COMING TO TERMS WITH THE PAST, BUILDING THE PRESENT: THE CASE OF SOUTH AFRICA

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Apartheid and the Transition to Democracy

South Africa’s apartheid era began in 1948 with the National Party’s victory in the general election of that year. The term was used by the party as an election slogan, and although over the years substitute terms were utilised by both Party and the state, “apartheid” stuck as the term of choice world-wide for a system of governance (and a legitimising ideology) which endured in its essentials until 1994. As with all periodisations, unqualified reference to the period 1948-1994 as the apartheid era is problematic. On the one hand, apartheid patterns in society are proving extremely resilient, so that 1994 constitutes the demise of apartheid only in a formal sense. On the other, the system’s roots stretch back to a colonialism inaugurated in the seventeenth century and built upon by the post-1910 era of segregation. Moreover, apartheid underwent several substantive systemic changes (with attendant ideological shifts) between 1948 and 1994. The starkest occurred in 1990, when South Africa’s formal transition to democracy began.

Apartheid has been described, most usefully, as a form of racial capitalism in which racial differences were formalised and pervasive socially, and in which society was characterised by a powerful racially defined schism:

“to one side, a dominant section with disproportionate control over economic resources, a presumptive privilege in social relations, and a virtual monopoly on access to the state; to the other side, a subordinate section with constrained economic resources and with little standing in social or political relations.”

Amongst the world’s racial orders, South Africa’s was unique in its rigidity and, arguably, in its pervasiveness. The danger is to view its form of domination as an
amorphous, all-encompassing relationship between social groupings distinguished by their physical characteristics. This would be to miss the complex interplay of identities - ethnic, social, gender, cultural, linguistic, political and, crucially, class - which informed apartheid’s fundamental schism. Indeed, it has been argued persuasively that racial domination is best understood as “a series of specific class relations that vary by place over time and that change as a consequence of changing material conditions.”

There is strong evidence to suggest that in South Africa’s pre-colonial era neither race nor ethnic consciousness shaped identities. Colonial social engineering, focused and energised by the industrialisation of the late nineteenth century, fashioned the “European”, “African”, “Indian” and “Coloured” social groupings, with “corresponding colour-tainted identities gradually (emerging) as a result of common interest ...” South Africa’s capitalist development in the first half of the twentieth century, founded on the need to accommodate resilient non-capitalist modes of production, fostered the development of ideologies informed by the segregation and control of pre-capitalist societies. This was the crucible out of which both Afrikaner and African nationalism emerged.

The mythology of Afrikaner nationalism posits its origin in centuries of struggle by white Afrikaans-speakers to put down roots in a harsh environment contested by rapacious indigenous peoples and a vicious British imperialism. The individual found meaning, identity, as a member of this embattled community, or “volk”, which was defined by a God-given calling to tame the Promised Land. A more compelling analysis is offered by scholars such as Dan O’Meara, who argues that Afrikaner nationalism coalesced in the 1930s and 1940s as a “historically specific, often surprisingly flexible, always highly fracturated and differentiated response of various identifiable and changing class forces - in alliance - to the contradictions and struggles generated by capitalism in South Africa.” Afrikaner nationalism, O’Meara goes on to argue, was at once a response to and a fundamental shaper of class struggle. In 1948 its class alliance assumed power with a broader racial ideology offering not only protection of the “volk” but also the maintenance of white hegemony. Until the mid-1970s the National Party presided over a period of rapid economic growth and substantial ideological unity and dominance, despite shifting relations and
competing interests in the dominant section. Resistance by the subordinate section was easily contained, and splintered along ethnic and racial lines.

From the mid-1970s, however, forces in capitalist development began to undermine South Africa’s framework of racial domination, producing what Stanley Greenberg has called a “crisis of hegemony”. Rapid population growth and urbanisation were placing pressures on the system. As was a changing economy, the growth of which began to be inhibited by apartheid. Pressures from outside the country began to build up. Resistance from the subordinate section intensified, increasingly bridging ethnic and racial divides. Led by the African National Congress and allied organisations, the considerable energies of African Nationalism began to be channelled increasingly into a struggle for a democracy defined by non-racism.

Attempts by the state to reform the system were frustrated by the inertia of its racial apparatus and the deepening divides between elements within the dominant section. By the early 1980s Afrikaner unity had disintegrated and apartheid as a legitimising ideology was no longer tenable. As the state plunged deeper into crisis, it attempted to forge a new alliance of classes organised not around racial or ethnic identities, but around the protection of capitalism (the “free enterprise” system) and “democracy” against a total onslaught by world communism. “Total strategy” replaced apartheid as an ideological weapon; the suspension of law, the destabilisation of neighbouring countries, and the unleashing of state terror on oppositional groupings, became the primary instruments of power. Only when it became clear that these would not stem the system’s disintegration, did the regime engage its opponents in a process of negotiated settlement.

The apartheid regime was not overthrown. The revolution fought for by the liberation movements over nearly three decades did not happen. Instead, between 1990 and 1994 the apartheid government and its political allies negotiated a transition to democracy with the opponents of apartheid. In February 1990 the African National Congress and numerous other oppositional organisations were unbanned, and Nelson Mandela was released from prison. This inaugurated a period of formal negotiation leading to the first democratic election in April 1994. Although the African National Congress won a sweeping victory in that election, it would manage the first five years of democracy-building through a Government of National Unity. Crucial to
the success of this process was the efficacy of the major players on the ideological terrain in shaping a new national identity. This identity cohered around the notion of a rainbow nation united in its diversity and finding reconciliation through the confronting of its past. Its most powerful symbolic embodiment was in the person of Nelson Mandela. ix The nature of the transition to democracy meant that there would be no dramatic dismantling of the apartheid system. Rather, the new would be built out of the old through processes of transformation.

Coming to Terms with the Past

The first post-apartheid government adopted three interlinked and overlapping strategies for coming to terms with the past: nation-building, through the deployment of symbols and metanarratives (big explanatory stories); the putting in place of special instruments to effect redress and reparation for past injustice; and the longer-term restructuring of the state and the economy to ensure the sharing of wealth and the effecting of equal access to opportunity.

Nation-building was spearheaded by Mandela, for whom national reconciliation was the priority for his presidency (1994-1999). He drew the National Party and the Inkatha Freedom Party into the Government of National Unity. He appointed FW de Klerk as one of his deputy-presidents. He undertook a series of grand symbolic gestures for reconciliation – from having tea with the wives of apartheid-era heads of state to embracing the Springbok emblem for the national rugby team; from visiting former President PW Botha to insisting on the inclusion of elements of the old national anthem in the new one; from overseeing the adoption of eleven official languages for the country to retaining the services of white bureaucrats and security officials on his staff. And he both promoted and attracted new metanarratives to replace the dominant ones of the old regime – these new narratives foregrounded concepts like ‘the rainbow nation’, the ‘new’ South Africa, ‘the struggle’, ‘truth and reconciliation’, ‘the people’, and ‘Madiba Magic’.

Under Mandela, government decided on an array of special instruments for redress and reparation. The centrepiece was the Truth and Reconciliation Commission
(TRC), the key mechanism for confronting the past and the one around which the other instruments were constellated. Established in 1995, the TRC delivered its main report to Mandela in 1998 and concluded its business in 2003. Other instruments were put in place either simultaneously or thereafter, and are all ongoing:

- A land restitution process aimed at either returning land or providing compensation to people forcibly removed in the period 1913-1994.
- A broader land reform programme, aimed at transferring 30% of white commercial farmland to black farmers by 2014.
- The implementation of employment equity policies (affirmative action) favouring previously disadvantaged sectors of society (by race, gender and disability), across government and the private sector.
- Black Economic Empowerment (BEE), a policy and a programme designed to increase ownership, management and control of businesses by black South Africans, to make finances more accessible to black entrepreneurs, and to use ‘preferential procurement’ by the state and its agencies to spread empowerment across the private economy.
- The awarding of special pensions to persons who made meaningful contributions during the struggle for freedom.
- The establishment of a missing persons programme within the Department of Justice with a mandate to locate the remains of persons murdered by the apartheid state and return them to the families. The programme is a response to one of the TRC’s recommendations.

Arguably, the capacity of the strategies outlined above to secure traction hinged on the ability of the post-apartheid governments to restructure the state and the economy to ensure a systemic sharing of wealth and effecting of equal access to opportunity. Before coming to power, the African National Congress had already adopted the Reconstruction and Development Programme (RDP) as its blueprint for achieving these objectives. From 1994 it became government policy, with a cabinet minister in the President’s Office tasked with driving the RDP as the key cross-sectoral shaper of state transformation. However, two years later the RDP was dropped in favour of a new blueprint, GEAR (Growth, Employment and Redistribution), which has been typified as either setting or being closely aligned to a
global neoliberal agenda. Time constraints do not allow an interrogation of
government economic and related policies, nor an exploration of the global economic
and other constraints on the South African state. Suffice it to note that despite
prioritising social welfare (approximately 12 million South Africans now benefit from
social grants and pensions), the state has had little success in shifting resilient
apartheid-era socio-economic patterns. So that South Africa, by most measures,
remains one of the most unequal societies on earth.

This fundamental, underlying and growing inequality has bedevilled South Africa’s
tries to come to terms with its past. More specifically, it has subverted the work
of the country’s special instruments for redress and reparation:

- The impact of the TRC process has failed to meet the expectations either of its
  creators or of its intended beneficiaries. We explore this in more detail below.
- Since 1994 almost 75 000 land restitution claims have been settled, but it is
  estimated that close to 90% of these have related to land in urban areas.\textsuperscript{x1}
  Progress in rural areas has been painfully slow.
- Rural land redistribution more broadly has also been slow. It is now extremely
  unlikely that the target of 30% will be reached by 2014. Present estimates
  place the figure at between 5% and 7% and note a disturbing trend of
  beneficiaries selling land soon after its acquisition, in many cases back to the
  ‘original’ owners.
- Employment equity programmes have seen representivity targets reached to a
  significant degree in the public sector. However, progress has not been good
  in the private sector – for instance, in 2011 roughly 70% of senior
  management positions remained in white hands.
- Black Economic Empowerment has had disappointing results. Despite its
  broadening base (it is now called Broad-based Black Economic
  Empowerment), it has been described by one respected commentator as
  contributing to inequality, buying a small black elite into the established club of
  white business rather than redistributing wealth to the masses of black South
  Africans.\textsuperscript{xii}
Since 1996 over 71,000 applications for special pensions have been filed. To date just over 21,000 have been approved. Until recently backlogs and fraud have undermined the process.

The missing persons programme has had considerable success, closing over 60 cases and returning the remains of nearly 50 people to their families. But this represents a fraction of the many who went missing during the struggles against apartheid.

The Truth and Reconciliation Commission

South Africa’s TRC has been described as the largest survey of human rights violations undertaken anywhere in the world. It became exemplary for the many other truth commissions which followed it in different parts of the world. Although its mandated focus was on gross human rights violations perpetrated in the period 1960 to 1994, it consistently attempted to position these violations within broader societal processes. A wealth of information on the apartheid era emerged and was fed into a range of other processes committed to shaping South Africa’s future through an understanding of its past. The TRC mobilized South Africans across political, racial, and other divides to engage individual and collective memories of the past, and to debate the importance of memory to processes of reconciliation, envisioning the future, and nation-building. This has influenced profoundly South Africa’s commitment to an identity-formation founded on the confronting of harsh realities inherited from the past. Such commitment is central to the huge challenge posed by the ideal of reconciliation. The TRC’s rationale assumed South Africa to be deeply divided, and to need healing - not through a forgetting of the history of division, but through formal engagements with that history. The TRC, then, was an essential instrument in South Africa’s endeavour to find a post-apartheid reconciliation, so that the TRC’s significance is related not only to memory of the past. As significant is its contribution to memory of South Africa’s transition to democracy. Future historians of the transition will find the story of the TRC looming large. So that the operational records of the TRC—the documentation of the TRC as process—
are as important a memory resource as the records of the past that it both reclaimed and generated.

Unlike truth commissions in many other countries, South Africa’s TRC was a public forum. From the appointment of its commissioners to the hearing of individuals’ stories in public spaces, there was a commitment to the principles of transparency and public participation. Saturation coverage by the media, most significantly the South African Broadcasting Corporation’s live coverage of public hearings, took the work of the TRC into homes across the country. Public hearings were not restricted to larger centres; instead, stretching itself to the limit logistically, it sought as far as possible to make the hearings accessible to communities in remote areas. Over 22,000 victims of human rights violations made statements to the TRC, and more than 7,000 perpetrators applied for amnesty. Amnesty was conditional on a full disclosure of acts of human rights violation, demonstration of a political motive for the acts, and passing of the test of proportionality. Approximately 10 percent of the victims gave evidence at public hearings. Just over 1,000 perpetrators were given amnesty. At the height of its impact on public discourse, in the period 1996 to 1998, the TRC was being discussed and debated in homes, classrooms, offices, and factories. Of course, disclosure and participation always have their limits. The TRC felt compelled to delete sections of its main report detailing the culpability of ex-President de Klerk and the National Party. It had to fight hard to fend off attempts by both the African National Congress and the Inkatha Freedom Party to force changes to its findings. Dissatisfaction was heard from many communities at the lack of consultation around public hearings. Some of its hearings were held in camera. Many researchers spoke of frustration at being denied access to TRC records. Information on certain TRC decision-making processes and of internal tensions and disputes was jealously kept out of the public domain.

Without claiming for South Africa a unique status, it is not an exaggeration to assert for South Africa’s TRC an important contribution to world memories and narratives. The struggles against apartheid, especially in the 1970s and 1980s, marshalled resources in many countries against the apartheid state. The work of national anti-apartheid movements and international sanctions initiatives drew
South Africa into the spotlight, where it came to symbolize racist resistance to the forces of democratization. Not surprisingly, then, the transition to democracy in the post-1990 period drew huge attention from the international media. South Africa was on the front pages around the world. Much of this attention focused on the work of the TRC. Its exposures of apartheid atrocities were reported on. The public hearings were covered extensively. Its contribution to reconciliation was explored. Its endeavours were compared to those of other countries’ truth commissions. TRC commissioners and staff participated in numerous international conferences and seminars both in South Africa and outside the country. The TRC website disseminated information around the world. Foreign academics, students, and journalists bombarded the TRC with requests for access to its documentation. Numerous institutions from many countries offered expertise and resources to ensure that the TRC’s archive was professionally managed and made accessible. Moreover, some sought to collect documentation from the TRC to make it more accessible internationally.

Of course, the TRC was not without its flaws or its critics. We have mentioned the limits on transparency and participation. The composition of the commission has been criticized. It has been suggested that its focus on gross human rights violations within a specific period contributed to a skewing of social memory. Its processes of selection and interpretation have been critiqued. Some have gone as far as arguing that it began its work with a metanarrative in place and simply generated an archive to support this metanarrative. It has been accused of political bias. The impact on its work of inadequate research and investigation capacity has been pointed out. The degree to which the security establishment was able to frustrate its access to surviving state records has been highlighted. Many of its findings have been questioned. The concept of amnesty has been challenged, and specific amnesty decisions rejected. Its contribution to reconciliation has been questioned. And so on, and on.

But arguably the most damning criticism of the TRC has related not so much to its work as to the failure of the state to implement its recommendations, especially those on reparation and prosecution. The TRC recommended a medley of reparations, from the financial to the symbolic, from the community to the rehabilitative. It was
able to secure urgent interim financial grants for some of the victims during the process, but the state opted for a modest one-off grant of R30 000 for each victim at the conclusion of the process. Long, hard advocacy work by structures of civil society seems to have shifted the state’s position – in 2011 it published regulations providing for educational and health grants. Similar long, hard advocacy work by structures of civil society seems unlikely to shift the state’s position on prosecutions. The TRC recommended a robust and systematic programme of prosecutions against perpetrators who either failed to get amnesty or chose not to apply for it. A handful of prosecutions were completed during the TRC’s lifespan. But since completion of the TRC’s work, to our knowledge, only two prosecutions have taken place. It seems clear now that the state has, effectively, embraced a blanket amnesty for apartheid-era perpetrators.

An Evaluation

How successful has South Africa been at coming to terms with its past? A lot of work has been done, both by the state and by civil society. But what enduring impact has this work had? Our society remains severely damaged. Old fissures remain resilient. New ones are emerging. The social fabric is being unravelled further by growing disparities between ‘haves’ and ‘have-nots’, by rampant corruption, by creaking service delivery infrastructures, a failure of leadership at many levels, alienation from political processes, xenophobia, what we call the re-racialisation of discourse, unacceptable levels of crime, domestic violence, infant mortality, HIV infection, illiteracy, unemployment, and so on. By any measure we are troubled, and in trouble. Obviously this is not attributable to a single cause, or set of causes. Nor are we exceptional – South Africa shares many of the challenges being experienced by a family of nations caught in the nexus of under-development and post-oppression transition. But it is time, we believe, for us to assess the post-apartheid work aimed at coming to terms with the past. Has it been too superficial? Have we only scratched the surface of our country’s pain and alienation? Does the really hard work – the work which truly embraces damage and offers healing – remain to be done?
We believe the answer to all these questions is ‘yes’. We believe that the failures of the post-apartheid project are to a great extent failures of memory. Let us conclude by substantiating this along three lines of enquiry – reconciliation, access to information, and healing. Reconciliation is about hammering out a practical way forward, accommodating harsh realities and negotiating ways of learning simply to get on together. An economy of exchange, in other words. And in South Africa in the 1990s a very specific, trifocal, economy was agreed to as the springboard for continuing reconciliation endeavour: amnesty for human rights perpetrators offering full disclosure, reparations for victims of human rights violations, and prosecution (i.e. punishment) for perpetrators failing to secure amnesty. A fatally flawed springboard as it turned out. For the exchange was not honoured. Very little ‘full disclosure’ was secured. Reparations were inadequate and fiercely contested. And prosecution was not forthcoming.

We have paid a heavy price for reconciliation’s consequent crisis of legitimacy. A crisis deepened by perceptions that the reconciliation project has been used to smooth the replacement of one elite by another. Liberation has reached too small a number of South Africans to be an enduring energy of unification. The notion of a South Africa “belonging to all who live in it” seems now to be an impossible ideal.\textsuperscript{xiii} South Africa belongs increasingly to the few who can afford to access the instruments of democratisation, the few who benefit from resilient colonial and apartheid patterns of privilege, the few who can feed from the troughs of patronage, protection and graft. The few who construct islands of conspicuous consumption in huge lakes of impoverishment. In these contexts the metanarratives of ‘the New South Africa’ are unravelling. Social cohesion is elusive. For the many, the many encumbered by the chains of a too-old South Africa, for the many, we would argue, learning simply to get on together has become a lot harder now than it was in 1994.

Post-apartheid South Africa has been shaped by commitment to concepts and values like ‘transparency’, ‘freedom of information’, ‘truth-recovery’, ‘full disclosure’, and so on. And yet. And yet South Africa in the era of democracy has proved to be a less than fertile environment for these concepts and values. Cultures of opacity remain resilient. Our memory work is hampered by secrets, taboos, disavowals and lies. The silences are often deafening.
It is too easy in these circumstances to point fingers. To name those who circumscribed or obstructed the work of the TRC. To name those who buried the TRC archive. To list the cover-ups. To identify those obstructing the objects of the Promotion of Access to Information Act. To name the public representations of our past shrouded in shadow. And so on. We believe that it is imperative that we all take responsibility for the cultures of opacity; understand that it is not only those who wield power who deal in silences; and (more difficult) accept that there might be legitimate secrets, healthy taboos, justifiable disavowals, even – we hesitate to say it – necessary lies. Cultures of opacity flow deeply through South African society. They come not only from the old apartheid state milieus. They flow out of diverse and deep traditions, customs and mythologies. They flow out of the anti-apartheid experiences of exile, the underground and mass resistance. They flow out of the nature of our transition to democracy – not a revolution, but a protracted negotiated settlement, during which selective destruction of memory resources took place and more or less secret deals were made. The latter scenario, in South Africa and elsewhere, stimulates extreme sensitivity around access to information.

In any polity or collectivity it is, precisely, the secrets, the taboos, the disavowals and the lies which mark the place of bruise, of wound, of damage. Memory work, we would argue, is bound by the call of justice to tend this place. Tend. In other words, on the one hand, it must decline any dictate to turn away from this place, pretend that it is not there. On the other hand, it must turn to this place, return to it, engage it. Respectfully. Determinedly. Without the recklessness of rush.

An attribute of much of the memory work done in post-apartheid South Africa is an assumption that remembering brings with it healing. In some formulations, there can be no healing without remembering. The provenance of this view internationally is complex, going back, arguably, as far as Freud, infused, certainly, by the discourses of psychoanalysis, influenced, certainly, by the dogmas of transitional justice. In South Africa, the influences of Christian notions of confession, repentance and forgiveness have been particularly strong. Indeed, it could be argued that the TRC was framed very deliberately by these notions. But what if remembering is just as likely to reopen old wounds? What if the majority of the thousands of South Africans
who came to the TRC to testify to abuse and damage have not found healing from their ‘TRC experience’? (Have we gone back to those thousands in the years since the TRC to test what has now become a dominant mythology, namely, that the TRC’s rituals of testimony were effective as instruments of healing?) What if forgiveness is impossible, because it requires precisely an embrace of the unforgiveable? What if forgiveness is not an act of mercy from one to another, but rather a rendezvous? In other words, a process in which timing is critical and for which enormous patience is required? What if healing is more closely associated with forgetting than with remembering? Does the binary opposite remembering-forgetting, like all binary opposites, obfuscate rather than illuminate? Could healing also be a rendezvous? Is it possible that we rushed into the rituals of ‘dealing with’ the past? Have we, in consequence, pre-empted a rendezvous wanting to happen? Or missed it altogether?

We don’t have ready answers to these questions, nor time now to explore them. But we would suggest that we underestimated the damage wrought by our histories - to individuals, collectivities and institutions. And we would suggest that we were seduced by the possibility of a ‘quick-fix’. (‘Madiba Magic’ would sprinkle salve on our wounds and we would emerge, quickly, as reconstructed ‘new South Africans’. Mandela’s gracing of the 1995 Rugby World Cup, for example, would fast-track the transformation of the country’s sports sectors and accomplish in a moment what logic told us would require generations of hard work.) On the other hand, we see promising signs: Non-governmental organisations committed to a long haul in engaging damage; indications in a new rash of autobiographies and biographies of a greater willingness to open up to damage; the emergence of a generation of young public intellectuals prepared to question struggle orthodoxies and tend the bruises in memory; some memory institutions becoming conscious of how their representations of what was formerly ‘the other’ introduce new layers of ‘othering’; and so on. Signs. Not many. But promising. Could they be signs of impending rendezvous? Signs of people either finding ways for healing to come to them or creating conditions in which healing is more likely to come to others, without prescription, without blueprint? However, the promising signs will come to naught if we do not shift the resilient patterns of our apartheid legacy. If we do not overcome the profound systemic inequalities of our society. And that, we believe, is the central challenge both for the
state and for civil society – to at once do the difficult memory work and change the structuring of a profoundly unequal society.

ENDNOTES

1 In 1910 the British colonies of the Cape, Natal, Orange River and Transvaal joined together to form the Union of South Africa, an independent state within the British Commonwealth.
3 Ibid., p. 406.
4 Ibid.
9 For a brilliant account of the Mandela myth, see David Beresford, “Mandela’s Greatness is From Being Here”, *Mail and Guardian*, 7-13 November 1997, p. 30.
13 This is a clause from the 1955 Freedom Charter.
14 For an analysis of the implementation of the Promotion of Access to Information Act in the period 2001-2008, see Kate Allen (ed.), *Paper Wars: Access to Information in South Africa* (Wits University Press, 2009).
15 This concept of forgiveness we learned from the work of Jacques Derrida. See, for example, his seminar “Archive Fever” in Carolyn Hamilton et al (eds), *Refiguring the Archive* (David Philip, 2002).
16 This idea is explored by Anne Michaels in her novel *The Winter Vault* (McClelland and Stewart, Toronto, 2009). See especially pages 93/4 and 331/2.
17 What Hugh Lewin and other colleagues in the TRC used to call ‘a microwave process’.