

“Talking about things that hurt us”: Constructions of Childhood in the TRC

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Abstract:

As a result of the wide scale abuses against children and their particular vulnerability at the hands of the apartheid state, the TRC’s Special Hearing on Children and Youth sought to establish “a human rights framework for children and young people in order to ensure that they be given the opportunity to participate fully in South Africa’s new democratic institutions.” That process, along with the Commission’s investigation of Winnie Madikizela-Mandela and her Soweto-based Mandela United Football Club (MUFC) demonstrates, however, that participants and observers brought their own frameworks of understanding into the hearing, and within a complex and shifting web of power relations, struggled to bring these understandings to bear on the process, often subverting commissioners’ attempts to impose a new moral order premised upon a shared perception of violence.

An examination of the complex constructions of child activist Stompie Sepei reveals a great deal about how childhood has been constructed in South Africa, with all of its specific contingencies and generalizations; how history and narrative are used in different ways, to serve differing interests and agendas, and with consequences that impact the living and the constructions of the dead. It also sheds light into the indeterminacy of everyday life for Africans, and how apartheid succeeded time and time again in making people turn on one another while also uniting them through shared commitments to the call for freedom.

“Talking about things that hurt us”: Constructions of Childhood in the TRC

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In May 1997, an 11 year old girl wrote a letter to South Africa’s Truth and Reconciliation Commission to express her concern that “children should be able to talk about things that hurt us.” She was writing to protest the Commission’s decision to only allow direct testimony from those 18 years and older, emphasizing that “it is necessary for children to speak, because children have opinions and feelings too.” Rudie Lee Reagan’s letter to the TRC was especially poignant in that it located important questions regarding how this official process of acknowledging the horrors of apartheid would engage the experience, knowledge, and memory of children.

To the Truth and Reconciliation Commission.

My name is Rudie-Lee Reagan, I am an 11 year old primary school pupil. I have heard about the Special Childrens' Hearing that will be held in Cape Town. I have also heard that children under the age of 18 cannot speak. I think this is very unfair and also stupid. Children over the age of 18 are not even children. I know that if a child was ten eight years ago they will be 18 now. The Truth Commission is violating the rights of children under the age of 18 so to speak. I do understand that the Truth Commission is trying to protect some children from having to go through all that pain and hurt again, but there are some children who would like to testify and see the perpetrators brought to justice. Children whose parents have been killed should be able to tell the Truth Commission how this has affected them. Speaking from a child's point of view, I think it would be very interesting to hear what children think should be done.

Last year was the first time I heard about a young boy. His name was Stompie Mokesi Siphe [sic]. He was 13 [sic] years old. He had an opinion, he fought for it and in doing so lost his life. He was against racism and wanted to be equal. That really made me think. He was so young, but at such a young age he knew what

was right and what was wrong and he fought for what was right and people listened to what he had to say. He made a difference in our country and by listening to children with similar experiences could help us to do the same. For instance, dealing with sexism. Apartheid is now gone because of children like Stompie, but I have been trying to get into a soccer team for two years, but I have not been able to, because I am a girl. That makes me mad. Listening to children will help deal with issues like this.

The main point is, children should be able to talk about things that hurt us like sexual abuse and violence. It will also be interesting, because it is about our countries [sic] history and we are not learning about this in schools. What I am trying to bring out is that it is necessary for children to speak, because children have opinions and feelings too.

From a very concerned 11 year old,
Rudie Lee Reagan."¹

This remarkable submission to the TRC exposes the fissures and shaky ground in which contemporary South African social relations are embedded. Reagan challenged the temporal framing of the commission, pushing open the period under review to recognize the ways in which apartheid's inequality extends into the present and future, arguing that children must be involved if such matters are to be adequately acknowledged and addressed. Invoking the consequential actions of Stompie Seipei, another child who "made a difference," Rudie-Lee Reagan asserted the centrality of children in South Africa's history and contemporary society. In reclaiming the kind of powerful positioning that Stompie achieved, Reagan disassembles the fundamental frameworks upon which the Commission's work was based: the divisions of before/after apartheid, children/adults, and victims/perpetrators.

Reagan's letter put forward a series of extraordinarily difficult and complex issues pertaining to childhood. In the struggles to settle these questions, the main aim of the

¹ Truth and Reconciliation Commission Youth Hearings Submissions—Questions and Answers. 22 May 1997. Letter from Rudie-Lee Reagan. Athlone, Day 3 of the Special Hearing on Children and Youth. <http://www.doj.gov.za/trc/special/children/reagan.htm>.

TRC (namely to establish a new moral order based upon reconciliation and truth) proved inadequate for accommodating the experiences and convictions of children and the adults who were associated with them or working on their behalf. Rather than creating clarity, coherence, or consensus, the TRC hit up against a moral, conceptual, and logistical impasse: the unsettled grounds of childhood.

South Africa's Truth and Reconciliation Commission

In 1995, the Promotion of National Unity and Reconciliation Act established the Truth and Reconciliation Commission of South Africa. The mandate stipulated that the Commission should provide “as complete a picture as possible of the nature, causes and extent of gross violations of human rights committed during the period from the 1st March 1960² to the 10th May 1994... to establish the truth in relation to past events as well as the motives for and circumstances in which gross violations of human rights have occurred.”³ Structurally, the Commission was comprised of three committees: the Human Rights Violations Committee,⁴ the Amnesty Committee, and the Reparation and Rehabilitation Committee. Participants were divided into two categories: perpetrators and victims. This taxonomy was largely operationalized in mutually exclusive terms, and often failed to accommodate the shades of coercion, force, desperation, and miscommunication that defined many people's lives during the apartheid era. This

² On March 1, 1960, in what became known as the Sharpeville Massacre, police opened fire on peaceful protesters who had organized to demonstrate their opposition to the Pass Laws.

³ No. 34 of 1995: Promotion of National Unity and Reconciliation Act, 1995, from the Office of the President, No. 1111, 26 July 1995.

⁴ In addition to the hearings and investigations of these committees, the Commission also held a series of special hearings from August 1996 through July 1998 to provide a more thorough and specific investigation of past human rights abuses organized around themes such as Women, the Media, Chemical and Biological Warfare, and the Trojan Horse Massacre.

structuring binary proved to be *particularly* inadequate when it came to understanding the complex and contradictory nature of children's lived experience during this time.

Since the highly publicized hearings in South Africa, truth commissions have become the preferred mechanism for confronting systematic human rights abuses, and the TRC has emerged in many ways as a viable international model. But the TRC, like much of the recent work on reconciliation, assumed that truth facilitates recovery and often failed to account for the renewed pain and suffering that truth commissions can cause for those who participate in them. Like all truth commissions, the TRC was borne of political compromise, and the limits it imposed on its self-described process of nation-building were controversial. Initially portrayed as something of a panacea for apartheid's ills, celebrationist responses have now made way for a wave of more critical analyses as the struggle over how to understand the past and how to address its manifestations in the present continues.

Critics have pointed to the exclusion of events before and after the stipulated time frame, and experiences of violence and suffering that did not qualify as "gross violations of human rights." Still others opposed the possibility of amnesty for torturers and killers.⁵ One of the most damaging realizations about the limits of the TRC surfaced in regard to dissatisfaction about much of the "truth-telling" in amnesty cases. Despite institutionalized attempts to ensure full disclosure,⁶ many of those who applied for amnesty in South Africa's Truth and Reconciliation are believed to have lied or refrained from telling "the whole truth" in their testimonies. Dissatisfaction with the perceived impotence of the Reparation and Rehabilitation Committee continues to be particularly

⁵ The most prominent of whom were the Biko family.

⁶ including investigation

pronounced within the poor majority population as the socioeconomic legacies of the apartheid system endure.

Although committed to providing “victims” with the opportunity to “relate their own accounts of the violations of which they are the victims,”⁷ the TRC was engaged in particular kinds of memory-making as part of its production of truth, namely the creation of new and shared notions of responsible selves. Asmal, Asmal, and Roberts have argued that “shared memory, in the intended sense, is a process of historical accountability.”⁸ As an institution the TRC defined an official structure for managing the history of trauma, complicity, and reconciliation, and considerably shaped individuals’ and groups’ attempts to come to terms with their pasts in both anticipated and unexpected ways. Children and youth themselves, and issues around children and youth proved to be some of the most challenging, unruly, and difficult to contain. As participants and observers, they brought their own frameworks of understanding into the process, and within a complex and shifting web of power relations, struggled to bring these understandings to bear on the process.

One of the key findings of the Commission was that young people were the main targets of violence. But they were also important agents. While several witnesses testified about human rights violations they experienced as children, and some even applied for amnesty, the Commission identified that the experiences of young people during the period in question had not been adequately addressed, and therefore established a Special Hearing on Children and Youth. Another related area of concern that was identified for a special hearing was Winnie Mandela and the Mandela United Football Club. Both

⁷ No. 34 of 1995: Promotion of National Unity and Reconciliation Act, 1995, from the Office of the President, No. 1111, 26 July 1995, “Objectives of Commission.”

⁸ Asmal, Asmal, and Roberts, 10.

special hearings were designed in an attempt to get to the “whole truth,” but not even a sense of this was ever achieved because the extraordinarily destabilizing central question of childhood proved unresolvable.

The Special Hearing on Children and Youth

South Africa’s Truth and Reconciliation Commission’s 1997 Special Hearing on Children and Youth was astonishingly brief, given the scale of abuses that they suffered. Hearings in Durban on May 14, Cape Town on May 22, Johannesburg on June 12, and Pietersburg on June 18, 2004 were rushed and markedly under-attended. The low turnout at this hearing was noted, sending to expert witness Dr. Magwaza the message that “we still don’t take the children seriously.”⁹ Not everyone who had been scheduled to speak was able because of time constraints. The Special Hearing was linked to the larger project of nation-building through the common trope of children as the future: focusing on apartheid’s impact on children and youth was self-consciously done to establish “a human rights framework for children and young people in order to ensure that they be given the opportunity to participate fully in South Africa’s new democratic institutions.”¹⁰

Under the apartheid regime in South Africa, especially during the state of emergency years in the 1980s, young people were frequently subjected to murder, torture, bannings, detentions, abductions, and sexual assaults. They were also deeply impacted by their witnessing of these events involving other people. As expert witnesses testified in the Special Hearing on Children and Youth, the legacy of these experiences can

⁹ www.doj.gov.za/trc/special/children/youthdbn.htm

¹⁰ Vol. 4, Truth and Reconciliation Commission South Africa Report; 248-249.

include “post-traumatic stress disorder, depression, substance abuse, and anti-social behaviour” not to mention physical pain and disfigurement. Of critical importance are the disadvantages resulting from missed opportunities for “physical, emotional, and intellectual development.”

As stated in the final report,

Over the years, children and young people were victims of and witnesses to of many of the most appalling gross human rights violations in South Africa’s history. The effects of exposure to ongoing political violence may have had serious effects on the development of many of these children. It was, therefore, considered imperative that the trauma inflicted on children and young people be heard and shared within the framework of the healing ethos of the Commission.¹¹ There was a concern that potential child participants under the age of 18 might be subjected to further trauma and intimidation through direct participation in the formal TRC hearing process. The Commission organized meetings and workshops in order to consult with international and South African NGOs on this issue, and ultimately decided to limit testimonies to those 18 years or older. Younger children were included in data collection and were represented by professionals working on their behalf. Children also participated in the special hearing in a range of creative ways which included telling stories, creating drawings to reflect their experiences, and presenting plays and singing in choirs during the hearing.

The Mandela United Football Club

On June 12, 1986, when the apartheid government declared a national state of emergency it unleashed “a reign of state terror against anti-apartheid activists in the vain hope that this would break the mass struggle.” In less than a year, more than 30,000

¹¹ Final Report, 248.

people had been detained under emergency regulations.¹² As violence escalated across the country and in township areas in particular, suspicions and accusations of “selling out” wreaked havoc on communities and kin networks. It was in this context that the Mandela United Football Club (MUFC) was established in April 1987 by a group of young Sowetan men and Winnie Mandela. She provided money, tracksuits, occasional accommodation in her home, and leadership. Led by 38-year old “coach” Jerry Richardson, members served as bodyguards and community vigilantes who, at times, terrorized some community members and pressured other young people to join them. Accompanied by Mrs. Mandela, members of the pro-ANC group regularly attended funerals and political rallies together, wearing matching tracksuits. The MUFC’s “disciplinary committee” and other club members increasingly targeted supposed sellouts, who included not only those accused of being police informers, but also those who did not support the ANC. Meting out brutal acts of violence as justice, football club members allegedly acted under the tight fist of Winnie Mandela’s command.

In April 1987, while still incarcerated, Nelson Mandela ordered the MUFC to disband as a result of reports he had received from community leaders about the violent activity of its members. Despite his attempts to intervene, MUFC activity escalated in the next two years, and led to many human rights violations including the abduction and torture of Peter Makanda and his brother;¹³ the murder of Vincent Sefako;¹⁴ a police raid on Jerry Richardson’s house which culminated in the killing of three activists;¹⁵ the

¹² Rob Davies, Dan O’Meara, and Sipho Dlamini. *The Struggle for South Africa: A Reference Guide to Movements Organizations and Institutions* (London: Zed Books Ltd., 1988) P3-4.

¹³ in May 1987

¹⁴ 15 November 1987

¹⁵ 9 November 1988

abduction and disappearance of Lolo Sono and Siboniso Tshabalala;¹⁶ the murder of Kuki Mosocu;¹⁷ the abduction and assault of Stompie Moeketsi Seipei, Kenneth Kgase, Thabiso Mono, and Gabriel Mekgwe;¹⁸ the murder of Stompie Seipei,¹⁹ and the murder of Soweto-based family doctor Abubaker Asvat.²⁰ Along with this string of murders and assault, community leader Reverend Paul Verryn was falsely accused of having sexually molested four youths;²¹ angry students from Daliwonga high school attacked and burned the Mandelas' Diepkloof home in retaliation for MUFC abuses;²² a "Crisis Committee" of community leaders in the anti-apartheid struggle was established to address the tensions caused by the MUFC,²³ and the Mass Democratic Movement²⁴ issued a formal statement distancing itself from Mrs. Mandela.²⁵ It was a tense and tenuous time. Unofficial negotiations had begun around Nelson Mandela's release from prison,²⁶ press restrictions were relaxing, and international attention was turned to the events occurring in South Africa. For the resistance movement, it was not a good time for bad press.

As a result of these activities, in May 1990 Justice O'Donovan (whose impartiality has been called into question) of the Rand Supreme Court charged Winnie Mandela with four counts of kidnapping and four charges of assault with intent to cause

¹⁶ 30(?) November 1988

¹⁷ 18 December 1988

¹⁸ 30 December 1988

¹⁹ sometime between 31 December 1988 and 9(?) January 1989

²⁰ 27 January 1989

²¹ Winnie Mandela gave an NBS interview on 1 February 1989 alleging that Reverend Verryn sodomized black youth.

²² June or July (?) 1988

²³ [date

²⁴ Formed in 1988 after the United Democratic Front and other organizations were banned, the MDM included ANC and UDF supporters and was linked to the Congress of South African Trade Unions (COSATU).

²⁵ 18 February 1989

²⁶ At F.W. deKlerk's behest, Nelson Mandela agreed to be released on 11 February 1990 after 27 years of incarceration. He insisted that deKlerk's government negotiate with the ANC structures rather than with him as an individual.

grievous bodily harm. He cleared her of involvement in the murder of Stompie Seipei, accepting her claim that she was not in Soweto but in Brandfort at the time. As journalist Martin Meredith reported in his book on the TRC, in her May 1991 appeal, “Judge Stegmann ruled that Winnie was ‘a calm, composed, deliberate, and unblushing liar’ and found her guilty on four counts of kidnapping and of being an accessory to the assaults. She was sentenced to five years in prison on kidnapping and one year for her role as accessory.”²⁷ Two years later her six-year sentence was reduced to a two-year suspended sentence with a fine of R15,000. In September of 1997 she appeared for an in-camera hearing for the South African Truth and Reconciliation Commission’s investigation into human rights violations surrounding the MUFC. Madikizela-Mandela requested a public hearing to clear her name, and in late 1997 and early 1998, a public special hearing of the TRC was held, commonly known as “the Winnie Hearing.”

The Special Hearing on Winnie Mandela and the Mandela United Football Club

According to several truth commissioners and commentators,²⁸ the “Winnie Hearing” received more media coverage and publicity than any other. It is also a very popular subject among academics and commissioners in the literature they have written on the TRC.²⁹ In few other TRC hearings is the tension between a complete picture and “the truth” as visible and irreconcilable as the TRC’s investigation of Winnie Madikizela-

²⁷ Martin Meredith. *Coming to Terms: South Africa’s Search for Truth* (New York: Public Affairs, 1999), 255.

²⁸ In *Country of My Skull*, Antjie Krog devotes an entire chapter to the trial, Chapter Twenty: “Mother Faces the Nation”. *Coming to Terms: South Africa’s Search for Truth* Martin Meredith chapter entitled: . *In the Country Unmasked: Inside South Africa’s Truth and Reconciliation Commission* Alex Boraine. “A South African Tragedy: Winnie Madikizela-Mandela” (Boraine, to 221 -)

Commissioner Wendy Orr’s memoir of the TRC, *from Biko to Basson*, Chapter 21, “The ‘Winnie Hearings’” (pages 303-323)

²⁹ add from above.

Mandela and her Soweto-based Mandela United Football Club. In amnesty applications and Human Rights Violations hearings, Winnie Madikizela-Mandela and several of her Soweto-based Mandela United Football Club members were implicated in a range of violent activity. Beginning on November 24, 1997, the TRC held a special hearing entitled “A Human Rights Violation Hearing into the Activities of the Mandela United Football Club.”³⁰ As described by TRC advocate [lawyer] Hanif Vally, TRC findings were based on three factors: the in-camera Section 29 Inquiry, the public testimony of Mrs. Madikizela-Mandela,³¹ and independent corroboration and investigations.

In their attempts to excavate the many perspectives and experiences of those involved in or affected by the violence that surrounded Madikizela-Mandela and the MUFC, the Commission spent nine days listening to and questioning dozens of witnesses. Myriad documents were referenced to collaborate, dispute, or further probe these testimonies. This hearing was not so much an accounting for the violence of the past or uncovering the truth as its commissioners claimed or even intended it to be, but rather a protracted struggle to establish a more expansive understanding of the relationship between violence and responsibility. Refusing resolution, the question of childhood undid these attempts time and time again. Because the definition of childhood could not be resolved, the definition of violence could not be resolved. Thus, the struggle to create a new and shared understanding of responsible selves through the process of this hearing remained unrealized because the question of childhood remained unrealized.

³⁰ Commissioners: Faizel Randera, member of the Human Rights Violations; Hlengiwe Mkhize, Commissioner and the Chairperson of the Reparations and Rehabilitation Committee; Dumisa Ntsebeza, Commissioner and Head of the TRC Investigative Unit; Alex Boraine, Deputy Chairperson of the Commission; Yasmin Sooka, Commissioner and Deputy Chairperson of the Human Rights Violations Committee; Khoza Mgojo, Commissioner and member of the Reparations and Rehabilitation Committee.

³¹ Following her separation and divorce from husband Nelson Mandela, Winnie began using her maiden name, Mdikizela, hyphenated with Mandela.

Individual attempts to order events from the past held a variety of valences with the Commission's overarching goal of producing a new and democratic society by promoting "national unity and reconciliation in a spirit of understanding which transcends the conflicts and divisions of the past."³² Of particular relevance to young people is the "generational conflict" that arose out of the volatile ferment of upended and fraught power relations between elders and youth. Contributing factors included the migrant labor system, urban migration, land dispossession, forced removals, colonial apartheid government cooption of traditional leadership structures, powerful new domains of youth leadership (in schools, through participation in the liberation movement and its armed wings), and the detention and exile of older political activists. The new society as described in the Constitution states that "the pursuit of national unity, the well-being of all South African citizens, and peace require reconciliation between the people of South Africa and the reconstruction of society."³³ An exploration of the ways in which participants utilized or managed the complicated setting of the most highly publicized of the TRC hearings reveals a messier picture of the past than the Commission's mandate could accommodate. Tensions between individual understandings and the claim of a broader TRC endorsement of truth and reconciliation surface in the negotiations, contestations, and attempts to construct one's own voice within an uneven playing field of power.

Expertise, past associations, rumors, credentials, and personal relationships were some of the factors that helped to produce participants' authority. Some witnesses, such

³² No. 34 of 1995: Promotion of National Unity and Reconciliation Act, 1995, from the Office of the President, No. 1111, 26 July 1995, "Objectives of Commission."

³³ No. 34 of 1995: Promotion of National Unity and Reconciliation Act, 1995, from the Office of the President, No. 1111, 26 July 1995. Chairperson Archbishop Desmond Tutu also quoted similar passages from South Africa's Constitution in his opening remarks.

as Albertina Sisulu and Winnie Madikizela-Mandela, brought a certain level of authority with them into the proceedings as a result of their commitment to and sacrifice for the struggle. Others, such as Paul Verryn (also known for his sacrifice and dedication) and Thami Hlatwayo were able to construct positions of authority for themselves through the presentation of compelling, convincing testimony. The commissioners sought to control the ways in which this authority was constituted with varying degrees of success, emphasizing not just the credibility of witnesses' testimony (although this was very important) but also their adherence to the new moral order espoused by the Commission itself.

Within the special hearing on the MUFC, debates were waged about the definition of violence and how to explain and evaluate violence when it involved young people. In the Special Hearing on Children and Youth, experts testified alongside former children about the range of experiences and ensuing emotions that young people had during this tumultuous time. Empathic responses tended to negate all associations of young people with violence, which was conflicted with the self-presentation put forth by several youth who saw themselves as active in the struggle. For them, the appellation of victim was both patronizing and demeaning. These and other dilemmas found various individuals including the participants themselves, members of the public, the media, and past and current governments remaking the process for their own purposes, often via strategic manipulations of the concept and meaning of childhood.

The presence of children and youth in and around these activities raised the stakes in complex but contradictory ways. The presumed moral imperative that children should not encounter violence was fundamentally at odds with the circumstances of apartheid.

Apartheid drew children into acts of violence in such a devastatingly vast range of ways, and they responded in a wide range of ways as well. Tensions across testimony in the Children and Youth special hearing and debates in the MUFC special hearing about children's roles and the ramifications of these roles made visible not only the dangerous politics of violence in the late 1980s, but also the volatile contemporary politics of talking about this violence.

Over the course of the MUFC special hearing, several witnesses gave testimony about the kind of physical assaults that were taking place in and around the Mandela home. Their experiences included directly experiencing, witnessing, hearing about, and observing the results of torture and severe ill treatment at the hands of Madikizela-Mandela and/or members of the Football Club. For example, activist Phumile Dlamini testified that when Mrs. Mandela heard about her relationship with her lover, a man called "Shakes," "Winnie herself started assaulting me with claps and fists all around my body, and I was three months pregnant at the time by Shakes."³⁴ Her driver, John Morgan described how she initiated the assault on Stompie Seipei, Kenny Kgase, Thabiso Mono, and Gabriel Mekgwe: "The first person who started assaulting was Winnie Mandela and assaulting Stompie Seipei, and the others followed as well, assaulting the rest. They would leave them and throw them right in the air – and they called that system a jet something, and they will let go of them in the air and they will drop down on the floor. I was present, I eye witnessed all this... they were assaulted continuously."³⁵ After the attack, Morgan reported that "Stompie's face was like a pumpkin, and his hands were

³⁴ pg. 27/102, Day 1

³⁵ pg. 72/102, Day 1

so swollen that he could not lift a cup of coffee.”³⁶ Second house mother Xoliswa Falati substantiated this account as well:

She actually started to hit Kenny, she said Kenny must stand up. And then [s]he asked questions why are you submitting to a white man?³⁷ Then she started to hit Kenny and saying that you are not fit to live... then she started hitting them. Hitting Kenny with the right fist. That is why Kenny had this blue eye... She hit the others, she hit Kenny and then when Kenny tried to block the fist, then the other comrades at Mandela's place, that is the Football Club, held Kenny on both hands so that he couldn't block from the fists of Mrs. Mandela.³⁸

Drawing upon the prominence of Winnie Madikizela-Mandela in violent activities, these witnesses offer a picture of a participation that is unambiguous and uncompromising.

Further proof of the violent activity is read on the battered bodies of the victims. For example, Bishop Storey was told about these particular assaults by the victims themselves, and observed their condition:

In the car the two of them volunteered the following information: they never wanted to go back to the Mandela house, that they were badly beaten and the phrase that sticks with me is the phrase: ‘Our eyes could not see for a week’... They were also assaulted by Mrs. Mandela herself and... Jerry, who they said is the worst of them all.³⁹

Despite such unequivocal testimony, Winnie Madikizela-Mandela denied all accusations of direct involvement in violent acts. Reacting with indignation and aggression, she typically used inflammatory words like “ridiculous,” “ludicrous,” “preposterous,” “nonsense,” and “hallucination” to describe the claims made against her. She also frequently answered with statements of, “I don’t know,” “I had no idea,” “I have never seen them,” “I don’t know that person,” and “I know nothing about it” when questioned by lawyers. As the testimony continued, her denials become increasingly

³⁶ pg. 78/102, Day 1

³⁷ The “white man” is Reverend Paul Verryn, accused by Falati at the time of sexually abusing Kenny and other young men who took shelter in the Methodist manse where he lived.

³⁸ pg. 48/86, Day 2

³⁹ pg. 36/37, Day 3

vehement and personally insulting, such as when she exclaimed, “As far as I am concerned, [former MUFC member who was one of the only to testify against her] Katiza [Cebekhulu] is a mental patient.”⁴⁰

Although Madikizela-Mandela largely managed to deflect the accusations that she participated in acts of violence, the testimony of other witnesses stimulated an examination of a wide range of degrees of complicity. Because multiple people were usually involved in the human rights violations in question, this issue was of great consequence. The main tension was between perceptions of perpetrators as those directly involved in acts of violence, and a more comprehensive notion of violent activity as a range of actions--or even the failure to act-- resulting in harm and hurt. Similarly, complicity was complexly constructed as fundamentally relative and relation, with witnesses positioning themselves on an axis of culpability that insisted on certain centers. Witnesses attempted to both distance themselves from violent activity and conversely, to argue for the implication of Madikizela-Mandela in cases of limited involvement such as commanding others to punish. When it was in their vested interests, witnesses who had helped or enabled an assault or murder to take place often rejected the claim that they *participated* in the attack.

Here too the limits of the Commission and any given commissioner’s attempted interventions may be seen. As a mechanism for a particular kind of knowledge production, the TRC was multiply constrained. Witnesses brought their own perceptions into the TRC process and were not always receptive to the rational arguments, appeals to humanity, and interrogation of evidence utilized by other participants. They often had direct vested interests in maintaining their perspectives, and could be extremely resilient

⁴⁰ pg. 11/118, Day 9

in doing so. One of the major struggles was over the parameters of culpability. While the Commission endorsed an expansive, human rights-based understanding of responsibility for violence, disgruntled participants such as Xoliswa Falati insisted upon a more complex and relational assignation of culpability. In one of the more heated exchanges of the hearing, she ardently refused to accept responsibility for the violence that Stompie and others were subjected to if Winnie Mandela did not also accept responsibility:

MR VALLY: Archbishop, I was hoping for some expression of regret in her part which led to the events where Stompie and three other youths were severely assaulted. Do you feel any regret for your actions which led to Mr. Sepei's death?

MISS FALATI: She must feel, she Mrs Mandela must feel.

MR VALLY: I'm asking you the question ...[intervention]

MISS FALATI: I'm telling you where to point that question to.

MR VALLY: I'm asking you the question Miss Falati.⁴¹

In a direct challenge to the Commission's endorsed perspective of the events surrounding the murder of Stompie Seipei, she insisted on her own point of view, situated within the context of a broader history of investigations into these events. Falati insisted on presenting her guilt in relation to Madikizela-Mandela's. In her view, if Madikizela-Mandela was not responsible for Seipei's murder, *she* certainly was not prepared to accept responsibility: "my answer to her is she should apologise, not by paying any amount of money⁴² but simply apologise to me and be grateful about the fact that I served sentence on her behalf."⁴³

This struggle between Falati and Tutu is interesting for many reasons. First, it

⁴¹ pg. 60/86, Day 2

⁴² See discussion of the MUFC on page 3.

⁴³ This was in reference to the court case discussed earlier. 67/86, Day 2.

exposes the different historical frameworks utilized by various participants to understand violent activity of the past. It also demonstrates the ways in which witnesses brought their own presumptions and agendas to bear within the hearing process, despite the TRC's attempts to control, manage, and define these agendas. Despite considerable power differentials, many witnesses were quite savvy in negotiating their relationships with the Commission for their own ends. When Falati refused to apologize, the struggle for a human rights framework in this instance remained unresolved.

But this exchange also serves to articulate a (qualified) rejection of a particular cultural construction of Africanness found in the notion of ubuntu, or the idea that a person is a person through other persons. A corollary of this construction was articulated by the mother of another of apartheid's young victims, Mbuyisa Makhubu, the young man who was photographed by Sam Nzima carrying Hector Pieterse in the Soweto Uprising. In her TRC testimony, which was later inscribed on a plaque at the Hector Pieterse Museum in Soweto, Nombulelo Elizabeth Makhubu recalled responding to police who were harassing her about the disappeared hero, saying, "Mbuyisa is or was my son. But he is not a hero. In my culture, picking up Hector was not an act of heroism. It was his job as a brother."⁴⁴ In the face of heavy-handed attempts to overwrite and proscribe a supposedly African understanding of shared humanity, Falati insisted upon individualistic self-preservation, further problematizing idealized constructions of the place of the child in African society.

In marked contrast to Falati's testimony is that of Bishop Paul Verryn. Although he was at one time accused of sexually abusing Stompie Seipei and several others,

⁴⁴ TRC Human Rights Violations, Nombulelo Elizabeth Makhubu, 30 April, 1996. <http://www.justice.gov.za/trc/hrvtrans/methodis/makhubu.htm>. (Accessed August 15, 2010)

Verryn had been and continues to be an outspoken advocate of human rights for all people. Emerging as one of the TRC heroes, on his own accord he took on responsibility that was especially far removed from what most would regard as the range of his culpability and apologized to Seipei's mother for not anticipating and preventing the events that culminated in Stompie's murder.

I see that Mrs Seipei is in the audience here today, and the thing that has been most difficult for me is that, having heard the allegations, I did not remove him from the mission house and get him to a place where he could be safe, and I think that if I had acted in another way he could be alive today. And so I want to apologise to Mrs Seipei for my part in that.

As the ultimate fulfillment of the TRC's attempts to construct a new and democratic society based on reconciliation and broad definition of participation in and responsibility for acts of violence, Verryn accepted responsibility for events that he was not directly a party to. The gesture was powerful on symbolic and personal levels, and within the economy of emotions of the TRC Verryn emerged as a kind icon himself-- the embodiment of the TRC's ideals.⁴⁵

In contrast, Madikizela-Mandela in many ways embodied the limitations of the TRC's ability to influence witnesses. In an extremely controversial move at the end of the hearing, Chairperson Tutu explicitly asked her to apologize, imploring,

I beg you, I beg you, I beg you please - I have not made any particular finding from what has happened here. I speak as someone who has lived in this community. You are a great person and you don't know how your greatness would be enhanced if you were to say sorry, things went wrong, forgive me. I beg you."⁴⁶

On what many regarded as an unconvincing and superficial level,⁴⁷ Madikizela-Mandela conceded, addressing the families of Abu-Baker Asvat and Stompie Seipei specifically.

⁴⁵ Boraine, Alex

⁴⁶ Page 118/118, Day 9.

⁴⁷ Antjie Krog. *Country of My Skull: Guilt, Sorrow, and the Limits of Forgiveness in the New South Africa*. (New York: Times Books, 1998), 339; Alex Boraine; Martin Meredith.

I will take this opportunity to say to the family of Dr Asvat, how deeply sorry I am. To Stompie's mother, how deeply sorry I am. I have said so to her before a few years back, when the heat was very hot. I am saying it is true, things went horribly wrong. I fully agree with that and for that part of those painful years when things went horribly wrong and we were aware of the fact that there were factors that led to that, for that I am deeply sorry.”⁴⁸

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At the end of her hearing, Madikizela-Mandela herself appeared to inhabit a particular construction of childhood. At first, she petulantly refused to accept any responsibility for the tragic events under investigation. But after Chairman Desmond Tutu begged her, Winnie took on the mantle of childhood, referred to him as “the father I have always known,” and repeated his words before leaving the table. She thus remained in the space of ambiguity, uncertainty, and unsettledness, which is not really, only, or simply marginal, but can also be more powerful, elusive, and adaptable.

Ironically, it is Winnie Madikizela-Mandela, “mother of the nation,” mother of Zenani and Zindzi, South Africa's first formally trained black social worker, and matriarch of the MUFC who, perhaps more than any other, recognizes children's power, both now and then. She has harnessed some of this power, and, many would argue has used it to propel or at least keep her own political presence afloat. But because children can be so powerful, she has never had complete control. In many ways, it is she who emerges from the TRC as the one with the most complex understanding of children and constructions of childhood, although at times she used this understanding in devastating and destructive ways. As the one in the trenches in ways that exiled leaders can still only imagine, she knew firsthand the power of children. She, as liberation leader, community organizer, child advocate, and international spokesperson, understood the powerful and

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<sup>48</sup> Page 118/118, Day 9.

multiple ways that constructions of childhood could be mobilized. For Paul Verryn, her complex appreciation and understanding of the plasticity of childhood was applied quite devastatingly, as she strategically employed the construction of the child as vulnerable innocent in need of protection while simultaneously drawing upon the potency of children's power to torture and kill.

She, as a social worker who established creches, clinics, and feeding programs for the poor and suffering knew firsthand about the vulnerability of children to not only physical acts of violence, but the structural violence of apartheid. She, a target herself, marched into police stations shouting and throwing things, demanded the release of detainees, attended funerals of slain youth, and witnessed the manifold ways in which children and youth were targeted by the state. Children and youth were the vanguard of a struggle when most of the older leadership was detained or in exile. More than most, Winnie recognized with life-threatening relevance that children could also be police informers – “sellouts” with whom any form of assistance or association could be dangerous or highly risky. She herself had been targeted and attacked by schoolchildren when Daliwonga high school students set her house alight. Winnie also targeted children, subjecting them to unspeakably brutal acts of violence and torture, and sometimes even death. She was unable to protect her own children as she would have liked, and leaned on them for support in the absence of her husband while they were all exposed to threat, surveillance, isolation, and suffering.

Not coincidentally, Winnie remains most popular with the youth, and since independence has been vocal in her criticisms of ANC establishment.<sup>49</sup> This tension was

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<sup>49</sup> Most recently, in an interview she denies with Nadira Naipaul.

controversially manifested on June 16, 2001, at a Youth Day Rally in Soweto. When she arrived, quite late, attendees broke into song to welcome her as she walked down the aisle to take her seat on the stage. Before doing so, she approached then President Thabo Mbeki to greet him. Apparently irritated by the interruption she and her supporters had caused, he rebuffed her overture and in blocking her embrace, knocked her cap off onto the floor. Mbeki was the one who came across looking badly, and the incident seemed only to increase her popularity and strengthen her position, already powerfully rooted in the unsettled margins.

**Contending Definitions of Childhood: “Children over the age of 18 are not even children”**

As I have argued elsewhere, childhood functions more as a sieve than a frame.<sup>50</sup> It is the product of histories and gaps, especially those produced by violence. Childhood is always a narrative about what came before – this could be memory, or socialization into some kind of civil role, encompassing what happens before one becomes an agent of the state. Childhood may be no more than a set of characteristics, or a converging point of a whole set of ideas which set kids apart from grownups or animals. Children are always relentlessly mediated and therefore vulnerable because they require what Hobbes called personation. They are spoken through and spoken for, and are constantly being ventriloquized. So in a certain sense, childhood is a discursive entity. In another, children may be everyone under 18. Or maybe it is merely a myth or an ideal, an imagined state of

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<sup>50</sup> “Childhood, Memory, and Gap: Reflections from an Anthrohistorian on George Perec’s *W or the Memory of Childhood*,” *Anthrohistory: Unsettling Knowledge and Questioning Discipline*, edited by David William Cohen, Chandra Bhimull, Fernando Coronil, Edward Murphy, Monica Eileen Patterson, and Julie Skurski. Ann Arbor: University of Michigan Press [forthcoming].

innocence, dependence, and freedom. These varied notions and usages of childhood, including the standard legalist one, serve certain purposes.

Throughout the MUFC Special Hearing, the definition “childhood” and “children” was repeatedly probed. What is significant about this debate and what does it tell us about understandings of violence in the past and in the hearing proceedings (and the tensions therein)? In 1995, South Africa ratified the United Nations Convention on the Rights of the Child. This convention defines a child as less than 18 years of age. According to the TRC Special Report, however, in South Africa “by far the largest category of victims to report to the Commission fell into the thirteen to twenty-four age bracket.” (258). The Commission’s study further demonstrated that “children and youth were the dominant victims in all categories of gross human rights violations...” (268) For this reason, the internationally sanctioned periodization of childhood ending at 18 was not useful for the particular needs and circumstances of thinking about violence and youth in South Africa.

Mr. Joseph, advocate for MUFC member and former target Katiza Cebekhulu, repeatedly and unsuccessfully tried to force his colleagues to stop using the term “children” in reference to his client and three others of the ages 17 or 18, 20, and 29. Aside from being integral to his argument that the *men* would have been able to defend themselves against the sexual advances of Reverend Verryn and were actually abducted against their will by MUFC members (as opposed to having been rescued by Winnie Mandela after being sexually assaulted), this debate has a deeper significance. Childhood, and attempts to determine and fix its fluid and shifting parameters animated the key debates about violence in this hearing. Because of its inability to accommodate the



inextricability of violence and childhood in the context of apartheid, along with their mutual destabilization of one another, much of the work of the TRC was undermined and even threatened.

At the heart of this destabilization was a cluster of uncomfortable paradoxes. On the one hand, the presence of children amplifies the violence of any given act. The presence of violence can also amplify the construction of children as the embodiment of vulnerability. Perpetrators whose victims were children were cast as all the more guilty, their violence all the more excessive and heinous. And defining people as children meant that they were not as well positioned to protect themselves and it was adults' responsibility to protect and care for them. Childhood status was used to highlight victimization. But the actual presence and participation of children scrambled this moral grid. Whether chosen or imposed, in some cases violence conversely amplified the agentive, powerful construction of children. There is a fundamental contradiction of acknowledging and celebrating the contribution of young people in the struggle, and the horror of what those contributions so often looked like. This uncomfortable truth was articulated by (former) children themselves to all too often unhearing, powerful adults.

Thus the debates which animated "the Winnie hearing" were in fact much larger than the legal wranglings of lawyers attempting to defend their clients, and much larger than an investigation into human rights abuses in a particular historical period and geographical location. As anti-apartheid activist and Crisis Committee Member Yusuf Cachalia articulated in his closing remarks, "this doesn't affect Mrs. Mandela. This affects us and it affects our future in the democracy in this country." He went on to suggest that those convicted of gross violations of human rights should not be allowed to

hold public office. Although the new government of South Africa did not endorse a policy of lustration, Cachalia's reflection of how to deal with the violence of the past illustrates that such struggles are not about the past, but the future.

With the increase of violent conflicts premised on intolerance of difference, post-authoritarian societies have relied upon experts of various ilks to develop new and more sophisticated mechanisms for acknowledging and addressing past wrongs. Experts on international human rights, refugees, emerging markets, healthcare, and constitutional reform (among others) have carved out particular gambits of expertise in cooperation and competition with one another. The recent proliferation of "victim" testimony has been an influential force in policy making, international law, journalism, and the work of NGOs. Survivors of trauma and mass violence are increasingly insisting upon the legitimacy and even ultimate authority of their particular ways of knowing, posing a unique challenge to more traditionally constituted forms of authority that have centered around training, accreditation, and access to resources and positions of influence and power.

Within the context of South Africa's complex processes of social and political transformation, trauma survivors are increasingly encroaching on the exclusivity and power of "expert" analysis. Rejecting the term "victim" for its pathologizing implications, many have called into question the vocabulary utilized by experts. They have also contested the recommendations of government officials, artists, architects, and urban planners concerning new and old monuments and memorials. Within and surrounding the Truth and Reconciliation Commission, some have challenged government policy on reparations and reconciliation, the TRC's process of addressing

their problems, and the psychoanalytic models that have been used to treat those traumatized by violence.

**Stompie Moeketsi Seipei: “He made a difference in our country...”**

Within the intersection of the two Special Hearings discussed above, the extraordinary difficulty of children and apartheid emerged in the complex figure of one remarkable boy, Stompie Seipei.

**“Is he a child or is he a person?”**

“Stompie” Moeketsi Seipei was born in 1975 in the small settlement of Thumahole, outside of the town of Parys in the conservative and Afrikaner-controlled Orange Free State. His mother, Joyce Mananki Seipei was very poor and struggled to raise him and his younger sister. Because of his small stature, he was given the nickname “Stompie,” Afrikaans slang for “cigarette butt.” As his mother recalled in her testimony at the Truth and Reconciliation Commission’s Durban Human Rights Violations Hearings,<sup>51</sup> his first run-in with the police was in 1985 when he was taken in at the age of ten for suspected involvement in a bottle store robbery.<sup>52</sup> He achieved some notoriety as the country’s youngest political detainee. The following year, in 1986, police entered the Seipei home and demanded that Stompie’s mother reveal his whereabouts, asking, “We don’t know-- is he a child or is he a person? Why do you let him go into politics?”

On July 9<sup>th</sup> of that year, members of the Special Branch Police intercepted Stompie on his return home from the shop where he had gone to buy bread. They

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<sup>51</sup> in her testimony at the Truth and Reconciliation Commission’s Durban Human Rights Violations Hearings on May 8, 1996.

<sup>52</sup> Bottle stores were state-owned and the only places where bottled beer (as opposed to *umqombothi*, or traditional beer) could be purchased. As such, they were often targeted by anti-apartheid activists, particularly youth for vandalism and destruction.

escorted him home where they instructed his mother that he should collect warm clothing and then took him away. She reported to the TRC that he was detained in several prisons including those of Sasol, Leeuhof, Heilbron, Koppies, and Potchefstroom. He returned from the latter on June 25, 1987 but soon left Thumahole for Johannesburg in an attempt to evade police harassment and persecution. Like many young people who were involved or thought to be involved in the struggle against apartheid, his well-being and survival could only be secured by fleeing his home so that police could no longer find him.<sup>53</sup>

But Stompie soon returned from Johannesburg to attend the funeral of a Comrade named Master Nakede. He was arrested again in 1988 and sent to the Koppies Gaol. On December 1<sup>st</sup>, 1988, he appeared in court in connection with charges of burning “green beans,” or municipal cars. Stompie’s mother traveled to Johannesburg in search of him. Almost six weeks later he failed to appear for his next court date. It was after that that Mrs. Seipei was first told of his death by a lawyer in Parys. She recalled feeling “puzzled,” since Stompie’s friends claimed that he was still alive. She continued to hear contradictory reports and spent several weeks searching for her son and any information about his welfare and whereabouts.

Initially Mrs. Seipei didn’t “feel anything” that would indicate Stompie might be dead. But after weeks of unsuccessful searching she fell in some water which indicated to her that her son was no longer living. Finally, on January 30<sup>th</sup> 1989, apartheid opponents Bishop Peter Storey and Minister Paul Verryn came to visit her from the Johannesburg Methodist Church. They told her that Stompie and his friends had been taken from the

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<sup>53</sup> Activists were often forced to leave home to protect their family members, who were regularly targeted for harassment, interrogation, detention, and abuse. In the context of an increasingly criminal state that subjected thousands of people to torture, it was better not to know the whereabouts and activities of activist family members and associates, a reality that also eroded kin networks and support structures.

manse on December 29<sup>th</sup>, 1988 to Winnie Mandela's house. They had not been able to find him since or determine if he was alive or dead. But his friends had reported that "his brain was leaking." The ministers told Mrs. Sepei to cooperate with the police if they visited advising her, "they are the only people who can help you."

On February 13, 1989 police arrived at Mrs. Sepei's home and took her to Diepkloof Mortuary in Brixton outside of Johannesburg to identify her son's body. Although it was badly decomposed, Mrs. Sepei knew it was Stompie because, as she said, "your son is your son." She recognized his scars and birthmarks, and the similarities between their hands and legs. She also identified what had been his new shoes and hat. On the drive back to Thumahole, the police officers disputed her claim that the body she had identified was that of her son. The following day they picked her up again, and informed her that two doctors had determined that it was not Stompie. This was just the beginning of Mrs. Sepei's painful and often public struggle to ascertain the truth about what happened to her son. In the process, Stompie attained iconic status. As a child activist, an accused informer, and the victim of assault and murder, he has come to symbolize different things to different people in ways which reveal much about the past and the (re)writing of the past in South Africa.

### **Who was Stompie?**

Stompie Moeketsi Sepei was a local political hero. Known for his oratory skills and charisma, he was able to recite the entire Freedom Charter from memory. As a ten-year old, he received some publicity as the apartheid regime's youngest detainee, providing the kind of damning evidence members of the anti-apartheid movement at once

condemned for its existence, and capitalized upon for its power to indict the criminal regime.

Stompie was the son of Joyce: beloved, irreplaceable, and intimately known. As she would continuously assert, a mother knows her son. They shared a deep and spiritual bond. To Joyce Seipei, every contour of his body was familiar, each mole and scar memorized and recognizable despite his body's physical decay and disfigurement. Stompie was a victim of the Mandela United Football Club; a casualty of the regime's highly publicized and often manufactured "black-on-black" violence;<sup>54</sup> a suspected sell-out, *impimpi*, *askari*: a threat to the liberation movement who had to be disciplined or even eliminated; a vulnerable black youth some had called an orphan, caught in a dangerous world where politics, crime, and violence intersected with deadly consequences. As described by journalist Martin Meredith, "Stompie was an obstreperous and boastful youth with a reputation for being both a fervent activist and a police informer who had 'cracked' in detention.<sup>[55]</sup> Along with other homeless youths,<sup>56</sup> he had found lodgings in a church manse in Orlando East; the church was run by a white Methodist minister, Paul Verryn, who was highly respected in the neighborhood for his commitment to helping the local community."<sup>57</sup>

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<sup>54</sup> Following in the footsteps of investigative journalists, NGOs, and eyewitnesses, TRC investigations and testimony revealed that the apartheid state played a key role in fomenting much of this violence, particularly in the early 1990s in the Bantustans and especially KwaZulu Natal, by instigating conflict and arming vigilante groups. Such activities were referred to as the "Third Force" and were cited by government officials as evidence for why black people were not capable of governing an independent South Africa and should thus not be allowed to vote.

<sup>55</sup> To clarify my own positioning in regard to the complex, dangerous, and often hurtful labels which reveal the tremendous power of language in this period of social and political upheaval: I do not consider one who has talked or confessed in detention to qualify as a police informer.

<sup>56</sup> The categorization of Stompie and other youths in this instance is noteworthy as it comes with certain associations and assumptions about who he was and his life circumstances. Referring to him as an "internal refugee," for instance, signifies a different set of understandings.

<sup>57</sup> Martin Meredith. *Coming to Terms: South Africa's Search for Truth* (New York: Public Affairs, 1999), 234.

Stompie was yet another abandoned, unidentified black body: pulverized flesh decomposing beside a dump where his broken remains were abandoned, each mark of injury evidence to be read by forensics experts. According to their reports, his body was maggot-infested, with two penetrating wounds, internal bruising, a fractured collar bone, stab wounds to the throat, and collapsed lungs. They confirmed that he had been severely battered and heavily beaten, and found blood in his stomach. In his TRC testimony, Jerry Richardson claimed that he had “slaughtered him like a goat.”

How can we understand the existence of these six Stompies? Why is it so difficult for them to coexist in remembered renderings and reconstructions as they must have in the multifaceted living Stompie? While Stompie lives on as an icon of the struggle, the specific set of events and circumstances that made him who he was have been reified into a symbol, representing much more than himself and his story. This involves a flattening of temporal shifts and changes, of dimensionality, of contradiction, of context, and of subjectivity in his posthumous iterations. But even still, Stompie refuses to be laid to rest, and continues to wield his strength and influence in spite of the multiple layers of his subalternity as a child who was also black, poor, rural, accused, and small. More than just a pawn that was used and discarded, Stompie was a person.

What do the competing versions of Stompie suggest about the broader historical milieu? About how black children appeared on the radar of national and international attention? About how childhood has been constructed in South Africa, with all of its specific contingencies and generalizations? How history and narrative are used in different ways, to serve differing interests and agendas, and with consequences that impact the living and the constructions of the dead? About the extraordinary

indeterminacy of everyday life for Africans? About how apartheid succeeded time and time again in making people turn on one another.

Testifying for the third time about his knowledge of the events leading up to Stompie's murder, anti-apartheid activist and child advocate Bishop Storey made an impassioned plea for the importance of integrating these powerful but competing truths, while at the same time acknowledging the unsettling realizations that would emerge from some efforts:

... Throughout this saga I believe the truth has been trimmed to prevailing political whims by politicians, [and] very often, by people with political interests. Or the truth has been suppressed because people have vanished and feared for their lives. I really believe that to dispel this suffocating fog of silence and lies is very important for the future of this country. At the funeral of Stompie Seipei I said that his death was an unspeakable crime [...] that... 'probed beneath the surface of South Africa's shame.' [...] It has exposed the deeper hidden wounds these years have carved into the people's souls, and these are the wounds, sir [Archbishop Desmond Tutu], the erosion of conscience, the devaluing of human life, the evasion of truth, and the reckless resort to violence. And I think that part of the painful discovery that has come to these hearings... [is that] the primary cancer may be, and was, will always be the apartheid oppression, but the secondary infection has touched many of apartheid's opponents and eroded their knowledge of good and evil. One of the tragedies of life... is [that] it is possible to become like that which we hate most, and I have a feeling that this drama is an example of that. And unless this fact is recognised, then all the truth will not have been told, and we will never admit to what really happened in this case, and that's why I thought the kidnapping and the murder of Stompie Seipei are important beyond the normal horror we should feel, because at one level they may have been common-law crimes, but they are also about the ruthless abuse of power, even given the latitude of a time of struggle, and they resemble far too closely the abuses of apartheid itself. We have got a right to know that we've left that era behind. ... [S]omebody once said, it is not enough to become politically liberated, we must also become human. This case is about becoming human again and recognising the inhumanities which some of us were capable of because of the times we used to live in.<sup>58</sup>

Following the thread of the figure(s) of Stompie Seipei, I consider his double valence as victim and (accused double) agent/activist, to reveal the ultimate

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<sup>58</sup> Bishop Storey's testimony to the MUFC, 26 November, 1997, Johannesburg.  
<http://www.justice.gov.za/trc/special/mandela/mufc3b.htm> (Accessed August 15, 2010)



incompatibility of the victim/perpetrator binary both within the TRC and also the broader scholarship and public history on children in apartheid. That the victim/perpetrator categorization does not map neatly on to the child/adult distinction in apartheid South Africa is something more than unsettled—it almost unthinkable, in spite of all evidence to the contrary. In its (incomplete) ordering and structure, the TRC struggled to accommodate the individuals and experiences that brought violence and childhood so uncomfortably and devastatingly together due to its failure to foreground this fact in a sufficiently complex manner.

**Children as Agents and Social Actors: “what children think should be done,” or “Children have opinions and feelings too”**

Within the TRC’s economy of meanings and taxonomy of morality pertaining to contested explanations of violence, violent acts lacking political motive were condemned in contrast to the cautiously celebrated acts of violence committed as part of the struggle. But the question of “proportionality” could override the space between political and criminal acts of violence, casting crimes with political motives criminal because of their excess. Several of the witnesses in this hearing applied for amnesty, and although it could not be granted in the special hearing process itself, unresolved conflicts over the proportionality of acts of violence to their proposed goal or objective figured prominently in commissioners’, lawyers’, and witnesses’ accounting of past violence. The presence of children amplified the greivousness of adults’ violence. These frictions reveal an underlying debate about how to locate the edge or even frontier of excess when it comes to the use of force, and even what constitutes violence itself. For example, Advocate Kuny challenged Mrs. Madikizela-Mandela’s characterization that nothing “serious” had

happened to a victim who had been ‘clapped’: “A clapping, Mrs. Mandela, in my language, is an assault, but I will not take that any further.”<sup>59</sup>

One of the greatest challenges to navigating the painful terrain of young people’s involvement in the struggle is the contradiction between embracing a moral framework that refuses to equate the actions of those defending apartheid with those who fought against it, and the desire to disavow the legitimacy of violence in the lives of children. Kader Asmal, ANC negotiator in the South African transition to democracy argues: “There was no moral similarity between the goals, instincts, basic values, or even the tactics of those who fought to end apartheid, when measured against the values and conduct of those who struggled to uphold it.”<sup>60</sup> The Commission also subscribes to this view, and although “obliged by statute [*sic*] to deal even-handedly with all victims... this does not mean... that moral judgment was suspended or that the Commission made no distinction between violations committed by those defending apartheid and those committed to its eradication.”<sup>61</sup>

On the one hand, as exemplified in the “Winnie Hearing,” TRC commissioners operated from the belief that children should not be subjected to violence.<sup>62</sup> On the other, the Special Hearing on Children and Youth was organized at least in part to recognize and honor the contributions of young people to the struggle against apartheid. The gap between these two aims is full of young people who took up arms of various kinds, and acted as perpetrators of violence themselves. They were the main targets of state

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<sup>59</sup> pg. 81/118, Day 9.

<sup>60</sup> Kader Asmal, Louise Asmal, and Ronald Suresh Roberts. *Reconciliation Through Truth: A Reckoning of Apartheid’s Criminal Governance* (Cape Town: David Philip Publishers, 1997), 6-7.

<sup>61</sup> Truth and Reconciliation Commission. *The Report of the Truth and Reconciliation Commission*. “Summary and Guide to Contents” and Selections from “Volume One.”

<sup>62</sup> This principle is codified in South African law in Section 28 [double check] of the Constitution, and in the International Declaration of Children’s Rights that it is, in part, drawn from.

violence, but also powerful political players and agents of violence. But the Commission struggled to keep both of these positions in play simultaneously, often relegating young people to positions of victimhood, or even worse, silence, as in the case of 11-year old Rudie-Lee Reagan.

While such a distinction is important as a necessary point of departure for reflecting upon South Africa's past, it has often been applied with little sophistication. Without a doubt, the fight against apartheid was as morally and politically justified as apartheid was repugnant. However, the Commission insisted that the legitimacy of the cause does not confer an automatic legitimacy to all of its participants or all acts undertaken to promote it. In their fight for freedom, activists were capable of committing abhorrent acts of violence that were unnecessary and excessive.<sup>63</sup> There is no objective or agreed upon formula for evaluating the complex web of wide-ranging registers of motive, objective, context, and proportionality of violence in the apartheid era. Explanations of violence in the MUFC hearing highlight tensions between attempts to maintain a complex understanding of the nexus of factors that determined violent action and a more simplistic tendency to stop at identifying a political motive for the act.

But how do children fit into this moral grid? It is generally held that children lack the capacity for political consciousness or thought and this assumption has rendered them invisible in much of contemporary South African historiography. As the range of testimonies from the Special Hearing on Children and Youth showed, however, their capacity for politicization can be neither assumed nor dismissed, and varies considerably according to age, influences, and experience.

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<sup>63</sup> As documented in the ANC submissions on the detention camps for suspected government collaborators, for instance.

The public motive given by Winnie for Stompie's removal from the Methodist manse was that he was a vulnerable child in need of protection, having been preyed upon by a sexually deviant adult. One internal understanding of Stompie appears to be that he was a sell-out, and thus extremely dangerous-- so much so that he had to be interrogated and severely disciplined. But after his body had been so brutally and perhaps irrevocably battered, Stompie was even more dangerous to the movement, Winnie Mandela's personal offshoot of it (the controversial MUFC), and to her individually.

When news broke of Stompie's disappearance, there were multiple publics ready to pounce on the story and use it to push forward their agendas. Divisions within the liberation movement were especially dangerous at this crucial time when political change seemed more immanent. Through the activities of the "Third Force," the apartheid state was involved in covert destabilization on a massive scale. Arming vigilante groups and Bantustan authorities, the state was fomenting so-called "black-on-black" violence that threatened to plunge the country into a war of complicated and largely contrived factionalism. Many of the black leaders in the "homelands" were more than willing to resort to violence as a means of holding onto their power. Vigilante groups fought for control of communities and for preference in the mines. The "People's War" called for by the exiled ANC leadership both fueled and reflected the frustrations of a black majority fed up with the injustice of apartheid and the violence being unleashed in townships and rural areas alike. International pressure was at an all-time high as divestment campaigns and boycotts exacerbated South Africa's flailing economy, and helped push the more moderate F.W. deKlerk to the negotiating table.

For Nelson Mandela, it was an incredibly lonely period. He was devastated to learn of the Daliwonga high school students' arson attack on his home, and the destruction of family photos and mementos that had been kept there. He was extremely worried about the reports of unrest and violence that Winnie and her football club were involved in. Plus, he was suffering from tuberculosis (which had not yet been diagnosed,) and was trying to resist cooptation by state negotiators who would have him abandon ANC party structures and protocol to advance his own agenda, diluting his mass following with the help of their propaganda machine.

The timing could not have been worse for the liberation movement. It was a public relations disaster for the leader of the movement's wife to be identified as a torturer and murderer of children. Particularly as it fit into the "black-on-black violence" paradigm that the apartheid regime had worked so diligently to disseminate as a lens for understanding the South African political situation. With international attention turned toward South Africa in anticipation of a negotiated settlement, ANC and UDF leadership scrambled to reign in a defiant Winnie, described by Frank Chikane as someone who seemed to feel she was under siege. In what may have been panic, and must have been strain, she seems to have concluded that Stompie was more dangerous damaged than disappeared, or even dead. When his battered body was found, it was immediately held up by the government as greatly coveted evidence of the movement's shame and excess.

In an interesting parallel of sorts, one of the factors that helped to speed up Nelson Mandela's release was his ill health. As one apartheid government official said, "the only thing more dangerous than a free Mandela is a dead Mandela." Similarly, Stompie was more dangerous to Winnie dead than he ever could have been alive, even if he *had* been

an informer. This miscalculation, or misguided attempt to cover up an interrogation taken too far clearly had a negative impact on Mrs. Mandela's political career. It is claimed that (among other factors), the issue of Stompie's torture and murder created an irreparable rift between Winnie and Nelson, whose marriage did not survive long after his release.<sup>64</sup>

If Winnie had applied to the TRC for amnesty, she could have done so on the grounds that Stompie was dangerous to the movement and to herself because he was an informer. Then the question would have been if killing him, and the means that were used, constituted an act of excessive proportions. Considering the horrific suffering that he experienced being brutally and repeatedly assaulted and tortured in the last few days of his life, the answer seems clearly to be yes, because of *how* he was killed. But not necessarily *that* he was killed. It is on this impossible question that the TRC foundation crumbles.

The unsettling problem that "the Winnie Hearing" posed to the TRC was that in the 1980s chaos of the late apartheid period, a 14 year-old boy *could* be life-threateningly dangerous, and according to the systems of surveillance and justice of the day, deserving of death. In some ways, the TRC's failure to acknowledge this truth frontally rendered it nearly impossible for Winnie to provide a sincere apology. Because she too did not bring this painful reality to the surface (choosing instead to spin a sensational story of sexual assault as subterfuge), Winnie only emptily echoed Tutu's entreaty.

The Commission repeatedly overwrote the experience of children as victims,

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<sup>64</sup> Her association with the events surrounding Stompie's abduction and death did damage her political future, although her iconic status and grassroots campaigning significantly solidified and extended her widespread popularity amongst the poorest of the poor.

despite evidence that problematized such simplistic categorization. To many, this was experienced as enervating and emasculating, because the young people who chose to act out against the state-- whether by throwing a rock, singing a freedom song at a protest or funeral, sending a letter to a children's magazine or to the chairperson of the country's Truth and Reconciliation Commission, or leaving the country to join the MK in exile—also want and deserve to be proud of their power.

Many schools, homes, communities, and lives were destroyed in the chaos and turmoil of the late 1980s. But many new opportunities arose, particularly for young people and women. In complicated ways, Winnie remains aligned with the youth of the liberation movement, especially those attempting to hold open the power they created by refusing old structures, continuing to clamor for the freedoms promised during the struggle, and refusing to be silenced. She is a survivor who has been pushed outside the inner circle of political leadership for reasons both tragic and shameful, but continues to use that which would disempower others to buttress her own standing and influence, revealing the utility of the unsettledness of childhood through not only her use of different constructions, but her ability to harness the power yielded by the spaces between them.

The omnipresence of children in the violence of the apartheid era—on both sides of the victim/perpetrator divide made accounting for violence extremely difficult. It was hard to face the horrifying experiences of so many children during this period, experiences which were unthinkable to many listeners. But it was the persistent participation and voices of children themselves that made it impossible to establish a consensus on the relationship between violence and childhood. Paradoxically, their

refusal to stay in the margins, to be silent or spoken for, and, for some, to take on the label of victim made it impossible to settle on a coherent or shared definition of what childhood is.

Despite the overlapping and competing efforts of lawmakers, government administrators, politicians, parents, advocates, practitioners and academics to fix these constructions within stable frames of coherence and consensus, children elude the conventions imposed upon them. The possibility of subversion is always there as children intrude into adult worlds, activities, and spaces. They won't stay in their place. Nor is it possible to reduce them to an easy definition in any remotely comforting way. Contrary to the aims of the TRC to build consensus and unity, the realization of children's freedom, recognition and rights may only be attained by refusing stabilization and definition.