, social, and cultural abuses that made up the fabric of apartheid and thus perpetuated the type of willful ignorance that characterizes the ignorance contract. In Chapter Four, I detail my key overall findings and ask how the overarching question of the TRC's discourse of closure contributes to the ignorance contract.

Chapter Four: Conclusions

One element of the South African TRC that received much public attention was the amnesty provision for perpetrators who confessed to politically motivated body bound crimes. Certainly the dramatic televised encounters between perpetrators and victims and the seemingly heroic displays of forgiveness captured the emotional imagination of an international audience. The amnesty and forgiveness piece of the TRC was at least in part a product of its religious undertones, as shaped by Desmond Tutu. While Tutu cited practical reasons for a focus on amnesty and forgiveness – the cost and time involved in criminal trials – his most prominent rationale was moral (Crocker, 2006). Tutu famously premised many of his comments on the TRC on the philosophy of Ubuntu (social harmony), and argued that retribution in the form of criminal trials would be damaging to societal reconciliation (Crocker, 2006).

The amnesty and forgiveness element of the TRC also delivered a decisive message of closure. Tutu envisioned a TRC in which a perpetrator applied for amnesty, the victim granted forgiveness, and thus the two parties were successfully reconciled. In his foreword to the TRC's final report, Tutu implores South Africans to “close the chapter of [the] past” (Truth and Reconciliation Commission of South Africa, 1998, p. 92) with the closure of the TRC. There was no allowance given in the official narrative of the TRC for a victim who was not interested in forgiveness, or for the victim who forgave yet still suffered ongoing effects of the trauma, to say nothing of those who were precluded from participating in the TRC in the first place due to the nature of the commission's mandate. As has been demonstrated in the previous chapters, any assumption that the TRC provided closure on the apartheid years is one fraught with

complications when one realizes the extent to which the TRC failed to address so many of the realities of apartheid.

The implications of this discourse of enforced closure can be seen in, for example, Vice's discussion of situating the white South African in modern South Africa. For example, Vice (2010), in her discussion of how the white South African should situate his or her self in South Africa, argues for "the appropriateness of feeling shame and of responding to it with silence and humility" (p. 337), which she explicitly states is not in response to the historical wrong of apartheid but to "*ongoing wrongdoings and their visible effects*" (p. 337, emphasis mine). Vice (2010) explicitly takes a stand against the notion that the TRC offered closure. Kruger (2012), in turn, describes the plight of the South African as one who lives in two times concurrently, with apartheid always emotionally present in the current day (p. 144). This notion of duality, and of being unable to reconcile one's own memory and experience with the national narrative about the past, is one that we have seen in Chapter Two's exploration of ongoing memory performance, for example in the work of the Khulumani Support Group and in memory performed through artwork. The discourse of closure espoused by the TRC is extremely problematic.

Thus, any question about a truth commission mandate is necessarily part of a wider question as regards a truth commission as an artificial break between then and now, and as a political instrument used to enforce closure on the past. Although a discourse of closure is fraught with complications in any truth commission, it is particularly problematic in the case of a truth commission with a limited mandate. In other words, how could the TRC promote closure when so much of the fabric of apartheid was not

addressed, interrogated, and brought into the open by the process? This is not to say that the TRC signified no temporal break whatsoever. South Africa experienced a significant and definite societal rupture and the beginnings of a transformation with the end of apartheid and the process of the TRC. This is not always the case with truth commissions. In Canada, for example, the temporal break that the Canadian Truth and Reconciliation Commission purports to signify is much more vague. In South Africa, the TRC came on the heels of a negotiated transition to democracy, and indeed was part of the overhaul of the entire political and social system of the country. In Canada, there is no political or social transformation that accompanies the ongoing Truth and Reconciliation Commission, making it more difficult for the Commission to gain public attention and investment. Nevertheless, South Africa's radical transformation is not as radical or as complete as has been espoused via the discourse of the TRC.

Of course, questions about truth commissions and transitional justice are always multi-layered. One of the many overarching master questions surrounding truth commissions is: Do truth commissions matter? Do they have an effect on society? Do they 'work'? Although this is a question perhaps better suited for comparative work and a question which has been addressed to some extent elsewhere (Borer, 2006; Hayner, 2011), it is inherent in all investigations into truth commissions. Thus, at the heart of my research question - How can the mandate of a truth commission serve to entrench old ignorances and divisions? More specifically, in what ways can the ignorance contract be seen in South African society now? – lies the larger question of truth commission efficacy. Truth commissions serve such multi-faceted purposes with such complex and differing aims that it is extremely simplistic to deem a truth commission definitively a

success or a failure. However, we can assess a truth commission for successes and failures.

Part of the recovery and reimagining of South Africa, as has been alluded to throughout this thesis, is rooted in acknowledgement. In fact, acknowledgement can be situated as the opposing stance to the type of willful ignorance that is characteristic of the ignorance contract. Here it is applicable to invoke Taylor's (1994) concept of recognition, as it is synonymous with our use of acknowledgement: "our identity is partly shaped by recognition or its absence, often by the *mis*recognition of others, and so a person or group of people can suffer real damage, real distortion, if the people around them mirror back to them a confining or demeaning or contemptible picture of themselves" (p. 25). The mandate of the TRC achieved exactly this. Quinn (2010) argues that acknowledgement should be one of the key criteria by which truth commissions are evaluated (p. 6). Specifically, she argues that "acknowledgement, the act of forgiveness, and the development of social trust and civic engagement, as well as of social capital and social cohesion" (p. 3) are the driving forces by which truth commissions can effect change. She argues that the rebuilding of, or the construction of, a vibrant civil society is predicated on acknowledgement of past injustices (Quinn, 2010, p. 142), and that this is a role that truth commissions can play.

Of course, Quinn's (2010) work on the politics of acknowledgement focuses on truth commissions in Haiti and Uganda, both of which are considered to have failed in this area (p. 6). In the South African context her argument about civil society seems less relevant, as South Africa has always had, and continues to have, a healthy civil society. However, a lack of acknowledgement of the everyday abuses of apartheid can be seen in

other ways. In illustrating this point, we can invoke a counter example, also touched on at various points throughout this thesis. As already noted, Mamdani (2000) argues that the TRC's greatest accomplishment was summarily disgracing the apartheid regime (p. 183). Such disgracing was brought about by substantial discussion of, and subsequent media and public attention to, the apartheid regime's many illegal and criminal acts. The "monumental spectacle" (Phelps, 2004, p. 106) of the TRC had enormous influence in shaping public discourse, and by focusing on the illegal acts of the apartheid regime, the TRC ensured that the discrediting of the apartheid regime is undisputed in South Africa and internationally today. This significant success suggests that had the TRC's mandate been broader the commission would have had a real chance at more summarily discrediting some of the insidious underpinnings of apartheid: the deep societal divisions and racialized thinking that continue to be characteristic of the ignorance contract and, as I have argued, are linked to contemporary social pathologies in South Africa today. Thus, in reflecting on Quinn (2010) and Steyn (2012), I argue for a continuum of acknowledgement as a means of evaluating truth commissions, with full societal acknowledgement of the entire gamut of injustices and wrongs at one end, and a complete ignorance contract at the other.

Having previously established the position that reconciliation is not an end state but a process, it may seem contradictory to enquire as to whether the ignorance contract has prevented reconciliation in South Africa. However, it is not contradictory to assess the extent to which the ignorance contract has affected processes of reconciliation. Revisiting Hamber and Kelly's five strands of reconciliation (2009), we can ask how the ignorance contract interacts with and affects the notion of reconciliation in South Africa.

Hamber & Kelly's five strands are: "developing a shared vision of an interdependent and fair society, acknowledging and dealing with the past, building positive relationships, significant cultural and attitudinal change, and substantial social, economic, and political change" (p. 291). In fact, if Hamber & Kelly's strands of reconciliation are juxtaposed next to the actual discourse arising out of the TRC, i.e. the perpetuation of the ignorance contract, it is evident that Hamber & Kelly's definitions of reconciliation and the actual outcomes of the TRC stand in direct opposition to one another.

I have argued that the ignorance contract, and specifically non-acknowledgement, can be seen in South Africa in remaining racial fault lines that exist in many areas of society, including the areas of emigration and immigration, as well as in the status of women in South Africa. Such non-acknowledgement of the insidious, everyday divisions that underpinned the apartheid regime and acted as the foundation for the more spectacular acts of violence discussed at the TRC has led to ongoing social ills in South Africa. Specifically, in the topics that I discussed in Chapter Three, the ongoing social ills are bystander/beneficiary lack of responsibility and denial, recourse to ethnic divisions and violence, and gender based violence. And so, what does acknowledgement, or recognition, look like in the South African context? Quinn (2010) defines acknowledgement as "publicly admitting to and accepting a knowledge of the events that have taken place" (p. 3) and as something that must be "undertaken by both victims and perpetrators" (p. 4). Many would argue that this type of acknowledgement was accomplished via the TRC. Certainly Tutu, with his pronouncement that the truth had been revealed, would agree. And absolutely the South African TRC was a success in terms of general societal acknowledgement of wrongs in comparison with many other

truth commissions.⁴

However, as I have argued, the very nature of the TRC's mandate prevented a deeper, richer acknowledgement from taking place. Many truths were not discussed or admitted. Furthermore, to Quinn's argument that acknowledgement must be undertaken by both victims and perpetrators I would add that for full, comprehensive acknowledgment and recognition it must be undertaken by beneficiaries, or, less contentiously, bystanders. In the South African case, I have argued that this has not occurred. My discussion of emigration in particular and of racialized white South African discourse reveals a display of willful ignorance about the ongoing effects of the apartheid regime and the role of bystanders in maintaining it. The TRC did make some effort to engage bystanders, for example, through a register to which individuals not registered as victims or perpetrators could submit comments to the TRC. Minow (1998) remarks that "in participating in a process that combines truth-telling and a spirit of forgiveness with personal contrition, even bystanders can join the effort for reconciliation" (p. 20). However, the fact that bystanders *can* join in reconciliation efforts does not mean that they will. Any strategy for public engagement should take this into account.

A survey of truth commissions to date (Hayner, 2011) reveals little concentrated effort or special initiatives to specifically engage beneficiaries and bystanders in the work of truth commissions. In the case of the Canadian Truth and Reconciliation Commission, which is currently ongoing, James (2012) expresses doubt about the efficacy of the Commission's victim-centered approach, arguing that there may be limits to such an approach (p. 2). Mazzei (2011), in her work on El Salvador's truth commission, argues

⁴ Quinn (2010) assesses the Haitian and Ugandan truth commissions against her model of acknowledgement and finds both commissions sorely lacking.

that truth commissions need to engage deeply and widely with the public in order to truly change popular discourse, something that she claims did not occur in the El Salvadorian case (p. 431). After looking at the longer-term impact of the South African TRC, and in international comparison, it seems as though public engagement is a significant ongoing issue for truth commissions with identifiable consequences, and one that should be specifically addressed in the planning of future truth commissions and transitional justice initiatives.

We are at a critical juncture in the evaluation of South Africa's TRC. In many ways, evaluation of the TRC is still beset by the "problems of contemporary history" (Palme-Dutt, cited in Alexander, 2003, p. 4), namely, that it is in many ways 'too soon to tell' how the processes of memory performance and the ongoing unfinished business of the TRC will work themselves out in practical terms. Nevertheless, both short term and long term evaluation of truth commissions is an underexplored area (see Hayner, 2011, p. 237). The effects of the type of mandate a truth commission chooses has implications for future truth commissions, which are proliferating at a high rate and which often take their cues from previous truth commissions.

Certainly in the South African case, the TRC undeniably had many successes. The widespread media coverage that it generated both in South Africa, where it was the subject of a nightly broadcast, and around the world, was a success in itself. The fact that South Africa has not experienced widespread political violence since the TRC and the fact that it has enjoyed stable democracy are successes. Furthermore, the TRC thoroughly disgraced the apartheid regime to the extent that it is rare to find a South African who will admit to having voted for the National Party or having supported apartheid. This

widespread agreement on the character of apartheid is a significant success.

But, this thesis has raised concerns about the impacts of the TRC's mandate. I have asked how the mandate of a truth commission can serve to entrench ignorances and divisions. I have argued that the TRC's mandate limitations have had the following effects: precluding a wide swathe of the South African population from testifying at the TRC about their experiences under apartheid, precluding many women from testifying at the TRC about their personal experiences, enforcing closure on the history of apartheid and putting forth an incomplete narrative of apartheid. I have used Steyn's (2012) notion of the ignorance contract to characterize these effects and how they contribute to particular problems in contemporary South African politics. These effects and their contemporary roles are as follows: memory performance that intimates a desire for acknowledgement and reparation, an overwhelming culture of denial and lack of responsibility amongst white South Africans that is evidenced in the discourse around emigration from South Africa as well as in a more general discourse about current life in South Africa, the xenophobic attacks of 2008 and more generally South Africa's crime problem – both symptomatic of the wider problem of deep socio-economic inequalities, and a lack of action on gender based violence.

Having discussed the critiques of Mamdani (2000, 2002) and others regarding the TRC's mandate – that is, the definition of a human rights abuse as a politically motivated bodily harm that occurred outside the realm of apartheid legality - I have found that this definition helped to solidify the ignorance contract that Steyn (2012) uses to characterize apartheid South Africa. Specifically, the definition of a human rights abuse at the TRC created a significant disconnect between the values the TRC promoted – truth and

reconciliation – and the epistemologies of ignorance that actually pervaded the process. Not only did I find that particular contradiction in terms rife within the TRC, but I also found within the TRC evidence of non-acknowledgement, denial, and non-recognition. These characteristics of the ignorance contract were particularly showcased in the question of gender and a lack of testimony about women's experiences during apartheid.

A further key finding is in the area of memory performance. I have linked the mandate of the TRC to ongoing expressions of memories of apartheid. Specifically, I have found that memory performance of the missing history of apartheid not covered by the TRC is ongoing in South Africa and is reflective of a desire for acknowledgement of this history and experience. As I have argued, such acknowledgement was not a part of the TRC process. This ongoing memory performance is therefore an attempt, usually at the grassroots and community level, to move beyond epistemologies of ignorance and to challenge the ones that exist in South Africa today.

Furthermore, the discourse imposed by the TRC was one of finality, largely conducted through Tutu's pronouncements that the truth having emerged, South Africa should shut the door on the past (Moon, 2008, p. 118). Tutu purported that this closure would be ushered in by truth, amnesty, forgiveness, and reconciliation (Crocker, 2006). I have found that in this area too, there is a wide gulf between the promise of the TRC and the lived reality of life after apartheid in South Africa. How can closure exist when so much of the base material of apartheid was not addressed by the TRC and in fact continues to make appearance in South Africa in altered form?

And thus, there are lessons to be derived from this case study. The mandate of a truth commission has a significant impact on the nature of a society that is built or rebuilt

in the wake of the truth commission. This is an area in which there is a significant gap in truth commission evaluation and in the wider truth commission and transitional justice literature. In searching for evidence of the TRC mandate's impact through a discourse analysis of the areas of emigration, immigration, and gender, I have explicitly tied the TRC's narrow mandate to ongoing social problems in South Africa. Furthermore, much can be learned from linking memory performance to truth commissions, and this is a means of evaluating a truth commission that has not come into widespread use. In this thesis, I have attempted to provide an introduction to what this sort of evaluation may look like by assessing a wide range of memory performance in South Africa against the particular character of the TRC's mandate. It is in the varied forms of memory performance in South Africa that I foresee the greatest potential for the ignorance contract to dissipate. Despite the missed opportunity of the TRC, the truth is still dazzling gradually in South Africa.

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