2 Celebrating the end of apartheid

Tim Murithi

Introduction

In the mid-1990s, transitional justice originated from a legalistic tradition, with a narrow emphasis on the use of judicial processes to address civil and political violations in countries undergoing transition (Murithi 2009). Africa's experience demonstrated that traditional notions of transitional justice needed to be rethought and reframed. African actors derived these lessons from their own cultural practices as well as from elsewhere around the world and contributed towards diffusing them. Specifically, in order to effectively address the real concerns of victims of past violations, transitional justice norms had to be expanded beyond their civil and political focus to include socio-economic and psychosocial dimensions and to engage memorialization and commemoration.

One of the central dilemmas of transitional justice, namely the tension between the pursuit of accountability and the inclusive memorialization and commemoration of past violations, continues to play itself out in the majority of post-conflict situations in Africa. Specifically, South Africa, Rwanda, Uganda, Kenya, Sierra Leone and Liberia adopted processes and institutions which sought to address the violations of the past, but did not leverage the opportunity provided to deepen the processes of commemoration. Rather, the South African, Kenyan and Sierra Leonean Truth and Reconciliation Commissions (TRCs) touched upon the importance of memorialization and commemorative processes, and some of their experiences have been analysed, modified and adopted by other states around the world.

The South African TRC was established in the context of a transition impacted by violence and the targeted, politically motivated killing of over 5,000 people (eNCA 2014). In the aftermath of the transition, the opposing military forces were entirely capable of unleashing more mayhem on the citizens of the country. On the one hand, there were heightened fears of retribution among the so-called white, previously advantaged communities. On the other hand, demands emerged for a punitive form of redress for apartheid atrocities among sections of the previously disadvantaged people of colour. Consequently, the South African TRC was conceived as a

palatable “middle way” between outright retribution and blanket impunity. There had been very few previous experiments with the use of truth commissions, based mainly in Latin America and the Balkans, and in which the importance of quelling the flames of political violence and retribution was taking priority over correcting the economic crimes of apartheid. According to Charles Villa-Vicencio – who had been Research Director of the TRC and then Executive Director of the succeeding Institute for Justice and Reconciliation (IJR) – the TRC was assigned “the important task of instituting *corrective moral justice* by putting the record straight ... it had no power to execute *punitive justice*, nor did it have the power to execute *distributive justice*, in the sense of correcting material imbalances” (Villa-Vicencio 2004, p. 20, emphasis added).

Focusing on the South African experience, in this chapter I will explore how transitional justice processes can raise awareness, and mobilize societal and political engagement with the lasting legacies of historical experiences, by providing a narrative of the past that is “complete enough”. In my view, this presupposes, first of all, an effort to identify the lasting effects of material imbalances, which can then provide the basis for more pluralistic and inclusive forms of commemoration.

Apartheid and memory

South Africa’s history is a story of entitlement and preference for one group at the expense of another. The way that the ensuing historical injustice is remembered reflects the extent to which South Africa’s citizenry is transitioning towards a fairer and more inclusive society (Alexander 2002). In 1652, the Dutch settler community, led by Jan van Riebeeck, gradually begun to define what belonged to them and what they were entitled to. Perversely, this process also defined what the natives and indigenous people were *not* entitled to. In 1913, the Native Land Act solidified European settler privilege, and further disenfranchised the coloured and black population (Alexander 2002). This act eschewed the moral responsibility of the European settlers to their fellow human beings, and through such legal instruments a culture of entitlement became entrenched further in the country. Simultaneously, so-called coloured and black people, which are problematic terms to use, became dispossessed of their land and rights to their land. They became disowned by the nation that was supposed to provide them with the means to self-sovereignty and the means to flourish as human beings.

The South African apartheid project, which was formally implemented between 1948 and 1994, was one of the most extensive projects of racial entitlement and disenfranchisement in recent human history (Wilkins and Strydom 2012). It was a vast and comprehensive “white” cultural, political, social and economic empowerment programme which generated and perpetuated wealth for the white minority population. Its logical consequences were poverty, deprivation and destitution for a large majority of black and

coloured people (Van Der Westhuizen 2007). Apartheid, at its core, was also a patriarchal project: it promoted gender subservience, an elitist philosophy and the subjugation of some human beings for the benefit of others. It established an aggressive misuse of power for the purpose of materialistic gain and thereby created an alienated sense of nationhood, particularly among the oppressed. In effect, it was a system of exploitation and systemic oppression which also perpetuated great harm to the psychology of its victims and survivors (Bunting 1969).

The extensive apartheid laws imposed on South Africa during this period were designed to brainwash the population and insinuate a racial prism in their psyches. Apartheid was at its heart a totalitarian system: a programme designed to alter the minds and souls of human beings and orient them towards separation and segregation in deeply fundamental ways (Bunting 1969). If we want to transcend, through processes of commemoration and memorialization, the psychic orientation created by this brainwashing programme, it is essential to grasp the full extent to which it has altered people's understandings of social reality.

The reason why the apartheid "reality construct" remains so powerful in memory, and in the lived reality of many South Africans today, is because it was insidiously effective in moulding people's minds through political, economic and social engineering (Bunting 1969). In effect, apartheid was one of the most devious mind-altering systems ever devised by a group of human beings to subjugate, subordinate, marginalize and exclude another group of people. It is important to understand, however, that the legacy of the reality of apartheid produces effects that shape different people's memories in different ways. The sense of injustice of the system does not permeate the memories of the beneficiaries of apartheid and their descendants as strongly as it does those of the survivors and their descendants (Institute for Justice and Reconciliation 2019).

During apartheid, South Africa was a divided nation. The answer to the question of who constitutes the nation was quite clear to the authors and beneficiaries of apartheid. At the core of their brutal psychic experiment was race socialization (Fatton 1986). So-called white people were systematically taught how to be, act and interact with their fellow human beings as racists (Helms 1990; Thompson and Carter 1997). The eminent Martinican theorist of race Frantz Fanon has argued in his seminal book *Black Skin, White Masks* that the objective of race socialization is to programme a sense of superiority and self-pride among "white" people and to inflate their sense of self-worth (Fanon 1967). The opposite side of the coin was a systematic programme to malign the so-called black people by casting them as sub-human, primitive, lazy, promiscuous, untrustworthy, violent and crime-prone (Thompson and Carter 1997). This apartheid construct sought to impose black inferiority as an acceptable worldview and the segregation of black people in dilapidated townships and shanty towns – with all the social ills that this generated including, ironically, criminality – as an acceptable policy.

This system hence instituted a lack of self-worth among black people and strictly constrained their opportunities for self-expression, creativity and, in particular, for commemoration and memorialization.

The apartheid system established race identities based on the *perception* that people share a common heritage with a particular racial group, such as so-called whites, and not with others, such as so-called blacks (Frederickson 1988). These sentiments are still widespread and very much alive in today's South Africa. For example, the Institute for Justice and Reconciliation's South African Reconciliation Barometer (SARB) shows that, while there has been some degree of racial integration, there is still a long way to go for the country's citizens to genuinely interact with each other as cultural equals. Specifically, the SARB data show that "most South Africans report that they would like to interact more often with people from other race groups, but for many people language and confidence barriers, as well as *negative prior experiences*, represent obstacles to doing so" (Institute for Justice and Reconciliation 2019, p. 8, emphasis added). Findings such as these suggest that the racial prism instilled by apartheid into all who lived with the system, whether as beneficiaries or survivors, continues to have lasting, transgenerational effects.

The transformative function of transitional justice

Transitional justice can be delivered through a wide range of mechanisms, which seek to frame and catalyse the different processes by which societies affected by violent conflict or authoritarian rule address past violations, as a precursor to laying the foundations for more inclusive societies (Murithi 2009). From its predominantly legalistic origins, transitional justice has confronted a range of societal, economic and political pressures that have precipitated a broader scope and mandate. Many of these pressures emerged from processes that were unfolding on the African continent, which placed the continent at the forefront of experimentations with pushing the boundaries of transitional justice (Murithi 2016).

The prosecutorial framework implemented in Latin America and the Balkans in the mid-1990s was soon confronted by a proliferation of cultural, social, economic and political contradictions, which challenged the narrow focus of legally inspired transitional justice norms (Murithi 2016). In cases where historic violations went unpunished, unrecognized or not memorialized, a sense of injustice and moral contradiction can prevail for long afterwards (Buckley-Zistel et al. 2014). The legal approach to transitional justice is also generally unable to provide effective redress for systematic societal injustice or economic crimes, because the causal relations involved can hardly be established in terms of specific acts perpetrated against specific victims. In situations in which a particular ethnic or racial group has benefited from the economic exploitation of another, responsibility is often widespread and diffuse, from the political leaders who implemented the policies to

the constituencies that supported or voted for them. In most cases, it is challenging to pinpoint individual perpetrators for the prosecution of economic crimes. The processes needed to promote redress typically include, therefore, a range of interventions located beyond the scope of a punitive model of transitional justice. Transitional justice rapidly had to face a broad range of challenges and a multiplicity of expectations: to administer justice; to restore societal trust; to facilitate commemoration and memorialization of past violations; and/or to promote reconciliation in deeply divided communities. In particular, the demands for socio-economic justice have pushed the normative boundaries of transitional justice beyond the confines of its historical origins within the legal sphere.

South Africa's Truth and Reconciliation Commission

In spite of the available option of pursuing prosecutions for the human rights violations that were committed during apartheid, South Africa deliberately chose the path of prioritizing a restorative transitional justice model (Du Toit and Duxtader 2011). The option of prosecution was available during the country's transition, in the mid to late-1990s, and is still viable even to this day. The fact that South Africa adopted its own unique path still distinguishes it as a norm-setter, and the model it adopted is constantly being analysed and scrutinized around the world for its important insights. Following Ben-Josef Hirsch (2006), the South African TRC has critically contributed to an international norm-setting process in terms of the global popularization of truth commissions and the trans-nationalization of its guiding principles (Ben-Josef Hirsch 2006). The South African model has been attractive to a broad range of national and international actors, due to its widely perceived success in enabling South African society to move forward from a divisive and brutalizing past, avoiding a full-blown descent into internecine armed conflict. However, it is evident that, despite the path it chose, the country has not yet addressed all the challenges emanating from its past. Apartheid-generated racism, gender-based violence, inequality and poverty remain endemic in South African society. In effect, there is latent violence within South African society which, like the apparently dying embers of a glowing fire, can rapidly flare up again and undermine social stability. This fact seems to be routinely glossed over by many international observers, which continues to imbue the South African TRC with a false aura of efficacy (Waldmeir 1998). Consequently, because it has frequently been portrayed as the quintessential truth and reconciliation commission, the widely disseminated South African model has had a major impact on the establishment of public truth-telling as a critical component of transitional justice in the global arena.

The South African TRC was empowered with adequate authority and legitimacy to discuss the socio-economic basis of apartheid, and to suggest possible reform programmes (Selim and Murithi 2011). However, the TRC adopted specific definitions of key terms like "violations", "abuses" and "participation"

that significantly narrowed its mandate, and consequently limited its ability to engage with, and provide guidance on, the ideological and socio-economic aspects of apartheid (Barchiesi 1999, p. 8). Advocates of the approach adopted by the TRC have argued that *if* the TRC had attempted to provide a historical reconstruction of the “truth” which included socio-economic oppression under apartheid, and elaborate on decisive recommendations for systemic economic and social restructuring, then the Commission would have faced formidable political obstacles. According to Barchiesi (p. 8), “any attempt by the TRC to challenge those obstacles would have probably entered a contradiction with the functional purpose to promote national unity and reconciliation”. However, critics have responded that millions in South Africa did not identify with the TRC initiatives under the chosen terms, or did so to a limited extent only and instead turned their hopes towards education, employment, healthcare or economic growth (Colvin 2008, p. 418).

Shifting paradigms and the enduring impact of the TRC

Over time, growing historic distance and shifting theoretical paradigms have reopened the debate on the enduring societal impact of the TRC (Bell and Ntsebeza 2003). Specifically, the inability of South African society to achieve a much more profound transformation has raised questions about the effectiveness of a reconciliation agenda that is not sufficiently buttressed by an equivalent programme of socio-economic redress. In particular, a younger generation of South Africans, who were born after the 1994 transition to independence and democratic governance, have questioned the legal and socio-economic utility of the TRC. Concretely, progressive and humanist-oriented youth formations have argued that while the political functionality of the TRC was evident, the inability of the Commission to lay the foundations for bringing about a fundamental transformation in the material lives of the majority of people in South Africa has undermined its moral effectiveness. In addition, they have questioned the moral probity of a national institution that seemed to have placed the burden of “reconciliation” on the victims and survivors of the brutal apartheid system of white supremacy and human exploitation (Crush 2008). Njamnjoh, in his seminal book *#RhodesMustFall: Nibbling at Resilient Colonialism in South Africa* (2016), and other critics of the South African transition, have further argued that the failure of the wider “white” sector of the South African society to embrace the TRC as a collective platform for memorialization and commemoration of the injustices of the past – as a tool to promote deeper cultural and societal transformation of racial attitudes and economic wealth – implies that it was a missed opportunity for the country as a whole.

For the South African project going forward, it has to pick up from where the TRC left off and to pursue the challenging pathway of deeper introspection as well as the unlearning of white supremacists’ attitudes, which regrettably are all too common and are regularly reported upon across the society as a whole

(Njamnjoh 2016; Reddy 2015). This will require revisiting the objectives of the TRC with a view to creating new spaces for more pluralistic forms of memorialization and commemoration, which challenge the perceived and persistent orthodox viewpoint of the South African “miracle” or the “rainbow nation”. This will be a challenging but necessary journey for South Africa to undertake in order to mitigate against the further fragmentation and the resurgence of apartheid patterns of thought and behaviour, which are increasingly becoming evident across the country. As Kerr and Dixon (Chapter 7) as well as Durrheim and Murray (Chapter 5) in this volume observe, these include the phenomenon of xenophobia, witnessed in 2008, 2015 and 2019, which included the targeted killing by South Africans of African citizens who had immigrated from other parts of the continent, particularly in the high-density low-income urban informal settlements. In effect, this is a side effect of the increasing fragmentation of the society, fuelled by unresolved and residual identity politics and by patterns of economics distribution inherited from the apartheid system of segregation and exploitation (Crush 2008). The Institute for Justice and Reconciliation’s SARB notes that “xenophobic sentiments are pervasive with roughly four in ten (40%) of South Africans agreeing that they are likely to prevent people from other African countries from accessing certain services and from participating in certain activities” (IJR 2019, p. 8).

The South African TRC was established during a “honeymoon” period, when the celebration of the end of apartheid overshadowed reflections which could have created the space for a deeper form of engagement with the historical injustices that were meted out to the majority of the country’s people. The South African TRC was therefore symptomatic of the “celebrative moment” that accompanies countries undergoing transition from conflict and authoritarianism towards democratic inclusivity and the rule of law. Consequently, the majority of South African society – and in particular affected families – were not able to utilize the national platform to give a broader range of meanings to past losses experienced during the brutal era of apartheid. A quarter of a century later, individuals and families are still attempting to take the initial step towards expressing more profound and meaningful forms of commemoration for the historical injustices that they endured. Regrettably, these processes have now been left to survivors to drive through on their own initiative, as successive post-apartheid governments have become absorbed in addressing basic socio-economic challenges.

Revisiting the TRC’s limited engagement with the past

South Africa’s TRC sought to trigger social change in the country by illuminating a certain version of its past and promoting the envisaged future of an idealized “rainbow nation”. In effect, the TRC did establish a dedicated institution to oversee the implementation of its recommendations, but subsequent African National Congress (ANC) governments only paid lip service to the recommendations of the TRC. This was in part because they disagreed

with the TRC's approach of attempting to establish a moral equivalency between some actions of the anti-apartheid liberation struggle and the deeds of the apartheid system of police, military and intelligence. Ultimately, the oversight in establishing more wholehearted TRC implementation mechanisms has undermined efforts to leverage the achievements of the Commission to advance societal dynamics that could reconfigure South African society and transform it more deeply.

What did South Africa leave out when it convened the TRC to remember its past? Some critics have argued that instead of being a framework for truth recovery, the South African TRC was in fact the place where the truth went to die (Molefe 2014). The fact that only 21,000 statements were collected by the Commission, in a country of 43 million people at the time, implies that numerous atrocities and human rights violations still remained undocumented. Consequently, the documented narratives contained in the TRC reports represent an incomplete historical record of the wide-ranging experiences of South Africans across the country. While there are multiple factors why more people could not participate in the TRC process, it is clear that there is still a need for ongoing engagement with the past, on a nation-wide scale. There have been a number of state-led commemorative processes, including the construction of key memorials across the country, such as the Freedom Park in Pretoria, the Apartheid Museum in Johannesburg and the Hector Petersen Museum in Soweto, to name but a few. In addition, there has been a concerted effort by national and provincial governments to rename places and streets in order to commemorate the injustices of the past and, to a certain extent, contribute to the pluralization of memory. However, there are issues and societal dynamics that the TRC was unable to address, despite its efforts to memorialize the violations of apartheid.

Rhodes Must Fall as a commemorative movement

The TRC did not rise to the challenge of dismantling the structural violence of racist ideology and racial attitudes that were indoctrinated into the so-called white population of South Africa. The Rhodes Must Fall (RMF) movement unleashed societal dynamics that, once more, brought to the fore the failure of previous attempts to address the white supremacist ideology that was, and still is, all pervasive in South African society. The RMF movement emerged as an organic movement led by a horizontal structure of student collectives. Ultimately, it spread to other universities across South Africa, and even inspired a similar campaign at Oxford University's Oriel College which was a beneficiary of Cecil Rhodes' financial contributions and which displayed his statue prominently at its entrance.

The RMF as a commemorative movement directly challenged the "silences" and continuing marginalization of the majority of the country's population, which were all too evident more than two decades after the celebratory end of apartheid. The RMF movement advocated for a different

form of commemoration: one that is rooted in the celebration and appreciation of the “Africanness” instead of the “Europeanness” implied by the colonial and apartheid-informed logic that continues to persist. The most evident form of the attempt to create space for new representations of the past was the concerted campaign, launched on 9 March 2015 by the RMF movement, to bring down the statue of Cecil Rhodes from its prominent location at the Upper Campus of the University of Cape Town. The statue depicted Rhodes sitting and surveying his vast empire which he had accumulated by implementing a policy of white supremacy and predatory exploitation of South Africa’s people, land and resources. As noted in Maylam’s book entitled *The Cult of Rhodes: Remembering an Imperialist in Africa*, these policies served to establish a colonial system of rule, his own private accumulation of wealth and stated ambition to dominate Africa from the Cape to Cairo (Maylam 2005). On 9 April 2015, the RMF student movement succeeded in achieving this objective and the Rhodes statue “fell” leading to subsequent calls for replacing it with a statue of a prominent and distinguished African (Njamnjoh 2016).

The RMF movement was not only committed to removing the statue and calling for alternative forms of commemoration, including the renaming of university buildings after prominent Africans, but was also driven by a stated agenda to “decolonize” education across the whole of South Africa (Njamnjoh 2016). The South African TRC had been unable to confront and foreground the issue of the decolonization of education, as well as of other sectors, which consequently remained silenced or overshadowed by the selective performance of transitional justice that was enacted during and after the work of the Commission. The RMF movement is now setting in motion these previously overlooked dynamics of introspection and of confrontation of internalized Eurocentric norms across South Africa, the government bureaucracy, the judicial system and the private sector.

This project of decolonizing South African society echoes historical initiatives across the continent and is reinforced by the appeal in the African Union Transitional Justice Policy “to come to terms with the traumas of slavery, colonialism, apartheid, systematic repression and civil wars” (African Union 2019, p. 1). In advancing its campaign, the RMF movement directly challenges the silences that still prevail in relation to the “traumas of slavery, colonialism, and apartheid” while appealing to the wider South African society to embrace a more complete memory of the brutal history that the majority of the people of colour across the country endured. The commemorative act of bringing down the Rhodes statue at the University of Cape Town was, at its core, a statement alerting society to the urgency of questioning the historic creation of racial inequality, by targeting one of its most ardent proponents in the form of Cecil Rhodes. This was a necessary act because, among a significant portion of the so-called white population of South Africa, the attitudes and machinations of colonial entrepreneurs like Rhodes *are not problematic* (Cilliers 2008). For some members of this section

of society, there is no need to dwell on the past. The South African author Charles Cilliers, in a chapter on “White Denial” in his insightful book *For Whites Only*, notes that, according to his own father, “apartheid is dead and buried – it does not matter any more” (p. 13). Cilliers argues that the views held by his father and other whites who identify with this position are the reason why it is necessary to commemorate the historic construction of racial inequality. In effect, without an attitudinal change in these mindsets, it will be more challenging to make the case for policies and legislations that would create fairer distribution of economic goods and reparation in favour of the descendants of those who were oppressed under apartheid.

Economic commemoration as an act of memorialization

The South African TRC did not address the structural economic crimes that were at the heart of the apartheid project. As Van Vuuren notes,

the relative invisibility of economic crimes and violations that resulted from the South African Truth and Reconciliation Commission (TRC) focus on torture and physical violence is something that continues to compromise those seeking economic and social justice in South Africa’s ongoing transition.

(2017, p. 506)

The era of colonial conquest, which was closely accompanied by slavery, and then apartheid, was fuelled by a meta-narrative of racial superiority, but it was at its heart a project of economic subjugation and of the conversion of people of colour into units of production. How can such economic crimes and predatory exploitation be commemorated in the aftermath of a transition that seeks to right the wrongs of the past (Mamdani 1996)? In South Africa, there has been a tendency to consign this question to the realm of politics and economics, rather than to engage with it in the field of memorialization. However, memories of the historic economic exploitation of people of colour persists on a daily basis in the minds of their descendants, in South Africa as well as across the wider continent and in other parts of the world. The seminal book *These Are the Things that Sit with Us* (Gobodo-Madikizela et al. 2019), for example, shows that the memory of economic subjugation and exploitation looms large and can be a recurring source of trauma to subsequent generations of people of colour, whose forebears suffered under the yoke of apartheid and slavery. The lived reality of previous generations has been passed down through an oral tradition. Some of these stories have been documented and now exist as an historical societal record. Van Vuuren suggests that in South Africa “the memory of iniquity, injustice and oppression could not be erased as easily. It remains with those who carry that burden, physically, emotionally and materially” (2017, p. 2). This points to the need of “economic commemoration”.

Economic commemoration can be described as a process of memorialization conducted with the specific aim of promoting redress for the effects of economic exploitation, in particular to benefit subsequent generations of descendants of the criminally dispossessed. Historical economic exploitation, so long as it remains unaddressed, prevents the transmission of generational wealth to the descendants of the destitute as a means of improving their future livelihoods. The lingering memory of economic exploitation also complicates the overall processing of trauma. Consequently, in South Africa it is necessary to initiate processes of economic commemoration to contribute towards healing the memories of economic exploitation, as well as transforming the material livelihoods of the subsequent generations of the descendants of victims and survivors of apartheid.

In terms of the practical modalities of implementing economic commemoration, it is evident that symbolic actions will not be sufficient. Rather, economic redress and commemorative processes should be linked as means towards the improvement of people's livelihoods and well-being. Only by ensuring that there is a material improvement in the circumstances of descendants of survivors, as a form of reparation, can the journey towards the healing of memories begin. Practically, economic reparation can be implemented by ensuring that land that was forcefully dispossessed is restored to survivors and their descendants, as well as by ensuring that survivors and their descendants have fair access to hospitals, schools, university programmes and employment opportunities, in order to improve their livelihoods and lay the foundation for subsequent generations.

In South Africa, various government policies have sought to redress economic injustices of the past, such as wider access to education and social grants for millions of South Africans. However, the notion of economic commemoration has not been explicitly mainstreamed so far. Therefore, there is scope going forward to rearticulate the processes of economic redress in South Africa with acts of memorialization and commemoration for the historical exploitation of people of colour. As Hennie Van Vuuren notes in his seminal book, *Apartheid Guns and Money*:

[W]e do not need to consider South Africa's transition as ending with the report of the TRC ... the identification and return of money stolen through [economic] crimes could contribute towards *a broader and further-reaching reparations programme*. New hearings and community meetings could help to develop a better understanding of how individuals and communities suffered as a result of *economic crimes and structural violence*.

(2017, p. 507, emphasis added)

Furthermore, Van Vuuren (2017, p. 510) argues that the "abuse of power cannot be treated as an uncomfortable fact to be dealt with by future generations. It deserves our attention right now ... and ... we must ... seek to

hold those who profited from injustice to account”. In effect, it is necessary to challenge the current orthodoxy of transitional justice mechanisms, and to advance processes to remedy the lingering and lasting effects of economic crimes, which continue to afflict the survivors of apartheid and their descendants.

The transformative potential of commemoration

The South African TRC has become an example of pursuing a moral compromise, namely dealing with the legacy of the apartheid regime, but without triggering a profound transformation of racial inequality. Ultimately, the Commission will be assessed on the basis “not of who went to jail but whether the quality of life is better” (Seider, cited in Mani 2002, p. 125). Transitional justice processes, and truth recovery commissions in particular, have the potential to provide a context for the memorialization of a broader range of issues relating to the livelihoods and well-being of survivors and their descendants, such as racial equality, land restoration, health and education provisions. But when truth commissions prove incapable of engaging with deeper root causes, this can render the process of transitional justice symbolic and limit its remedial utility (Selim and Murithi 2011; Arbour 2007; Leebaw 2005). As Gready and Simons (2019) argue, transitional justice needs to aspire to be more transformative in its impact and to engage more widely with the local agency of affected communities. Through a broadening of the notion of commemoration, it becomes conceivable to transform the nature of transitional justice interventions and to embrace a wider range of memorial practices. Concretely, transitional justice processes and actors need to liaise with the health and education sectors as necessary sites of commemoration, in order to provide a deeper and more inclusive form of redress for the harm done in the past.

Conclusion

South Africa’s response to its legacy of human rights violations and crimes against humanity have influenced the evolving norms of transitional justice around the world. The implementation of the South African TRC was an extension of the “celebratory moment” brought about by the end of apartheid. However, the orthodoxy that the TRC pursued meant that key issues were overshadowed and relegated to the margins: notably a more inclusive approach to memorialization, in terms of the nature of the crimes to be commemorated. This chapter assessed the South African TRC’s efforts to recover the truth of past injustices and to provide a platform for engaging with processes of redress and memorialization. The TRC cannot be expected to have solved the complex social, economic and political problems that South Africa faced, but it could have endeavoured to provide a more complete narrative and to promote fairer commemoration of past traumas. In

that sense, it might have missed a historic opportunity to raise awareness and mobilize societal and political engagement with a broader range of lasting legacies of the apartheid system and, notably, to pave the way for a programme to commemorate economic crimes as well as to provide concrete reparations to the many victims of apartheid and their descendants.

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