

THE PRODUCTION OF THE PAST: SOME RELEVANT HISTORICAL "TRUTHS"  
DISTORTED AND IGNORED BY THE TRUTH AND RECONCILIATION  
COMMISSION<sup>1</sup>

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"We need a history of truth. We need it to test the claim that truth is just a name for opinions which suit the demands of society or the conveniences of élites."

Felipe Fernández-Armesto - Truth: A History (1997)

## 1. THE TRC'S QUEST FOR THE TRUTH?

It is 18 months since the Report of the Truth and Recommendation Commission (TRCR) was handed to President Nelson Mandela by Bishop Tutu. Since then the Report has been analysed and even dissected at length. Three main questions have been asked: Firstly, did it uncover the "truth" about what happened in South Africa from 1960 to 1994; secondly, will the "truth" it uncovered be instrumental in promoting *reconciliation* between the protagonist of the apartheid and the victims of apartheid; and thirdly, will that "truth" be instrumental in restoring *social justice*?

In this paper I am mainly interested in the version of "truth" that has been produced or manufactured by the TRC.

In Vol. 1, Chapter 5, the TRC asked the following important question: "*But what about the truth - and whose truth?*" (par 29). In answering this question the TRC stated that the Commission "was [inter alia] required to report on the *broadier patterns underlying gross violations of human rights* and to explore the causes of such violations ... To do this ... it became necessary for the Commission to adopt *a social scientists approach* - making use of the information contained in its database and from a range of secondary sources". It then quoted the words of Michael Ignatieff: "*All that a truth commission can achieve is to reduce the number of lies that can be circulated unchallenged in public discourse*"<sup>2</sup>.

Given these intentions of the TRC, it is appropriate for us to ask whether the TRC's quest for the truth was objective, neutral, scientific (in the social scientific sense of the word) and

<sup>1</sup> Paper read at a Sawyer Seminar, in the Institute of African Studies at the Columbia University, New York, NY on April 1, 2000.

<sup>2</sup> From "Articles of Faith", *Index on Censorship*, (5), 1996: 113. Quoted by TRCR, Vol. 1, Ch. 5, par. 3).

independent? If not, to what extent was it partial and constrained and, if constrained, by whom? The TRC focused only on the 34 years from 1960 to 1994. Was it under this constrained time period possible to “produce” or to “manufacture” a meaningful and trustworthy *history* “of the broader patterns underlying gross human rights violations?”

## 2. THE POLITICAL AND IDEOLOGICAL FRAMEWORK IN WHICH THE TRC CONDUCTED ITS INVESTIGATION

Ebrahim Moosa, from Stanford University and a visiting scholar at the TRC, gives the following evaluation of the TRC and of the process that preceded and accompanied the work of the Commission:

“Many observers believed the South African conflict to be a fight between ruling whites and dispossessed blacks. The political compromise defied both the prevalent political and moral-theological logic that had been orchestrated for several decades. Once the compromise had been struck it became apparent that the discourses of liberation on which were based the dreams of future utopias and expectations of vengeance and justice would have to be modified, amended or, at times, abandoned ... [In the end] *the truth was what the “party” (parties) said it was*. The truth was not measured, but *manufactured*. To be charitable, *we can say that the truth was negotiated*. It was the truth that rescued South Africa from a revolutionary abyss. *It is also the truth that will hover as a spectral figure over the country’s uncertain future.*”<sup>3</sup> (My emphasis).

Franco Barchiesi of the University of the Witwatersrand alleges that the Commission had to operate within certain imperatives of the new South African state in a paper presented at an International Conference on the TRC in July 1996: He puts it as follows:

“(T)he TRC itself is constituted by the institutional, social-economic, political and ideological *imperatives* of the new South African state ... (These) imperatives have had a decisive influence in the TRC’s reconstruction of the past and recommendations for a future with regard to *social citizenship* as an unresolved issue for the present form of state”<sup>4</sup>.

If we were to take the statements of Ebrahim Moosa and Barchiesi seriously - and I am inclined to do just that - then a proper evaluation of the “truth” that was “manufactured” by the TRC can

<sup>3</sup> Moosa, Ebrahim, “Truth and reconciliation as performance: spectres of Eucharistic redemption” in Villa-Vicencio, C and Verwoerd W (eds), *Looking back, reaching forward*, University of Cape Town Press, 2000: 115-116.

<sup>4</sup> Barchiesi, Franco, “Socio-economic Exploitation, Meaning Contestation and the TRC. Problematic foundations for a discourse of Social Citizenship in Post-apartheid South Africa”. Paper presented at the International Conference on “The TRC: Commissioning the Past”. Johannesburg: University of the Witwatersrand, 11-14 June 1999, p 16.

only happen against the background of political, economic and ideological events that occurred in the ranks of the new political elite during the 1990s. It is important to emphasise that the political compromise that was reached at the negotiations at Kempton Park was not a compromise to restore *social justice*, but a compromise to attain *peace* and political *stability*. But what is often not realised, is that while the formal negotiations to reach a political settlement were taking place at Kempton Park, informal negotiations to reach an *economic compromise* took place between the leader core of the ANC Alliance and the (mainly white) business elite in and around Johannesburg. The compromise was also not reached to restore *social justice* but to create conditions conducive for *economic growth*. For an understanding of the ideological shift that has taken place in the ranks of the ANC leader core, the economic compromise of the mid-1990s played an all probability a more decisive role in determining the new government's ideological orientation than the political compromise. The ideological shift that became apparent when the new government announced its GEAR policy to replace the RDP in 1996, is testimony of how profound and even fundamental the ANC's ideological shift has been.

The RDP was released before the 1994 elections by the Tripartite Alliance (i.e. the ANC, COSATU and the SAPC) as its main policy platform. It was *par excellence* a *redistributive* policy approach<sup>5</sup>. The RDP stated unequivocally that "the South African economy is in a *deep-seated structural* crisis and as such requires *fundamental* restructuring to create a strong, dynamic and balanced economy that will *eliminate the poverty created by Apartheid*". The RDP was people-orientated and a development strategy in which the new government was supposed to play an active *interventionist* role in the economy to give a new *direction* and a new *structure* to it. The whole idea of the RDP to bring about a "fundamental restructuring", was born out of the conviction that the South African system of capitalism was not a "normal" or "social-democratic" kind of capitalism, but a remnant of the system of colonial and/or racial capitalism that has been in place for at least 150 years. The South African version of capitalism has demonstrated during these 150 years a deep-seated tendency towards *systemic exploitation* and *structural injustice* towards people other than white.

The South African systems of racial capitalism was moulded on bonded and unfree black labour to whom exceptionally low wages were paid. The power relation operative in the SA system of

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<sup>5</sup> The RDP identifies five major policy programmes which should be implemented vigorously in an attempt to rectify the unbearable conditions created by apartheid for the majority of the population. This includes programmes to meet the basic needs of the poorer 40% of the population living in absolute poverty, programmes to develop the neglected human resources of mainly the Africans, programmes to bring about a "fundamental restructuring" of the economy, programmes to democratise the state and society and programmes for the successful implementation of the RDP.

capitalism strongly tended towards *capital intensity* (i.e. it tended towards accumulation at the cost of employment and human development) and towards a concentration of *economic power*. Those who compiled the RDP realised that if the SA economic system would remain "fundamentally unstructured" in certain critical aspects, the *systemic* tendency towards inequality, unemployment and increased poverty for the lower 60 per cent of the population will continue unabated. They also realise that the tendency towards large conglomerates and the concentration of economic power in the hands of a rather small corporate elite will also continue unabated.

In June 1996 the Ministry of Finance published the department's new macroeconomic strategy - *Growth, Employment and Redistribution* (GEAR). The purpose of the document was to formulate a comprehensive and well-integrated macroeconomic strategy. GEAR's point of departure was that sustained growth on a higher level requires a transformation towards a *competitive outward-orientated economy*<sup>6</sup>. Although employment creation and redistribution remained part of the strategy, both of them would no longer be promoted by *active* government intervention, but would (allegedly) be attained over the long run through the "trickle down effects" of an (predicted) higher growth rate. Ideologically the GEAR strategy is situated on the ideological spectrum squarely right of centre within the supply-side/new classical paradigm. The strong anti-state orientation - started by the Reagan/Thatcher swing to the ideological right - runs like a thread through the GEAR document.

It is almost 4 years since the GEAR strategy was announced. Government policy as reflected in the GEAR document appeared to be an oxymoron: it is not enhancing growth, employment or redistribution. To the contrary, the growth rate since 1996 is on average 2% per annum, real per capita income has declined, more than 800 000 jobs have been abolished, the distribution of income has become considerable more unequal and the poverty of the desperate poor (i.e. the lower 40%) has become more severe<sup>7</sup>.

<sup>6</sup> It develops a strategy to attain a growth rate of 6 per cent per annum and job creation of 400 000 per annum by the year 2000. It emphasises the need for government consumption expenditure to be cut back and for private and public wage increases to be kept in check. It is hoped that gross domestic savings will rise from 15 to 22 per cent of GDP and that gross domestic investment will increase from 18 to 26 per cent of GDP in the year 2000. This would have required a capital inflow equivalent of 4 per cent of GDP, i.e. more or less R30 billion in the year 2000. An influx of foreign investment of this magnitude would thus presuppose a much greater reintroduction of the South African economy into the Global Economy. To attain this, the document also emphasises the need for privatisation.

<sup>7</sup> While the top 20% of the population (of which at least 50% are people other than white) receive 72% of total income, the income of the lower 60% (of which more than 90% are African) receive at best only 12% of income. Unemployment according to the official and expanded definition of unemployment was 37,6% of the potential

In mitigation of GEAR it must be acknowledged that the crisis in global economy and its negative effect on emerging countries have affected the SA economy very negatively<sup>8</sup>. The new government has made considerable headway to reach parity in social spending<sup>9</sup>. More than 60% of the non-interest government spending is spent presently on social services. Although this is commendable, the redistributive effect of the new government's social spending was over the last six years by far not large enough to *compensate* for the strong systemic tendency - still present in the South African economy - for the rich (or top 20%) to become richer and for the poor (or the lower 60%) to become poorer. This unfortunate *systemic* tendency will remain a characteristic of the South African economy as long as the economic system remains in certain critical aspects "fundamentally unstructured". In spite of the transition towards a political system of majoritarian democracy, the bargaining position of the poor and the unemployed has continued to be very weak<sup>10</sup>.

In spite of the poor performance of the GEAR strategy over the last four years, its protagonist claim that it is the only strategy that can integrate South Africa into Global Capitalism and the only strategy that can create conditions conducive to invite the highly needed influx of foreign investment. Even if we grant these points, we have reason to ask serious questions about the alleged job-creation capacity of the GEAR strategy and even more serious questions about its alleged *redistributive* capacity if a higher growth rate is attained. Given the structure of the South African economy, it is highly unlikely that the "trickle-down" effect of a higher growth rate will be nearly as advantageous for job-creation and redistribution as the GEAR strategy promised it to be. Consequently, we can regard the GEAR strategy as fundamentally flawed. Perhaps the most important deficiency of the GEAR strategy is that it did not acknowledge explicitly that the government had no choice but to play a comprehensive *interventionist, redistributive and developmental* role to bridge the large and growing gap between the "first" and the "third" world sectors and people in the South African economy.

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labour force. In 1997 46,5% of Africans were unemployed according to the expanded definition of unemployment (Barker, F, *The South African Labour market*, Van Schaik, 1999: 174).

<sup>8</sup> But in all fairness it should also be acknowledged that – even if the Global crisis had not occurred, the original targets of the GEAR document – i.e. 6% growth in 2000 and 1.3 million new job opportunities by the year 2000 – were overly optimistic and even utopian from the start. We have every reason to suspect that GEAR's extraordinarily optimistic scenario was a deliberate attempt to enhance its ideological acceptability in all circles.

<sup>9</sup> In 1990 the old apartheid regime's social spending was very skewed. If the per capita of social spending on whites were put on the index of 100, the social spending on Indians was 72, on Coloureds 68 and on Africans only 27.

<sup>10</sup> The weak bargaining position of the poor and the unemployed has again become apparent when the Minister of Finance tabled his Budget on 24 February 2000. In the Budget tax-concessions of R10 billion were granted to the top 40% of the population, while spendings on the poor were increased only moderately. A disturbing aspect of the new government's spending on welfare and on poverty relief is that a large percentage of the many budgets for these purposes is not spent. It must be blamed on the alarming decline in the capacity of the state of the last six years.

The ANC government's ideological shift to a position right of the centre was in 1996 so unexpected, profound and decisive, that it is appropriate to describe it as an *ideological quantum leap*. Four years after the event, the riddle remains unresolved: what was the real reason for the sudden change of heart, of orientation and of strategy? In an attempt to solve the riddle one can blame it on certain imperatives of the South African economy after decades of apartheid or we can blame it as the outcome of an intense ideological "power struggle" behind the scenes in which pressure groups on the right of the ideological spectrum emerged as the ideological conquerors.

Given the hard realities or the economic imperatives of the South African situation the government encountered rather serious constraints in the implementation of the RDP<sup>11</sup>. Nobody can dispute the necessity that some policy adaptations were necessary in 1996 as far as the implementation of the RDP was concerned. But instead of policy adaptations, the new government was *pressurised* and *convinced* by the white business sector, by white public servants in certain key state departments (like the Departments of Finance and Trade and Industry and by the Reserve Bank), by the new black business elite and especially by key players in the Global Economy in Washington, New York, London and Frankfurt, etc. to abandon the *redistributive strategy* of the RDP in favour of the *growth* and neo-liberal strategy of GEAR.

The status of the GEAR strategy and of its ideological approach were tremendously enhanced when President Mandela stated on several occasions that its contents is non-negotiable. This has been confirmed repeatedly by President Thabo Mbeki. Since its announcement in 1996 the GEAR strategy was severely criticised by elements in COSATU and the SACP. These criticisms were abruptly rejected by the government. After six years of ANC government we have the strange situation that the ANC Alliance *as government* has positioned itself ideologically *right* of the centre, while the ANC Alliance *as political party* remained ideologically *left* of the centre.

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<sup>11</sup> The new government encountered at least three serious constraints in the implementation of the RDP: firstly a fiscal constraint due to the poor fiscal and economic legacy it inherited after 50 years of apartheid and 20 years of the Total Strategy; secondly, an organisational constraint due to the lack of an efficient public service and a distressful inability of the new government to build the necessary state capacity, and thirdly, the inability of the new government to prioritise the RDP and to integrate it as the guiding principle of its socio-economic policies. Other hard realities that confronted the new government at the beginning of 1996, were the high level of unemployment, the low level of investment (both local and foreign), the high public debt, the sharp fall in the value of the Rand and the high level of crime and violence.



### 3. THE TRC'S MANDATE AND THE WAY IT CHOSE TO INTERPRET IT

The TRC was institutionalised by the *Promotion of National Unity and Reconciliation Act* (No 34 of 1995). The main objective of the Commission was to promote national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past by establishing as complete a picture as possible of *the causes, nature and extent of the gross violations of human rights* which were committed during the period 1 March 1960 to 10 May 1994. The definition of “gross violation of human rights” was left substantially vague. It was, however, stated that “the Commission shall facilitate ... *inquiries into (i) gross violations of human rights including violations which were part of a systematic pattern of abuse ... (ii)[and should also facilitate inquiries into] the identity of all persons, authorities, institutions and organisations involved in such violations [of human rights]*”(TRC Report, 1998, Vol. 1, par. 31, p 56).

The TRC decided to give a rather narrow and legalistic definition to what constitutes “gross human rights violations”. In Vol. 1, Ch. 2, par. 19, the Commission puts it quite categorically that its governing Act limited its investigation “to gross violations of human rights defined as the ‘killing, abduction, torture or severe ill-treatment and the ‘attempt, conspiracy, incitement, instigation, command or procurement to commit’ such acts”. Consequently the Commission concentrated almost exclusively on the violations of the human rights of *individual victims by individual perpetrators*. By doing this, the TRC, for all practical purposes, chose to ignore violations of human rights “which were part of a systematic pattern of abuse”. By concentrating on *individual perpetrators and individual victims*, the TRC also chose not “to identify all ... authorities, institutions and organisations involved [in the violations of human rights]”. On top of this, the TRC also chose to interpret “human rights” as mainly “first generation” or legal “human rights” while the violation of “second generation” human rights or “social rights” were for all practical purposes ignored. Consequently, the TRC concentrated on “perpetrators and victims” while neglecting the *causative* relationship between the “beneficiaries” (who were undeservedly enriched) by the *systems of racial capitalism* and political domination, and the “victims” (who were undeservedly impoverished) by this system.

But in Vol. 5, Ch. 1, par. 48, the Commission acknowledged that “there had been an expectation that the Commission would investigate many of the human rights violations which had been caused ... by the denial of freedom of movement through the pass laws, by forced removals of people from their land ... [etc.]. Many organisations lobbied the Commission to insist that these

issues should form part of its investigations. Commission members, too, felt that these were important areas that could not be ignored. *Nevertheless, they could not be interpreted as falling directly within the Commission's mandate.*

Prof Mahmood Mamdani stated correctly that "in the South African context, *perpetrators* are a small group, as are those *victimised* by perpetrators. In contrast *beneficiaries* are a large group, and victims defined in relation to beneficiaries are the vast majority in society".<sup>12</sup> In par. 98 (vol. 4, Ch. 2) of its Report the TRC refers to professor Mamdani's distinction between "perpetrators and victims" on the one hand and "beneficiaries and victims" on the other hand. The Commission's only comment on this important and rather fundamental distinction is that it "deserves careful attention". To neglect professor Mamdani's argument in this manner, is rather deplorable.

In a careful rereading of the Commission's mandate as stipulated in the Act, it was definitely not necessary for the Commission to give such a narrow and legalistic interpretation to its mandate. When looking at the Commission's Findings and Recommendations, it became clear that the TRC's decision firstly, to concentrate mainly on the "legalistic" relationship between "perpetrators" and "victims" during the period of apartheid (1960-1994) and to ignore the "*systemic relationship*" between the "beneficiaries" and "victims" of the system of racial capitalism and white political dominance and secondly, to concentrate only on the violations of "first generation" human rights and not on the violation of "social rights", have had profound and unfortunate implications on the Findings and Recommendations of the Commission. These implications are perhaps the most clearly visible in the TRC's report on the Business Hearings.

#### **4. THE TRC'S NEUTRALITY BETWEEN THE PRO-BUSINESS AND "SYSTEMIC EXPLOITATION" SC+ HOOLS OF THOUGHT**

In the beginning of its chapter on the Institutional Hearings of Business (vol. 4, Ch. 2) the TRC acknowledged that from amongst the various perceptions of the relationship between business and apartheid, two dominant positions emerged at the hearings. It then gave the following descriptions of the two dominant positions:

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<sup>12</sup> Mamdani, M, "Reconciliation without justice" *South African Review of Books*, Nov/Dec 1996.



“One view, which sees apartheid as part of a system of racial-capitalism, held that apartheid was beneficial for (white) business because it was an integral part of a system premised on the exploitation of black workers and the destruction of black entrepreneurial activity. According to this argument, business as a whole benefited from the *system*, although some sections of the business community (most notably Afrikaner capital, the mining houses and the armaments industry) benefited more than others did” (par. 6)<sup>13</sup> [The fact that this position also stated explicitly that the blacks were at the same time victimised and impoverished by apartheid was, strangely enough, not acknowledged by the TRC, completely as if it did not appreciate the full meaning of the *systemic* argument and its reciprocity].

“The other position, argued mainly by business, claims that apartheid raised the costs of doing business, eroded South Africa's skill base and undermined long-term productivity and growth. In this view, the impact of apartheid was to harm the economy ... if apartheid placed obstacles in the path of profitability [as alleged by pro-business position], then business as a whole is cast more as a victim of the system than as a partner or collaborator<sup>14</sup> (paragraphs 7 and 8).

According to the Commission these opposing arguments mirrored a long-standing debate over the relationship between *apartheid and capitalism*. The TRC also granted the point that these opposing arguments were relevant for the task facing the Commission because “*these contrasting accounts imply different notions of accountability*” (Paragraph 8). The Commission gives in its Report a relative good summary of the arguments of the two dominant positions that have emerged between the “pro-business” or “business-as-victim” and the “systemic exploitation” or “business-as-beneficiaries-and-blacks-as-victims” schools. Unfortunately the Commission remains very ambiguous about the two dominant schools.

In paragraphs 161 to 167 (of Vol. 4 Ch. 2) the Commission summarises its “Findings arising out of Business sector hearings”. Its Findings that “(b)usiness was central to the economy that *sustained* the South African state during the apartheid years” creates the impression that business was *neutral* towards apartheid and sustained the (apartheid) government only *indirectly* through its “normal” business activities. What the TRC does not appreciate is that the slogan applicable to sport during the apartheid years – i.e. “there can be no normal sport in an abnormal society” – was also applicable to business: *there could indeed not have been “normal” business when the apartheid system (or racial capitalism) was in place*. The simple fact that the political and economic freedom, the bargaining power and the property rights of Africans were seriously restricted during the period of segregation and apartheid and that Africans were therefore

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<sup>13</sup> This first view was supported and articulated in the submissions of the ANC, SACP, COSATU, the Black Management Forum and myself.

reduced to “super-exploitable” units of labour, implies that there could not have been any “normal” business in the system of racial capitalism. It seems as if the TRC has ignored this obvious conclusion.

The Commission granted the points that “certain businesses, especially the mining industry, were involved in helping to design and implement apartheid policies ... and [that] other businesses benefited from co-opting with the security structures of the former state ... [and that] most businesses benefited from operating in a racial context” (paragraph 161). Although there is a measure of truth in these vague “findings”, they very much represent grave understatements. There can be no doubt that the apartheid system (or, more correctly, the system of racial capitalism) was *deliberately* constructed on behalf of white business and through *close* and *continuous* collaboration (conspiracy?) between almost all the (white) businessmen and organisations on the one hand and (white) politicians and bureaucrats (who derive their power from the system of white political dominance) on the other hand. The central element on which racial capitalism was built and maintained for 150 years was successive phases of *black labour repression*. Consequently, the main issue on which on-going consultation between white politicians and white business (in all sectors of the economy) took place during a period of at least 150 years was how to *design and to redesign a multitude of black labour repressive measures with the sole purpose to give white business easy access to and effective control over cheap and docile black (and mainly African) labour*. The Commission failed dismally to give any attention to the long history and the exploitative nature of the *black labour repressive system*. (See section 6 below)

The TRC acknowledges (in Vol. 4, Ch. 2, par. 165) that “the mining industry ... benefited from migratory labour and the payment of low wages to black employees”. In reality the goldmining industry benefited *enormously* over a period of at least 60 years from migrant labour, the compound system, the extraordinary low wages, and the relatively poor safety and health conditions in the gold mines and from the fact that part of the subsistence of migrant labour was in the “native reserves”<sup>15</sup>.

<sup>14</sup> The second view was supported in the submissions of the different business organisations, big corporations and by Mike Rosholt of Barlow Rand and Anton and Johan Rupert of Rupert International.

<sup>15</sup> The wages paid by Anglo-American and the other goldmining corporations in 1972 were in real terms more or less 7% lower than the level of 1911, in spite of the fact that the gold price increased on several occasions. While the wages of whites in the gold mines in 1911 were 11,7 times higher than those of Africans, white wages were 20,9 times higher in 1971. The agricultural sector – especially the maize farmers – benefited even more from paying extraordinary low wages to farm workers whose mobility (and bargaining power) were seriously constrained by the strict application of the pass laws and influx control. In par. 167 the Commission stated that “the white agricultural industry benefited from its privileged access to land and that it failed to provide adequate facilities and services for

It is true that wages in other sectors of the economy – i.e. mainly commerce and industry – were not as low as in mining and agriculture during the period 1910 to 1972. But African employees in these sectors of business were also proletarianised, also obliged to carry passes, they were also deprived of trade-union rights and influx control measure also reduced the majority of those in urban areas to (impoverished) migrant workers. Most businesses in these sectors also benefited from exploiting the (African) *labour repressive system* that was and to a lesser extent until 1986 in place until 1979. The influx control system institutionalised by the NP government in 1952, created an extra-exploitable migrant labour system for the manufacturing industries in urban areas. In par. 164 the TRC does make the valid point that "the denial of trade union rights to black workers constituted a violation of human rights"<sup>16</sup>. What is really strange, is that while the TRC acknowledges that black workers were *harmed* by the labour legislation of the apartheid period, it does not *simultaneously* make the obvious finding that business – in all sectors of the economy – benefited quite substantially from the powerlessness, the *super-exploitability of black* (and mainly African) labour over a period of at least 150 years.

The Findings of the Commission (in Vol. 4, Ch. 2, par. 166) that "business failed in the hearings to take responsibility for its involvement in state security initiatives specifically designed to sustain apartheid rule [or white supremacy]" touched on a very important matter. This is such a serious matter that it is a great pity – or even deplorable – that the Commission has not explored it in much greater detail. Some of the most respected corporations – under the leadership of a managerial elite with high public esteem – were hand in gloves with Armscor during the 1980s, when it was one of the few moving concerns<sup>17</sup>.

While the TRC did not reject the "pro-business" position explicitly, it on the other hand also did not accept the "systemic exploitation" position either. The Commission was in fact very careful not to use the rhetoric of the "systemic exploitation" school. When reading the

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employees and their dependants". This is very much an understatement. The agricultural sector was – together with the goldmining industry – the sector that benefited quite substantially from *systemic exploitation* during the first three quarters of the century.

<sup>16</sup> The Industrial Recommendation Act enacted by General Smuts in 1924 deprived people carrying passes (i.e. African men) from being members of trade-unions and from partaking in industrial reconciliation. This Act was amended on several occasions and also made applicable to African women in the early 1950s. This very repressive kind of legislation was only withdrawn by the labour legislation of 1979 and 1981.

<sup>17</sup> The corporations that were in collaboration with Armscor were in effect an integral part of the Total Strategy (or the Military Industrial Complex) and they made huge profits by being part of the Resistance against the Struggle. One could have expected in all fairness that the Commission would have been brave enough to expose those members of the managerial elite who were closely involved in the Total Strategy against the alleged Total Onslaught. Unfortunately, its finding on this matter – as in many other matters in which prominent business people were involved – is nothing but a vague and meaningless generalisation.

Recommendations carefully it becomes clear that the TRC went out of its way to make sure that it did not, at the same time, present business (or the rich) as *beneficiaries* of apartheid and *reciprocally* blacks as *victims* of apartheid. Consequently, it also did not portray business (or the rich) as having a (moral) obligation or an unpaid debt to pay to the "victims" of apartheid. The unpreparedness of the Commission to acknowledge this obvious relationship between "beneficiaries" and "victims" is indeed puzzling!

In its Recommendations on Business the TRC makes an appeal on business to play a *voluntary* role in compensating the blacks for the disadvantages of apartheid. In par. 159 (vol. 4, Ch. 2) the TRC says "that business *could* and *should* play an enormously *creative* role in the development of new reconstruction and development programmes". From a moral point of view this kind of request has a positive ring to it. What should be remembered, however, is that the exploitation of blacks did not happen voluntary, but was very much *compulsory* and *systemic*. It was based on an economic and political systems embedded in a network of *compulsory* legislation and justified by racist ideologies that were propagated as self-evident truths. To expect that business will be prepared to compensate the blacks *voluntarily* - *and to the necessary degree* - for the *systemic injustices* committed towards the majority of them over a period of 150 years, is not only too idealistic, but rather naive. By giving businesses the opportunity to pay-off their "apartheid debt" through charity, has already boiled down to an opportunity to let them off the hook rather cheaply.

The statement of the TRC "that the huge and widening gap between the rich and poor is a disturbing legacy of the past ... (and something that) *is morally reprehensible, politically dangerous and economically unsound* ..." is a commendable statement. The problem, however, is that the TRC does not succeed – or not even tried – to explain the *causative* role played by the *systems* of white political dominance, racial capitalism and/or apartheid over a considerable period of time in bringing about (and in sustaining) white wealth and white privileges on the one hand, and black poverty, black deprivation and black humiliation on the other hand. The rich are not blamed directly by the TRC for the widespread poverty.

In its chapter on Recommendations (Vol. 5, Ch. 8, par. 39) the TRC proposed that "considerations be given to the most appropriate ways in which to provide *restitution* for those who have suffered from the effects of apartheid discrimination". This is a very commendable recommendation. Unfortunately, the TRC does not indicate which group of people or institutions were the most likely to have *benefited* from "apartheid discrimination", and should therefore be

directly *responsible* for carrying the burden of the proposed restitution. Instead of trying to establish a *causative* link between the main "beneficiaries" and the "victims" the TRC proposed that the feasibility of several means of empowering the poor should be considered by the government<sup>18</sup>. The proposals are a rather vague and a strange potpourri. The only thing they have in common, is that all proposals are possible ways to collect additional government revenue. This is another indication that the TRC is in its Recommendation (as in its Findings) not prepared to acknowledge the causive links between *(mainly black) poverty and (mainly white) wealth in terms of the power structures that were operational in the systems of white political dominance and racial capitalism*. The Commission failed dismally by not acknowledging that the (mainly white) wealth and (mainly black) poverty are two sides of the same coin.

The TRC regards the perpetuation of the gap between rich and poor as a threat to *peace and stability*. It comes to the conclusion that "if a wealth tax is not the way forward, then some other measures should be sought and implemented as a matter of urgency" (Vol. 5, Ch. 8, par. 162). It is rather strange that the *TRC does not motivate its plea for redistributive measures in terms of rectifying the social injustices caused by the exploitative systems, but only because the gap between rich and poor can be a threat to peace and stability!* The TRC in effect rejected the position of the "systemic exploitation" school, because it nowhere regarded business or the rich as *beneficiaries* and it also did not make any proposal that suggested that business or the rich had a moral obligation or "systemic guilt" as the beneficiaries of the apartheid system<sup>19</sup>. Due to the TRC's narrow and legalistic approach to what constituted a gross human rights violation, and due to its unpreparedness to consider the possibility of *systemic guilt*, the implication of the TRC's approach is that an executive director of a company (say a goldmining company) that profited enormously for decades from *extra-exploitable* and cheap African labour - extra-exploitable because of the forced proletarianisation, the migrant system, the compound system, etc. - was acquitted by the TRC from all moral responsibility and all systemic guilt because the executive director never drew a trigger on one of his African employees!

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<sup>18</sup> According to the TRC the feasibility of the following as a means of empowering the poor should be considered: a wealth tax, a once-off levy of corporate and private income; a once-off donation of 1% of the market capitalisation of companies listed on the JSE; a surcharge on golden handshakes given to senior public servants since 1990 (Vol. 5, Ch. 8, par 39).

<sup>19</sup> In par. 68 and 67 the TRC is critical against the Chamber of Mines and Anglo-American not because they benefited from the migrant labour system and low wages, but because they did not acknowledge their benefits in their submissions.

## 5. THE TRC'S UNWILLINGNESS TO ACCEPT THE ARGUMENT OF THE "SYSTEMIC EXPLOITATION" SCHOOL

It is necessary to explore on a deeper level the TRC's unwillingness or unpreparedness to accept the argument of "systemic exploitation". The business sector was – with a few exceptions – not prepared to acknowledge their participation in the *construction* and *maintenance* of apartheid (or, more correctly, racial capitalism). In neither their submissions nor in the evidence they gave at the Business Hearings were they – with a few exceptions – prepared to acknowledge that they benefited from the apartheid system. Many of them claimed they were “victims” of apartheid. Looking at the lukewarm findings of the TRC on the Business Hearings, one cannot but come to the conclusion that the TRC was intimidated by the recalcitrant attitude the majority of businesses took toward anyone who dared to blame them for being an integral part of racial capitalism or a beneficiary thereof. The informal compromise negotiated between the ANC leader core and business has put business in an extraordinary strong bargaining position.

It should be emphasised that the TRC did not undertake any original research into the way segregation and apartheid - and all the legislative measures on which it was based - were operating<sup>20</sup>. The only information on which the TRC based its *Findings* and *Recommendations* on the Business Hearings was the opposing arguments put before it by the *pro-business* school and the “*systemic exploitation*” school.

What the TRC apparently failed to appreciate about the submissions and testimony of mainly the big corporations, is that it was to be expected that they would utilise the opportunity the TRC gave them for a “public relations exercise” trying to whitewash their own involvement with apartheid. According to the American economist, Kenneth Galbraith, the power of the managerial elite critically depends on their ability to create – by way of ideological propaganda – a more attractive *image* of big corporations than what the true *reality* is<sup>21</sup>. The TRC has failed to recognise the big gap between the *myth* the majority of businesses tried to propagate about

<sup>20</sup> A short overview of these measures are given in section 6 below.

<sup>21</sup> Galbraith described the inclination of big corporations toward *myth-making* in the following terms: “The institution that most changes our lives we least understand, or, more correctly, seek most elaborately to misunderstand, is the big corporation ... It exercises a greater influence on our livelihood and the way we live than unions, universities, politicians or government. There is a corporate *myth* which is carefully and assiduously propagated. And there is the *reality*. They bear little relation to each other. The modern corporation lives in suspension between *fiction* and *truth*” (*The Age of Uncertainty*, 1977, p 257).

themselves and the *reality* of their close association with white supremacy, racial capitalism and apartheid during the greater part of the 20<sup>th</sup> century<sup>22</sup>.

We should not underestimate the pressure that was exerted by business on the TRC after I articulated the case of “systemic exploitation” school and proposed a wealth tax as a restitution or reconstruction levy. It is rather astonishing that the TRC had contracted business-friendly academics to write some of the original versions of the TRC report on the Business Hearings. While some of these versions were blatantly pro-business, we should perhaps be thankful that the chapter on the Business Hearings was at the end at least neutral between the pro-business and the “systemic exploitation” schools of thought. The strong anti-tax lobby branded a wealth tax as impractical, dangerous and too costly to collect. Some of the businessmen told me after the Business Hearings that I want to put capitalism on trial with the argument about “systemic exploitation” and that such a trial would be improper. My defence that the system of racial and British colonial capitalism *ought* to be on trial, was rejected as unacceptable because such a trial would in the end “escalate” into a trial of present-day capitalism!

We have enough reason to come to the conclusion that the “truth” contained in the Chapter on the Business Hearings was to a very high degree a “negotiated truth” in accordance with the “compromise” that was negotiated. The “truth” contained in the Chapter on the Business Hearings was not only a “negotiated truth” in accordance with the informal compromise between the ANC leader core and business leaders, but perhaps to an even larger degree a “negotiated truth” in accordance with the political compromise reached during the negotiations. According to Ebrahim Moosa “the truth was what the ‘party’ (parties) said it was ... it was the truth that rescued South Africa from a revolutionary abyss ... (but) also the very truth that will hover as a spectral figure over the country’s uncertain future”.

The Commission started its investigations in January 1996. In June 1996 the government announced its GEAR strategy to replace the RDP. As we indicated above, the GEAR strategy

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<sup>22</sup> In mitigation to the recalcitrant attitude displayed by business, one should recognise the fact that the majority of today’s managerial elite was not in their present position before 1970, when racial capitalism and apartheid were in their most exploitative phase. To expect that today’s managerial elite should be aware of the opportunities and actions of their fathers and grandfathers would require an historical perspective from them. To expect such a perspective from the ranks of the managerial elite is perhaps asking too much. Business people are not inclined to look backwards, but only forwards. But what is deplorable is the inability of the TRC to put the evidence of business into a proper *historical* context. Two of the most blatant examples of corporate attempts towards *myth-making* were the submissions and testimonies of the Chamber of Mines and Anglo American Corporation. It was rather shocking how both were not prepared to even acknowledge that African mineworkers were exploited and degraded to sub-human beings from 1910 until the beginning of the 1970s. It is very much to the credit of the Commission that it



replaced the *redistributive* strategy of RDP with a new-liberal *growth* strategy. If the TRC had accepted the argument that “the system of white political dominance, the system of racial capitalism and the close symbiotic relationship between them, brought about an *empowerment* and an [undeserved] *enrichment* of (mainly) the whites and a *disempowerment* and an [undeserved] *impoverishment* of (mainly) the Africans”, it would have been very much against the grain of the ideological approach of GEAR. If the TRC had also accepted the recommendation of a wealth tax for restitution or restruction purposes, it would have caused untold embarrassment for the government that regard its GEAR strategy as non-negotiable.

It is rather meaningful that in the public discourse over the last 4 years on the poverty problem, government spokesmen did not allege explicitly that the poor were *undeservedly* impoverished and the rich *undeservedly* enriched by the power structures which underpinned white political supremacy and racial capitalism. Consequently, government spokesmen also are not telling the whites - and especially the richer whites - that they have to pay higher taxes to enable the government to restore *social justice* after decades of apartheid and systemic exploitation. On the contrary, the government has made in its last budget large tax concessions to the rich to stimulate economic growth, while social spending on the poor was increased only moderately<sup>23</sup>. Like the Commission, government spokesmen are concerned about poverty because it may threaten the socio-economic and political *peace* and *stability* of the country. The government’s ideological approach towards the poor may not have mattered that much, if the distribution of income and the poverty of the poor had not increased since the ANC government assumed power in 1994. Due to the fact that the Commission had not made a systemic analysis of the South African history, the government apparently does not realise that the long standing systemic tendency of the South African economy for the rich to become richer and the poor to become poorer is continuing almost unabated!

Frank Barchiesi came to the following conclusion:

“The way in which the TRC has addressed the exploitative and oppressive nature of racial capitalism shows important *inadequacies* with regard to the identification of systemic socio-economic continuities with the present, the understanding of challenges facing the extension of social citizenship and social rights, and the definition of appropriate policies of fundamental social change ... [The TRC approach] was

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included the rather critical remarks on both the Chamber of Mines and Anglo American for not being candid about the extraordinary low wages paid by them to migrant workers from 1917 until 1972.

<sup>23</sup> A recent tentative proposal of the Minister of Welfare and Population Development, Zola Skweyiya for a “dole” of sorts - or a minimum security catch net - be introduced for the very poor (at a cost of R7 billion annually) was probably rejected by government unceremoniously.

*detrimental to ...its understanding of present social exclusion and exploitation on the basis of inherited power structures and social injustices which led to a substantial lack of historical perspective and to an abdication from a systemic analysis. (my emphasis).*

In sharp contrast to the Commission's Findings in the Chapter on the Business Hearings, the Commission makes the important statement that "apartheid, as a system of enforced racial discrimination and separation *was a crime against humanity*". Although the Commission did not give a motivation for this statement, it has rather important implications for the Commission's Findings and Recommendations on Business. (See Appendix in Vol.1, Ch. 4, p 94).

In addressing the question of business partnership in gross human rights violations, most business submissions and testimonies took the view that any gross human rights violations would require *active, deliberate* participation by *individual* business persons. On strength of the Commission's *individualistic* and *legalistic* approach on human rights violations, businessmen found a convenient loophole to distance themselves from the evil of apartheid and from any individual or corporate responsibility towards the "criminal" results of apartheid, irrespective of the degree to which they have been beneficiaries of apartheid as a "system of enforced racial discrimination and separation" and irrespective of the degree apartheid had caused human right abuses.

The Commission's statement that apartheid was indeed a crime against humanity - not only because of actions of individuals within an oppressive system, but because the apartheid *system* (as such) was immoral and to a large degree also "criminal"- closes the loophole used by business, i.e. that they were not in their *individualistic* capacities guilty of any crime. If it is indeed true that apartheid (and for that matter also racial capitalism) was a criminal system, then those who operated in it for decades and were enriched *undeservedly* by it, cannot wash their hands of its results and walk away as businesses and the rich are inclined to do. The fact that the victims of systemic exploitation lives in abject poverty, is then also not something business can ignore because the poor are the victims of a criminal system of which business and their actions were integral parts of the criminal system.

The Commission was unfortunately not consistent in its Findings. If it has made its conclusion – that apartheid as a *system* of enforced racial discrimination and separation was a crime against humanity – also applicable on Business, then the Commission would have had no option but to conclude that the business community (and all those who have been beneficiaries of the criminal system) have a huge responsibility to rectify the evil consequences of the criminal system as

comprehensively as possible. Against this background the proposal for a wealth tax for restitution or reconstruction purposes would certainly have been a very appropriate one.

The lack of consistency – and even glaring contradictions – in several parts of the TRC Report is perhaps inevitable. It is, nonetheless, something that must be deplored.

## 6. A HISTORICAL PERSPECTIVE ON SOUTH AFRICA'S HISTORY AND THE TRC'S REPORT ON THE BUSINESS HEARINGS

Another possible reason for the TRC's inability to do justice to an investigation about *social injustice* inherent to the systems of *white political dominance* and *racial capitalism* can perhaps be found in the fact that the Commission's *time frame* was *too short* and its *mandate* (or focus) - as interpreted by itself - was *too narrow* (or too limited). Given its time span and its mandate, it was in all probability not possible for the TRC to "manufacture" a trustworthy history of South Africa.

In Vol. 1, Ch. 2, par. 15-19 of its Report the Commission acknowledged the *shortness* of its time frame and the *narrowness* of its mandate. It is a pity that while it acknowledged these limitations, the Commission was not brave (or honest) enough to have granted the point in the chapter on Business that a comprehensive *systemic analysis* of the exploitative nature of South Africa's political and economic systems have been outside its grasp. If the Commission could have acknowledged explicitly its own inability (or unpreparedness) to make a *systemic analysis*, it would have been appropriate for the Commission to propose that the government should appoint another Commission with a *long enough time span* and a *wide enough mandate* to make a proper investigation of the *systemic exploitation* that has been an integral part of South Africa's history since the 17<sup>th</sup> century.

In an attempt to broaden its investigations, the TRC embarked on a series of "Institutional Hearings". It motivated it as follows: "At the institutional hearings, the Commission sought to receive evidence from various professions, institutions and organisations about the role they had played in committing, resisting or facilitating human rights abuse. The purpose of these hearings was to enrich the Commission's analysis of human rights abuse by exploring how various *social institutions contributed to the conflicts of the past*" (Vol. 1, Ch. 6, par. 39).

Six “Institutional Hearings” were held of which the “business hearings” was one. The TRC’s intention to explore the role of “social institutions” begged the following question: If it was kosher for the Commission to investigate “social institution’s” contribution to conflict and human rights abuses, why has the Commission not made a proper historical analysis of two of the most important and all-embracing *social institutions* in South Africa’s 20<sup>th</sup> century history, i.e. the social institutions of *white political dominance* and of *racial capitalism*? Would such an investigation have brought the Commission too much in conflict with its *individualistic and legalistic* focus on gross human rights violations? Or, would such an investigation put the Commission too much at loggerheads with the business community and with the new government after it had accepted the GEAR strategy?

Similar problems arise because the Commission was supposed to investigate human rights violations committed only in the period 1 March 1960 to 10 May 1994. To understand the *formation period*, the *character* and *perpetuation* of the systems of white political dominance and racial capitalism, it was necessary – if not compulsory – to turn the clock back to *at least* the second half of the previous century.

Although the Commission had committed itself to a “social scientist approach” in its quest to uncover the truth “on the *broader patterns* underlying gross violations of human rights”, it stated categorically in the chapter on “Historical Context” that the “report covers [firstly] only a small fraction of time - although possibly the worst and certainly ... the bloodiest in the long and violent history of human rights abuses ... [and that] the report tells [secondly] only a small part of a much longer story of human rights abuses ...” (Vol. 1, Ch. 2, par. 3).

Any social scientist and any historian knows that when the Commission limited itself to “a small fraction on the [relevant] time” and to “a small part of a much larger story”, it was no longer possible to do justice to a “social scientist” and a historic investigation to uncover the truth “on the broader patterns underlying gross violations of human rights”.

A short overview of the broad patterns underlying gross violations of human rights (broadly defined) will demonstrate the point.

Two of the main themes of South Africa’s history over the last 350 years are, firstly, the *deprivation* of the indigenous people’s *land* by colonial authorities and by the successive white groups who succeeded to monopolise white political power, and secondly, the subjugation of the

indigenous people to the status of an *unfree, bonded and cheap* black labour force. Given the superior military power of the colonial authorities and the white population groups, the deprivation of the land happened relatively easy. The relatively poor quality of agricultural land and the semi-desert conditions in large parts of South Africa implies that whites could only prosper by having easy access to large numbers of cheap and docile black labour.

In comparison with the deprivation of land, the subjugation of black labour to the status of an unfree labour class, was much more difficult and also an on-going process. The Khoisan and the different African tribes resisted attempts to destroy their economic independence and to coerce them into a docile and cheap labour force vehemently. Their centuries-long economic struggle to retain their traditional way of life and (at a later stage) to continue as a relatively independent peasantry and tenantry, was less organised than the political struggle in the second half of the 20<sup>th</sup> century, but as relentless and perhaps even more heroic than the liberation struggle. To succeed with the process of subjugation it was, therefore, necessary for the colonial and white political authorities to design - in close co-operation with the white employers class - a great variety of *indenture* and *repressive* labour patterns to give employers - in changing economic conditions - the desired easy access to enough cheap and docile black labour.

The remarkable situation developed in South Africa that for a period of 200 years - from  $\pm 1700$  until  $\pm 1900$  - enough land was available for white occupation to enable all the members of the white master class to become members of a non-working landowners class, while the indigenous population groups remained *unfree* - either as tenant farmers or as indenture and wage labourers. During these 200 years a white wage-earning class did not exist. It was only when all productive land - from an agricultural point of view - became fully occupied at the end of the 19<sup>th</sup> century, that more or less a quarter of the white master class became bankrupt and that a poor white proletariat developed during the first three decades of the 20<sup>th</sup> century. These poor whites then had no choice but to compete with the already proletarianised and cheap black labour force for unskilled job-opportunities. It is important to realise that while a large part of the Africans were deliberately proletarianised by a white assault on their economic "independence", the poorest third of the whites became inadvertently proletarianised when land became scarce and when they could not adapt to the process of modernisation initiated by the mineral revolution. To protect the white proletariat from competition in the unskilled labour market against the large black proletariat, *labour discrimination* was introduced early in the 20<sup>th</sup> century as a new labour pattern parallel to *labour repression* that had already been applicable on blacks for a considerable period. The introduction of these discriminatory measures were part and parcel of

the relentless struggle during the 20<sup>th</sup> century between the Afrikaner and African proletariat for a place in the South African economic sun. The struggle between these two proletarians also had far-reaching ramifications on South Africa's political history during the 20<sup>th</sup> century. The system of white political dominance created for the white proletariat formed a shield against the encroachment of the black proletariat.

To solve the Dutch East Indian Company and the Dutch Colonists' labour problems in the 17<sup>th</sup> and 18<sup>th</sup> centuries, 63 000 slaves were imported from 1652 until 1808, when the slave trade was abandoned. Slaves, were, however, too expensive for those *Trekboers* (pastoral farmers) who penetrated the interior. From 1721 large numbers of Khoisan children were captured in Commando raids and "enslaved" as *inboekelinge* (indenture labour) in the patriarchal households of the political independent *Trekboers*. From 1652 until 1800 the numbers of Khoisan declined from the estimated 200 000 or 300 000 to only 25 000 due to small pox epidemics and several frontier wars. During the first 28 years of the 19<sup>th</sup> century the new British authorities forced the Khoisan to carry passes and to enter into an indentured contract systems with their white (and mainly Afrikaner) employers. Under the pressure of the British humanitarian movement the indentureship of the Khoisan was abolished in 1828 while the enslavement of the slaves was abolished in 1838. The abolishment of indentureship and slavery deprived the Afrikaners of their easy access to bonded black labour. This deprivation was an important reason for the Great Trek of 15 000 Afrikaners during the 1830s to the North. The Afrikaners succeeded to establish two Boer Republics where they continued to capture African children in Commando raids and to "enslave" them as *inboekelinge* (or as indentured labour) until the end of the 19<sup>th</sup> century. They also entered into tenentry and sharecropping relationships with their numerous African neighbours.

Only 13 years after the abolishment of Khoisan indentureship and only 3 years after the abolishment of slavery, the British Colonial authorities issued its first Master and Servant Ordinance in 1841 and made it applicable on the Coloureds (i.e. the ex-Khoisan and ex-slaves) and on the Xhosas. This was a deliberate step by the colonial authority - on behalf of the white employers class - to coerce black labour to enter into five year contracts with their employers. From 1834 until 1852 the British colonial authorities - instigated by the British settlers in the Eastern Cape - fought three bloody wars against the Xhosas to deprive them of part of their land and to subjugate many of them into a wage earning proletariat.

The Master and Servant Ordinance of 1841 and the proletarianisation of large numbers of Coloureds and Xhosas from 1840 onwards were the first phase in a long series of master and servant laws that remained on the South African law books until 1974! Although these laws deprived employers of the right to penalise their employees, they bound the employees for a contractual period to their employer, while the state became an important player in the labour relations – very much on the side of the employers! The *repressive* nature of the master and servant laws became apparent in situations where the majority of the potential (black) labour force had already been proletarianised (or could easily be forced into a state of proletarianisation) and therefore did not have an alternative but to enter into contracts with (white) employers who enjoyed state support in maintaining the contractual conditions. Master and Servant laws and the deliberate proletarianisation of the black population groups were indeed the two cornerstones on which the impressive edifice of *black labour repression* was built and maintained.

We can ascribe the longevity, the large-scale social dislocation and the severe poverty that resulted from the system of *black labour repression* to the four successive and overlapping phases of black labour repression. Each phase was implemented by another modernising group in the white community with a vested interest in labour repression and the (political) power to exert the necessary repression. The first phase of black labour repression was implemented by the British colonial authorities to supply the British settlers and Afrikaner farmers with enough labour to institutionalise a system of racial capitalism in the agricultural sector of the Cape and Natal during the second half of the 19<sup>th</sup> century. The second phase of labour repression was implemented after the discovery of diamonds and gold. The Glen Grey Act (1894) and the Land Act (1913), played important roles in intensifying the repression and the proletarianisation associated with this phase<sup>24</sup>. This second phase of labour repression was perpetuated until the middle of the 1970s and was exceptional advantageous to the mining companies and the maize farmers. The third phase of labour repression was implemented on behalf of the manufacturing industry of the English-speaking sector from the 1930s onwards and especially during the take-off of industrialisation during the war years. The fourth phase was implemented on behalf of Afrikaner financial and industrial capitalism from 1948 onwards. The one phase of black labour repression fused into the next and enabled each successive modernising elite group (and its predecessors) to attain lucrative capital accumulation by exploiting bonded black labour.



The different phases of *black labour repression* - and the pass laws, proletarianisation measures, master and servant laws, anti-trade union legislation and the migrant system on which it was based - were in place from 1841 until 1986! Each new phase of black labour repression introduced by a new modernising white elite group was more *exploitative* and more comprehensive than the previous phase(s) and was applicable on larger numbers of blacks. The influx control and labour bureau system that was introduced in 1952 by the National Party government to create a strictly controlled migrant labour system for manufacturing employment in urban areas - parallel to the highly exploitative migrant labour system of the goldmining industry - represented the most *repressive*, the most *exploitative* and the most *inhuman* system of black labour repression. All the white employers - and not the Afrikaner entrepreneurs - benefited enormously from this fourth phase of labour repression. Multi-national companies - from Britain, the USA, Germany and Japan - made during the 1950s and 1960s extraordinary high profits by employing Africans that were "victims" of the fourth phase of labour repression.

From the beginning of the 20<sup>th</sup> century, the successive white governments (but especially governments with large Afrikaner support) enacted a long series of *discriminatory* legislation to protect the poor white (and mainly Afrikaner) from direct *competition* with cheap black labour in the unskilled and semi-skilled labour market. It is, however, important to distinguish clearly between *repressive* and *discriminatory* measures. While *repressive* measures were institutionalised to "create" an exploitable black (and mainly African) proletariat the *discriminatory* measures were institutionalised to protect the white (and mainly Afrikaner) proletariat against competition from the black proletariat. While the *repressive* measures were, from the point of capital, *cost-saving* measures, the *discriminatory* measures were, from the point of capital, *cost-increasing* measures. From ±1920 to ±1970 a protracted struggle took place in the white community between the mainly English speaking employers class and the larger Afrikaner landlords with a vested interest in *cost-saving* repressive measures on the one hand, and the mainly Afrikaner petit bourgeois and the Afrikaner working class, with a vested interest in *discriminatory* measures, on the other hand. During the first phase of NP government (1948-1980) both the *repressive measures* were intensified considerable to satisfy the demand of English and Afrikaner employers for cheaper and more docile black labour, while the *discriminatory* measures were also intensified to ally the fears to satisfy and the greed of the Afrikaner working class against black competition in the skilled labour market and to a lesser extent also in the semi-skilled and unskilled labour markets.

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<sup>24</sup> The TRC described the Land Act of 1913 as "an act of wholesale dispossession and discrimination" (Vol. 1, Ch.2, par. 16). The TRC clearly did not appreciate that the real purpose of the Land Act was to proletarianise large

It is really a pity that the TRC did not make thorough historical analysis of the business' sector testimony before the TRC. Even if it is true that "apartheid raised the costs of doing business" from say 1960, it was not necessarily true for the period before 1960. But, what is more important, is that while it may be true that the *discriminatory* measures (to protect poor whites) did raise the costs of doing business, the *repressive* measures - i.e. those non-economic coercive measures that turned millions of Africans from the middle of the 19<sup>th</sup> century into a wage-earning proletariat - were undoubtedly lowering the cost of business. What the TRC unfortunately did not realise (given its inadequate historical perspective) was that the businesses (and especially English speaking businesses) were rather hypocritical in the evidence before the Commission. While they over-emphasised the cost-increasing effect of *discriminatory* measures, they did not even mention the cost-decreasing effect of the more comprehensive repressive measures.

Due to the fact that the Commission focused only on the 34 years from 1960 to 1994 and made no attempt to put the results of its investigation into a proper *historical context*, gave rise to all kinds of incongruousnesses. How does the TRC know that the time covered by the Commission "is possible the worst and certainly the bloodiest" in the long and extraordinary violent history of South Africa given that no proper historical investigation was undertaken?

While the Commission emphasised in its Report the *discriminatory* legislation that was enacted by the NP government from 1948 onwards, it did not provide any evidence that it was *überhaupt* aware of the *repressive* legislation - to force the Africans into a cheap and bonded wage-earning proletariat - that was mainly enacted during the second half of the 19<sup>th</sup> century and during the first half of the 20<sup>th</sup> century when the English establishment enjoyed a hegemonic position - politically, economically and ideologically. In 1948 the proletarianisation of Africans had been for such a long period already an integral part of the African socio-economic situation and of their dismal way of life that it is understandable (but not excusable) that business and the Commission regarded it as a "normal" situation and not realising that *the high level of economic independence of African peasants and share croppers were deliberately and systematically destroyed by concerted government measures on behalf and on request of the white employers' class*. When a Commission shortens its perspective to only 34 years, such blatant historic blunders seems to be inevitable.

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numbers of Africans as part and parcel of the second phase of *black labour repression*.

By concentrating only on the apartheid system from 1948 onwards – and especially from 1960 – the Commission was in no position but to give a rather skewed and dangerously wrong interpretation of South Africa's history of *repression, discrimination* and *exploitation*. Due to its too short time span and narrow mandate, the Commission could not paint a clear historical picture of which of South Africa's population groups were the main *beneficiaries* of systemic exploitation in the successive historical periods and which population groups were the main *victims* of it. By concentrating only on the period since 1960 – and by ignoring the previous 300 years – the Commission focused almost exclusively on the wrong doings and the criminal deeds of the Afrikaners who were politically in control of South Africa from 1948 to 1994. It is in no way my purpose to pardon the Afrikaners. On the contrary. But by ignoring the 19<sup>th</sup> century and the first half of the 20<sup>th</sup> century – and by making only vague generalisations about the laissez-faire nature of discrimination during this period – the Commission blatantly underemphasised the social guilt of the British settlers, the British colonial authorities and the local English speakers. What the Commission failed to point out is that the English speakers were to a greater degree and over a much longer period the beneficiaries from *systemic exploitation*.

By focusing only on 34 years of South Africa's modern history of 350 years, the Commission did not only give a one-sided interpretation of South Africa's history, but “distorted” and compromised the “truth” in a rather serious manner. By giving official status to its “skewed” and “twisted” interpretation of South Africa's history, the Commission not only impede the reconciliation process but also put serious obstacles in the way of restoring social justice, social citizenship and social rights. In this way history writing in South Africa was done a great disfavour. In this way the Commission also missed a golden opportunity to “re-educate” the South Africans - both white and black - about the true nature of the century-long relationship between the white master class and the unfree black working class.

Michael Ignatieff alleged that “all that truth commission can achieve is to reduce the number of lies that can be circulated unchallenged in public discourse”. It will indeed be very sad if it turns out that the Commission's unwillingness or inability to make a proper systemic and historic analysis of South Africa's troubled history, has the unfortunate implication that it put the following lie in circulation in the public discourse: i.e. *that the systems of white political dominance and racial capitalism did not enrich the whites undeservedly and did not impoverish the poor undeservedly and that the rich are therefore discharged from any moral and/or systemic obligation to restore social justice!*

## 7. JM COETZEE'S *DISGRACE* PUTS SYSTEMIC GUILT BACK ON THE AGENDA

The South African author, JM Coetzee, was awarded the Brooker price of Britain for the second time for his latest book *Disgrace*. While the TRC was not prepared to challenge the issue of *systemic guilt* and while the issue of *white guilt* has become less prominent in the public discourse, JM Coetzee has put the issues of guilt and accountability back on the agenda in a provocative way.

Let me tell the relevant part of the story. Professor David Lurie of the Cape Technical University began an affair with one of his students. This led to a scandal and he resigned. He went to live with his daughter - from a previous marriage - on her farm in Grahamstown. One day two black men and a boy arrived on the farm. The professor was assaulted and his daughter was raped, but she did not lay a charge with the police. Her father urged her to leave the farm for her own safety, but she refused. She acknowledged that the three blacks were serial rapists and then defended herself as follows against her father: "I think I am in their territory. They have marked me, they will come back for me ... What if ... what if *that* is the price one has to pay for staying on? Perhaps that is how they look at it; perhaps that is how I should look at it too. They see me as owing something. They see themselves as debt collectors, tax collectors. Why should I be allowed to live here without paying? Perhaps that is what they tell themselves<sup>25</sup>."

Coetzee painted a very grim and disturbing picture. Fact is that neither the professor nor his daughter had been guilty of a gross human rights violation in accordance with the Commission's narrow definition of it. The daughter acknowledged that she had to pay a price "for staying on [in South Africa]". This is a timely warning for all those South Africans - both white and black - who demand that we shall forget the past, and build together on a better future.

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<sup>25</sup> JM Coetzee, *Disgrace*, Seeker & Warburg, London, 1999: 158.