

“We do not want the Commission to allow the families to disappear into thin air”¹: A consideration of widows’ testimonies at the Truth and Reconciliation Commission and the Farlam (Marikana) Commission of Inquiry

Abstract

Using Gayatri Spivak’s famous question about whether the “subaltern” can speak, this article addresses the testimonies given to the Farlam Commission of Inquiry by the widows of miners who had been killed in police shootings while engaged in an unprotected strike at Lonmin’s platinum mine at Marikana in August 2012. The widows were required to face down the dominant narrative disseminated by mine management and other business as well as state interests, which held that the police had acted in self-defence after the strikers had threatened to attack them. I argue that the widows consciously sought to undo the dominant narrative through their testimonies, assuming the role of a new kind of “political widow” as theorised by Mamphela Ramphele (1996). The article begins with a detailed consideration of the testimony of Sepati Mlangeni whose husband had been murdered by an agent of the apartheid state, delivered to the Truth and Reconciliation Commission (TRC) in the 1990s. This sets the scene for the questions that might be asked and the observations made of the Marikana widows’ testimonies presented to the Farlam Commission almost twenty years later.

Cynthia Kros

History Workshop
University of the
Witwatersrand
Johannesburg

Keywords

Mlangeni, TRC, Marikana, political widow, Farlam Commission, Lonmin, subaltern, narrative

¹ Nombulelo Ntonga, widow of Bongani Nqongophele Marikana (13 August 2014: 34913).

Introduction

This paper considers the cases of widows testifying almost two decades apart to two commissions respectively – one convened at the commencement of democracy in South Africa as a way to begin the healing process after the savagery of apartheid, the other appointed to interrogate what appeared to be an egregious setback to the 20 year old constitutional democracy that had been so painstakingly mapped out. In both cases, the widows have been the object of pity. In the first because she seemed to have been rendered incoherent by grief and inaudible through cross-cultural unintelligibility and in the latter because of the apparently debilitating poverty and extremity of the consequences of bereavement experienced by a group of widows who lost their husbands in the so-called Marikana massacre. The question, which inevitably recalls the famous one posed by Gayatri Spivak (2014) is: can these women, despite social ostracism and prohibition, speak, and speak in the sense that Spivak intended, in their own voices, in ways that can be heard and acknowledged?

Spivak's *sati* (literally the “good wife”) who performed self-immolation on her dead husband's funeral pyre is one of the examples Spivak uses to make the point forcefully that we cannot always hear the subaltern speak. In the late 1980s when she wrote *Can the subaltern speak?* Spivak was primarily addressing her fellow postcolonial intellectuals. What was audible to them, she was arguing were either the voices of apologists for British imperialism, taking credit for putting an end to the Hindu practice of widow self-immolation, or that of Indian nativists declaring that the women voluntarily chose to die. No record of what the *sati* themselves thought had survived. In this instance, she concluded the historical subaltern cannot and never will be able to speak. In a sense, though the connection between the *sati* and the widows of the present paper is only fleeting. They do not inhabit comparable circumstances, beyond having questionable social worth if they survive their husbands.

In a recent article Matsobane Manala (2015) remarks on what appears to be the reluctance of scholarship to engage with the issue of cultural practices around widowhood in Africa. Manala usefully summarises the findings of what literature there has been, pointing to a great degree of commonality in the treatment of widows, not only in Southern Africa but in Africa more broadly across different linguistic communities and irrespective of urban or rural locations. The widow is held to have been defiled by the death of her husband and is thought to constitute a ritual danger to those around her, thus she must undergo cleansing rituals, but also for the period of mourning has to adopt strange garb or clothes that are turned inside out, is isolated from other people – often being confined to her home – and is regarded with fear and suspicion. Manala argues that the practices that surround widowhood are demeaning and cruel (see also Goldblatt & Meintjes, 1996; Ramphele, 1996; & Whiteman, 2011).

The widows of this paper, however unlike the *sati* made a decision to live and they also made a conscious decision to speak with the intention of being heard. Spivak's *sati* must stand primarily as a cautionary tale for scholars, inclined to extract from the cacophony of what are really the voices of commentators, what they imagine to be the feelings, ideas and experiences of the original actors. But the eternal muteness of the *sati* need not rule out the possibility that other women whose roles are defined in terms of severe social proscription, may yet find some means to speak.

Judith Butler's (2006) radical demolition of gender and, indeed of the first person subject as real or natural entities that pre-exist discursive constitution, allows us to entertain the idea that even people whose agency appears to have been almost totally repressed may find opportunities to speak up and against dominant discourses. Butler is not denying the power of a range of convergent discourses that might be classified as political, cultural or juridical and the structures sustained by, or generative of them, nor is she underestimating their punitive reach. But, if, as she reasons, it may be conceded that gender – or more particularly being a woman – is only a kind of fiction that is maintained and consolidated through repeated ritual acts and stylised representations, which are regulated by the dominant discourse of compulsory heterosexuality, there may be times when contradictions or incoherence cause the fiction to be exposed – or when the rules of the dominant discourse are shown to be unable to cover every eventuality. In the cases discussed below, although the widows did, in one sense acknowledge their helplessness in the face of the social exclusion they faced after their husbands' demise, they also took the script into their own hands, and in the case of some of the Marikana widows rewrote their parts as militant supporters of the workers' struggle, as will be seen.

Note on method

The answer to Spivak's question about whether or not the subaltern can speak as may be becoming apparent, is in the affirmative. These widows were able to speak and the primary strategies they used were those concerned with narrative. For the purposes of this paper Porter-Abbott's (2008: 15) distinction between "story" and "narrative discourse" seems to work well because it foregrounds the idea of narrative as "representation". I have read the narratives told by the widows at both Commissions closely, noting: how they position themselves and whether their position at the beginning of their narratives is the same as at the end; how they seek to make the most compelling case for the wrongfulness of their husbands' deaths and the magnitude of their loss; and what rhetorical or narrative strategies they use to move their audiences. In the case of my examination of the testimonies given by the Marikana widows I also interviewed people who gave them legal support, namely candidate attorney Khuselwa Dyantyi and research fellow Naadira Munshi who were based at the Socio-Economic Rights Institute. I also consulted with Bonita

Meyersfeld, director for the Centre for Applied Legal Studies at the University of the Witwatersrand. Professor Meyersfeld represented the Human Rights Commission at the Farlam Commission of Inquiry into the shootings at Marikana, which brought experts in to testify to issues related to policing and relevant socio-economic conditions². I held back on interviewing the widows themselves because I was afraid of intruding on their grief. However, I presented the first version of this paper at a conference convened by the History Workshop at Wits University and the Socio-Economic Rights Institute in 2015 (History Workshop and SERI, 2015) at which many of the widows and some of the injured mineworkers who had survived the police shootings were present.

To argue, as I do that the widows were able to speak is not to say, however that there was not an excess of horror. The events in both the cases discussed below were so brutal and their consequences so traumatising that they could not be entirely captured in language, however eloquent. *“He was a man who was a light to his household. Today that light has faded only darkness is left”*, Mrs Ntsenyeho told the Farlam Commission on 12 September 2014, speaking of her loss and sorrow with poetic force [Marikana Transcripts (hereafter MT) 37867]. Yet, as becomes clear in Makopane Thelejane’s words to the same Commission, there is a degree of horror that can never be conveyed. *“It was a very disturbing scene”*, she said after recounting finding her husband’s body in the mortuary, *“I am unable to tell the story of what I saw and I will never forget it”* (13 August 2014: MT 34931).

Author’s position

At this point, I would like to acknowledge the suffering of all parties who were affected by what is now known as the Marikana massacre, even though I am unable to address them all in the present paper. I am also very aware that as I stepped out of the modest building in Braamfontein, Johannesburg in which the Socio-Economic Rights Institute is housed after having completed my last interview for this phase of my project with candidate attorney Khuselwa Dyantyi, I was able to take a break from Marikana and its enduring anguish. For those I left behind me and their clients the difficult “journey” that is Marikana (Munshi, 2016) goes on indefinitely.

Widow at the TRC

Sepati Mlangeni’s husband, Bheki, a Human Rights lawyer, had been killed at their home in 1991 by an explosive device concealed in the earphones of a tape player that he had taken out of a package intended for Dirk Coetzee, former commander of a security

² The Centre for Applied Legal Studies worked with the Sikhala Sonke Women’s Group at Marikana. Unfortunately, I have not been able to address the terrible plight of these women and their courageous responses to it in this paper.

police hit squad based at a farm called Vlakplaas near Pretoria. He and Mlangeni had been working to expose the hit squad that was responsible for eliminating influential opponents of apartheid. The bomb had been sent by the incumbent Vlakplaas commander Eugene de Kock, but its intended recipient had already fled the country in fear of his life. The parcel was marked “return to sender”, whereupon it was redirected to the farm where Bheki worked (SA History Online, 2012). Sepati appeared as a witness before the Human Rights Violations Committee of the TRC some years later in order to describe the manner of her husband’s death and its consequences for her. The TRC had been set up by the Government of National Unity that followed the dissolution of apartheid, in the words of Justice Minister Dullah Omar, “to enable South Africans to come to terms with their past on a morally accepted basis and to advance the cause of reconciliation” (Official TRC Website).

Why start this paper with Sepati Mlangeni giving her testimony at the TRC when the testimonies of those widowed by the massacre at Marikana at the subsequent Commission of Inquiry so many years later is the real object of study? The reason is that in the course of her testimony, Mlangeni verbalised the anguish of being a widow in African society and a thought-provoking essay by Rosemary Jolly (2004) drew attention to it. Jolly concluded that – partly because Mlangeni was almost incoherent with grief and partly because the Commissioners leading the testimony were ignorant of the extent of the strictures of the patriarchal society from which she came – Mlangeni was unable to make them understand the dreadful truth that lay beyond the bereavement itself. Her husband’s death had cost Mlangeni even the limited subjectivity she had possessed while he had been alive. What Mlangeni was trying to tell the Commission, in vain, as Jolly thought, was that the death of her husband had rendered her (Sepati Mlangeni) a “non-woman” (Jolly, 2004: 624).

This prompted the initial question that brought the present paper into being. Was it the same for the Marikana widows nearly twenty years into a democracy that had committed itself to both non-racism and non-sexism? But then, on going back to Sepati Mlangeni’s testimony it did not seem, after all that she had been unable to speak or to make a substantial impression of her loss on the commissioners. Reading the transcript closely as well as watching the television footage allowed for a quite different interpretation of Mlangeni’s testimony and its reception.

When the careful construction of the narrative that formed the bulk of her testimony and the manner of its performance, as well as the responses of her principal interlocutor were examined, it could be seen that Mlangeni was not simply bewailing her lot, but dramatising it with chilling effect. Jolly thought the TRC officials had taken the testimony given by Catherine Mlangeni, Bheki’s mother, more seriously because it was a

“chronological narrative” (Jolly, 2004: 624). Ironically, a recent study records Catherine Mlangeni, saying a couple of years ago that she felt that the TRC had paid less attention to her testimony than it had to Sepati’s (Letlaka-Nkosi, 2014).

When Mlangeni broke down before she could describe how her hope that Bheki had survived the blast had been brutally extinguished, Commissioner Yasmin Sooka excused her from telling what was clearly a “very, very painful story” (Sooka in TRC HRV, 1996). But reading through it now, it would be hard to judge Mlangeni’s testimony as lacking in coherence. She started with a compelling love story conforming to the ideal of companionable marriage, building her narrative up to the expectation of being able “*to lead a normal life*” with a man she had “*loved for all these years*”, and who was selflessly committed to the welfare of the community – shortly to be shattered forever. Sooka encouraged Mlangeni to dispense with the description of her discovery of her husband’s terrible death and to move on to asking the Commission for specific kinds of assistance. Mlangeni then named de Kock as the known author of the bomb and asked the Commission to find out how Bheki’s name had got involved with the “return to sender” instruction on the packaging. Most arresting of all, she asked the Commission how they could help her forgive “*this person who is a cruel murderer, who killed a defenceless person*”. She concluded this section with the words: “*I would love the Commission to assist me there*”, meaning with summoning up sufficient forgiveness for a crime of such magnitude. It is clear that she was being sarcastic and actually intended to withhold forgiveness (TRC HRV, 1996). Commissioner Sooka responded in kind by explaining to her that even if de Kock applied for amnesty, Mlangeni was not obliged to forgive him. In the written transcription her refusal to countenance forgiving de Kock is stark. It is even more dramatic in the visual footage (SABC, 2011). Mlangeni’s voice breaks at the point at which she is about to say that she “*contests*” (in the English translation) the idea that de Kock should receive amnesty. Nevertheless, she does not stumble over her words. She starts this sentence with the emphatic: “*Mina*” (Me), drawing attention to the fact that this is the opinion of the first person speaker – perhaps, following Butler (2006) – constituting herself through that *Mina* as a person. Given the charge that Mlangeni is making about the Commission’s possible capitulation to de Kock’s application for amnesty to its committee convened as part of the TRC’s overall apparatus, and her firm opposition to it, it is hard to cast her as weak or lacking the verbal resources to express her opinion or indeed, to assert her personhood.

Despite the wrenching sobs to which she gave way at least three times in the course of her testimony (SABC, 2011), Mlangeni retained a certain composure, dignity and elegance in dress and presentation. Mamphela Ramphele (1996) reflected on a phenomenon, with which as the unofficial widow of Steve Biko killed by police while in detention in 1977,

she was well-acquainted, coining the phrase “political widows” to denote women whose late husbands were recognised as having played leading roles in the struggle against apartheid. These women were exempted from the usual demeaning external aspects of widowhood, such as the dress code, which followed on the social requirement that the bodies of ordinary widows become a “metaphor for suffering” (Ramphela, 1996: 9). Bereaved wives of political worthies, on the other hand were supposed to maintain and embody their legacy.

As far as can be judged from the television footage, Mlangeni is much more of a political widow than she is the woman described by Jolly who goes to pieces on the witness stand, thus failing to get the full import of her message across. It is as a way of highlighting de Kock’s callousness, that Mlangeni states what it means to be a widow: “... *when he did what he did, he knew that somebody would die. Today I’m a widow, I’m an outcast in our society*”. She spoke the words: “*I am an outcast in society*” in English, smoothly transitioning from isiXhosa. It is possible that through well-timed code switching she was seeking to address a global audience. Mlangeni was not – despite her bleak statement that she had been made into an “*outcast in society*” – so overcome by emotion and a feeling of utter wretchedness that she could not tell her story properly.

Meg Samuelson (2007) works with Ramphela’s concept as well as Butler’s (2006) anti-essentialist idea of gender to argue that political widows often used, even the attenuated platform they were granted, to subvert dominant ideas and hierarchies. Samuelson (2007: 9) argues that women “inserted alternative stories” into the script authored by the TRC, which was, she maintains in common with other commentators, one of “loss and sacrifice leading to reconciliation and redemption”.

One of the dominant ideas about the TRC is that it was constrained by its Christian foundations, most conspicuously embodied in its chairperson, Archbishop Desmond Tutu, as well as being driven by unseemly haste in smoothing things over for the advent of a new regime that had necessarily to cobble together difficult political alliances. For these reasons, the TRC is often imagined to have adhered to a script – a prescribed format for the way in which those who were selected to testify were expected to respond – culminating with an inducement to the victim to forgive the perpetrator of the human rights violation under discussion (see, for example Posel & Simpson, 2002). Madeleine Fullard and Nicky Rousseau (2008) as well as several others have argued persuasively, however that it is not true that the TRC always followed a script, maintaining that a more rigorous and extensive study of the cases it handled would show that it was much less predictable and, at the same time, more susceptible to following the lead of its witnesses than it has often been given credit for. (Bock, McCormick & Raffray, 2000; Blommaert, Bock & McCormick, 2006; Bock, 2007).

The argument could be pushed further to say that Sepati Mlangeni's very declaration that de Kock had made her into a widow and thus an "*outcast in society*" – a role to which she evidently could never reconcile herself – challenged the very premise of the TRC. Commissioner Sooka was apparently immediately swayed by Mlangeni's expression of her inability to forgive the literally unspeakable deed that had deprived her of her husband and thus also her reasonable expectations for living a "*normal*" life. Mlangeni was able to end her testimony with a censure of the idea that de Kock might be granted amnesty, which was acknowledged by the Commission, undoubtedly at least partly because it was delivered in the wake of a deeply affecting performance of unappeasable grief (Thelen, 2002; Cole, 2010).

A close examination of Mlangeni's testimony has allowed for reflection on what makes an effective, credible narrative capable of eliciting the sympathy of the audience told in the particularised space of a commission. Brandon Hamber and Richard Wilson (2002: 36), writing about the TRC, citing Ignatieff, argue that truth commissions can help create "a new public space in which debate and discussion ... occurs". The Farlam Commission, to which we now turn, with its focus on determining the culpability of various organisations and individuals implicated in the Marikana debacle meant that the widows of the slain mineworkers might be supposed to have had an even better chance of being able to speak and be heard than had women who had testified at the TRC almost twenty years before. The widows of Marikana, however are not from the professional class that the Mlangenis belonged to. On the contrary they live in dirt poor rural areas and their husbands were miserably exploited migrant labourers. How would the different variables operate to determine whether or not these widows were able to speak?

Marikana and the Farlam Commission of Inquiry

Lonmin, listed on the London stock exchange, is a British based company and one of the world's biggest primary producers of platinum group metals (Lonmin, 2017). On 9 August 2012 Rock Drill Operators at Lonmin's platinum mine at Marikana near Rustenburg, about 100 kilometres north west of Johannesburg, numbering about 3 000 embarked on an unprotected strike for a substantial wage increase. Even after the intensive investigations of the Farlam Commission were completed, some of the events that followed over the next few days remained unclear, as a meticulous summary of the findings by David Bruce (2015) shows. Between 10 and 15 August ten people were killed, among them mineworkers, two Lonmin security guards and two policemen. For an in-depth discussion of motives and factors which might have contributed to rising tempers on the part of the striking workers and to growing anger and fear on the part of the police, the reader is referred to Bruce's article (see also Alexander et al, 2013). What is quite certain is that by 15 August somebody in a senior position had decided to launch a police operation against the strikers while Lonmin continued to refuse to negotiate

with them. Cyril Ramaphosa who is, at the time of writing, the Deputy President of South Africa and who had played a central role in building the National Union of Mineworkers in the 1980s, was at the time an influential politician in the African National Congress and a non-executive director of Lonmin. Evidence emerged that he had discouraged the government and Lonmin's Chief Commercial Officer from regarding the strike as a labour dispute, calling the behaviour of the strikers "criminal" and strongly recommending that action be taken to put an end to the strike (Hosken, 2012; Ramaphosa, 2013).

On the 16 August 2012 the police operation came into effect. After encircling their position with razor wire, police fired live ammunition at strikers who had been congregating every day on a rocky outcrop that they called the mountain, killing seventeen and injuring a large number of others. At the Farlam Commission this was designated Scene 1. Some of the strikers then fled to a small hill 500 metres away where another seventeen men were killed by police in pursuit at what became known as Scene 2 (Desai, 2014; Bruce, 2015).

The Commission of Inquiry presided over by retired judge, Ian Gordon Farlam, was appointed by President Zuma a week after the fatal shooting of the thirty-four striking mineworkers. Its terms of reference set the Farlam Commission the task of making findings and recommendations, through addressing a number of specific questions about the conduct of: Lonmin; the South African Police Services; the National Union of Mineworkers and the rival newcomer, the Association of Mineworkers and Construction Union; the Department of Mineral Resources, other relevant government departments and agencies; and individuals (Bruce, 2015).

The widows' narratives

The widows' statements had been deposed before the sessions in which they were presented, but some of the widows also took up Farlam's invitation to speak directly to the Commission. Unfortunately, for reasons of space I cannot treat testimonies related to the men who were killed before the massacre of 16 August. Here I am concerned with the widows of those miners who died under police fire on that day, and whose statements were presented to the Farlam Commission on 13 and 14 August and 12 September 2014. I have quoted from the widows' statements (in translation) because I would like the reader to hear the closest approximation I can manage to their own words, and to see the kinds of narrative strategies they deployed.

In the quasi-legal context of the Farlam Commission it was necessary for the widows to present their testimonies in the form of structured narratives that answered to various imperatives following from their assigned status as witnesses (Freeman, 2015; Dyantyi, 2016). At first I thought it was highly likely that various constraints had arisen as a consequence of the innately adversarial nature of the setting and its legal framework

(Ehrlich, 2015; Freeman, 2015). Susan Ehrlich (2015) argues that in courts of law the witnesses often lose control of their narratives because they are required to meet criteria related to credibility, for which their lawyers then assume responsibility. Thus, initially, I wanted to consider where the ownership of the widows' narratives came to rest and whether or not they were changed through their travels to different spaces (Ehrlich, 2015), including through translation. But, I came to realise that in this case these questions would be unproductive. The legal assistants who worked with the Marikana widows thought of themselves as "facilitators" (Munshi, 2016) in a way that bears little resemblance to the traditional hierarchical relationship between the lawyers and clients Ehrlich discusses. The legal assistants for the Marikana widows are employed by the Socio-Economic Rights Institute, an organisation committed to "using the law for social change" (Director Stuart Wilson at SERI, 2016). Ms Dyantyi who is still working with, and on behalf of the Marikana families, as a mother-tongue speaker of isiXhosa who comes from the same area and social background as many of her clients, relates strongly to them (Panel discussion of the Socio-Economic Rights Institute, 2016; Dyantyi, 2016). I learned from Ms Dyanti (2016) that the women were determined, against heavy odds, to speak. She told me that they wanted to talk about their loved ones in their own words and that the translator did a good job of capturing them accurately. Ms Dyantyi (2016) recalled that she had to ask the necessary questions of some of the widows so as to fulfil the requirements for their statements as witnesses, which was an extremely painful experience for both parties, but that some of the widows needed no prompting to tell the story including all its necessary components.

Ms Dyantyi (2016) emphasised to me that the widows "*wanted their statements to be heard*" and that they "*wanted to put this (their) picture to people*". The widows knew very well that they were entering into unequal combat against a dominant narrative forged, in part by the very forces responsible for the deaths of their husbands and the exacerbation of their already straitened circumstances. I try to show how the testimonies of the widows were intended to counter wide-spread prejudice against their late husbands and their involvement in the unprotected strike at Marikana; to make the Commission hear the nature and extent of their severe losses and the kinds of trauma to which they were subjected; how the struggle for which their husbands had lost their lives was presented; and, if or how the testimonies spoke of the experience of widowhood itself. I advance a hypothesis that the Marikana widows represent a new and more autonomous type of "political widow" than that identified by Ramphele (1996). The behaviour and appearance of the political widow in the 1990s was, despite the reprieve she enjoyed from some of the more humiliating protocols, circumscribed and managed by her male political comrades.

Butler (2006) argues, in the course of reflecting on her original text in **Gender trouble**, that if her arguments about how women assume and live out gendered identities are

accepted, possibilities for radical change come into view. Given particular circumstances, the fiction of stable categories is laid bare, particularly in the space of the collective.

Constitutional democracy?

Towards the end of 2014, as the evidence leaders made their closing arguments to the Commission, their indignation about what had been allowed to happen in a constitutional democracy was forcefully expressed. This was an apparent militating against the possibility of “*dilution*” or “*normalisation*”. Advocate Chaskalson said he feared this might have resulted from two wearying years of being exposed to graphic imagery of the horrific events at Marikana (MT 5 November 2014: 3860-1). As the Commission finally drew to its close, legal representatives of the various parties involved sought to define what a constitutional democracy in South Africa should look like, and observed the considerable shortfalls in the status quo. (For example, Advocate Ntsebeza, MT 11 November 2014: 39812 and MT 11 November 2014: 3981-4; and Ms le Roux for the Human Rights Commission, MT 5 November 2014: 38696).

Against the positive sense of the Commission derived from reading the transcripts, is the evidence offered by legal assistants from the Socio-Economic Rights Institute (Dyantyi, 2016; Munshi, 2016). They stressed the parsimonious nature of the concession made to allow the families to give evidence; the dispiriting wait for their turn at the very end of the Commission’s lengthy sitting; the adherence to the “hierarchical” norms of the legal profession, which played out in the corridors where certain clients were considered too lowly to greet (Munshi, 2016); and Farlam’s own apparent bias in favour of the police witnesses despite their blatant and demonstrable dissembling (Dyantyi, 2016; Munshi, 2016). Ms Dyantyi (2016) further noted that the word “massacre” and its synonyms were not allowed to be spoken at the Commission because it prejudged the case, implying the guilt of the police. In addition to all these discouraging elements, was the entrenched dominance of narratives that were extremely hostile to the interests of the widows and their late husbands.

The dominant narrative(s)

Ms Munshi (2016) referred to the lawyers and their clients being “*up against the dominant narratives*”. Although interviewees and commentators (Munshi, 2016; Duncan, 2013) stressed that there were some excellent journalists who had covered the events at Marikana and the aftermath with sensitivity and fairness in the first few days that followed the massacre the media weighed in heavily on the side of mine management and its allies. After analysing 153 newspaper articles on the subject, Jane Duncan (2013) found that from the period between 13 and 22 August 2012, “business voices were overwhelmingly the primary definers of events followed by the Lonmin mine management and owners”. There was very little of the miners’ voices, leading Duncan

to observe that there had been “no alternative narrative” to challenge the dominant account. This was an account that presented the miners as violent and often crazed by having taken *muti* (traditional medicine) supposedly to render them invincible (Munshi, 2016). Munshi (2016) remarked on the extraordinary traction of the story of the “three attacks” supposedly launched by the miners as told by police witnesses at the Commission. She explained that the three attacks version was exposed as a lie by the proper sequencing of video footage. It showed, on the contrary, that the miners had been victims of a police ambush at Scene 1. Evidence from the post mortems identifying the parts of their bodies on which the miners had been hit by bullets at both scenes was consistent with unprovoked police aggression. This corroborated the evidence given by miners who had survived the shootings.

The widows were well aware of the existence of the dominant narrative, believing that it had informed the action taken against their husbands. Mrs Gadlela, speaking after the presentation of her statement, said that she suspected that Lonmin had found it easy to call the police in to act against the workers because the latter were “*faceless and uneducated*” (MT 13 August 2014: 34963). Mrs Ngweyi, who also spoke to the Commission after the presentation of her statement, blamed “*the government for failing to listen to the workers because they had “labelled them hooligans, dangerous people*” (MT 12 September 2014: 37869).

One strategy at the Commission was to name the deceased. Advocate Chaskalson stressed the importance of giving the victims names (MT 5 November 2014: 38601). He sought to remind the Commission that every victim who died at Marikana was a human being “*with a family and a life, an individual*” and resisted the presentation of the striking miners as “*undifferentiated members of (a) faceless mob*” (MT 5 November 2014: 38603). (See also, Advocate Ntsebeza, MT 11 November 2014: 39184). Ms Dyantyi (2016) also stressed the importance of “*using their names*” and recalled that one of the questions she put to the widows while assisting them with their statements was: “*Who was your husband besides a striking mineworker?*”

Restoring the miners’ humanity

The families of the miners knew that they had a duty to “*undo*” the dominant narrative/s (Munshi, 2016). Their task was to show that the deceased had not been barbarians or criminals, but ordinary human beings who had been driven to participate in an unprotected strike by grinding poverty and an employer that seemed to remain resolutely indifferent to their suffering. “*The life of a person who is working in the mines is so cheap, cheaper than even chewing gum*” – this is what bereaved father of Cebisile Yawa, who had to retire ten years earlier after contracting miners’ phthisis, told the Commission (MT 13 August 2014: 34969).

The testimonies provided by the widows or family representatives of the miners who were killed by the police portrayed them as individuals who were responsible – often for numerous – dependants already living in near destitution. They lived mostly in the old Reserve areas of the Eastern Cape, but also in equally impoverished areas beyond the colonially designated borders of South Africa, like Mrs Gadlela’s family in Swaziland, who had to bear the additional burden of anti-foreigner sentiment (MT 13 August 2014: 34963).

Advocate Ntsebeza, sympathetically describing their systemic “*dehumanisation*”, noted that the conditions in which migrant labourers lived and toiled had not changed since the end of the nineteenth century. He said, during his closing argument: “... *if you are a migrant worker you are going to pass that legacy forever...*” (MT 11 November 2014: 39182). The widows’ testimonies told movingly of this unceasing legacy (see for example, Nokanele Pakati, MT 13 August 2014: 34889; & Noktula Zibambebe, MT 13 August 2014: 34901).

But in almost every testimony mention is also made of the dream that the men had of building a house in the rural area to which they would one day retire. It was the perpetuation of a dream that, in the wake of the Marikana massacre, historian Keith Breckenridge (2012) angrily denounced for the increasing improbability of its being realised. What Phumeza Zelindawa said of her husband Mafolisi Mabiya, could probably have been observed of the majority of the men who had died – he wanted to build a house for his family but because of the cost of living “*never fulfilled his dream*” (MT 14 August 2014: 34987).

The widows invariably brought the dream into their narratives to suggest that even though their husbands may have been ground down by the migrant labour system they were not as dehumanised as Advocate Ntsebeza’s characterisation suggested. Noktula Zibambebe said of her husband: “*He intended to build us a house, but he was killed before he could realise his dream*” (MT 13 August 2014: 34901; and see also Nombulelo Ntonga, widow of Bongani Nqongophele, MT 13 August 2014: 34911-14). In the few cases where building had commenced, it had most often been left incomplete (see, for example, testimonies of Ntonga/Nqongophele; Lehupa/Nunga; Telang Mohai; Dyantyi 2016). The impression was a poignant one – of the dream having been reduced to ruins by the men’s untimely deaths.

“When is daddy coming back?”

Besides making the point that many children (and older dependants) were deprived of even the pittance derived from the breadwinner’s pitiful wages, it was important to show the emotional impact of their fathers’ demise. Several stories were told of young

children who did not understand that their fathers would never return home. Zameka Nungu, widow of Jackson Lehupa, said: “*The three year old keeps asking where his father is. December I was at home doing laundry outside, this child was playing next to me and he said ‘but mummy when is daddy coming back?’ I could not answer the child. Instead I cried*” (MT 14 August 2014: 35004).

Then there were the accounts of children who had not yet been born or who had been infants at the time of the massacre (see Phumeza [Zelindawa] Mabiya, MT 14 August 2014: 34990, & Bonginkosi Yona’s widow, Nandipa Kunusa, MT 13 August 2014: 34973). Nolundi, one of Mpangeli Tukuza’s two wives, speaking after the presentation of the statement, observed: “*our children will grow up not knowing their fathers*” (MT 14 August 2014: 34986).

To oppose the notion of the strikers as barbaric, it was vital to show them as integral members of their home communities even though they were absent for eleven months of every year. Zameka Nungu said that she wanted the Commission to know that “*Jackson will be remembered and missed. He was loved by his community and everyone cared for him*” (MT 14 August 2014: 34998; & Mrs Gadlela, MT 13 August 2014: 34959). Every testimony renders an image of a man who was generous, responsible, in regular contact with his family and disinclined to violence, confrontation or “*politics*”. But each man was also remembered for his individual traits – coaching a junior soccer team, tending cattle, making jokes, singing, cooking, working in the garden, playing music, acting as counsellor to the villagers, having a fondness for Maskandi music.

“He didn’t deserve to die like that”

The climax of the testimonies invariably came with the account of how each widow discovered that her husband had been killed. Most widows recreated the agonising wait for positive identification through the telling of the narrative. Nearly all the testimonies related an anxious search for husbands often lasting several days. This was after the women had either heard of the shootings, or as Mrs Ntenetya did, seen them on television, invariably ending at the Pretoria or Phokeng mortuaries.

After having established that their husbands were dead, in every case there followed descriptions of the symptoms of deep traumatic stress. Some widows reported disorientation – feeling as if it were all a dream, switching off – “*I was emotionally void*”, Mrs Gadlela said (MT 13 August 2014: 34960; Nandipa Kunusa, MT 13 August 2014: 34972; Zameka Nungu, MT 14 August 2014: 35000-2; Mrs Liau, MT 13 August 2014: 34936; & Mrs Ngweyi, MT 12 September 2014: 37854-5). Two of the widows described how they had tried to end their lives in response to hearing of their husbands’ deaths (Mrs Gadlela, MT

13 August 2014: 34961; & Nombulelo Ntonga, widow of Bongani Nqongophele, MT 13 August 2014: 34915).

The testimonies concerning the long, anguished search to locate their husbands, the dreadful conclusion of the search, and the physical and psychological anguish that followed, amplified the call that widows and family members, like Phumeza Zelindawa were making to the Commission to find out why their husbands or relatives had been “*killed so terribly, like a wild animal*”. He was a “*peaceful man*”, Phumeza observed, and therefore “*he did not deserve to die like that*” (MT 14 August 2014: 34990).

“I am an outcast ...”

By and large, at the Farlam Commission the issue of widowhood and social ostracism was not that visible. There are several references to the expense involved in performing the necessary cleansing ceremonies so that mourning clothes can be taken off or to the inconvenience of wearing them during social interactions (Mkhonjwa, MT Aug: 34891; Gadlela, MT 13 August 2014: 34961-2; Nandipa Kunusa (Yona), MT 13 August 2014: 34973; & Zameka Nungu (Lehupa), MT 14 August 2014: 35001).

Two testimonies from younger widows stand out. Nolundi Tukuza remarked: “*At our young age, Mr Chairperson, we are known today as widows*” (MT 14 August 2014: 34986), and Phumeza Zelindawo (Mabiya), speaking after the presentation of the statement, observed that it was: “*very hurting to find myself at the age of eighteen as a widow*” (MT 14 August 2014: 34990). Ms Dyantyi (2016) explained that the deaths of their husbands were particularly devastating for the younger women because they were starting out on life when suddenly “*that life is gone*”. When I specifically asked her whether or not the widows suffered social stigma, Ms Dyantyi (2016) answered that they did, explaining that it is, “*our culture ... when you’re married your grave is there with your husband’s family. Now the person you’re married to is no more. It doesn’t matter how. The minute you leave your in-laws and you go back home you’ll be called names like a failure or a loose person*”. She went on to refer to the pain and resentment that the husband’s mother might feel by having her widowed daughter-in-law underfoot.

But it was only Mrs Gadlela who, in speaking to her fellow widows, said explicitly: “*we are (the) laughable widows of Marikana*” (MT 13 August 2014: 34964). Ms Dyantyi (2016) confirmed that this was an accurate translation of what Mrs Gadlela had said. After I expressed my puzzlement, Ms Dyantyi explained to me that the widows’ inability to take off their mourning clothes made them conspicuous when they came to Rustenburg where the Commission sat, with people referring to them openly as the widows of “*criminals*” who had attacked the police. At home it was no better. There

the widows were taunted by villagers for going to the Commission and leaving their children behind. *“Here you are busy going up and down – how is this going to help you?”* (Dyantyi, 2016).

“I urge the workers ...”

The testimonies necessarily contained a certain contradiction – the striking miners were portrayed as simultaneously innocent, peace-loving and non-confrontational, yet tenaciously determined to fight for their rights. Fullard and Rousseau (2008) remark on how the perceived necessity to portray victims of Human Rights violations at the TRC as innocent often involved a trade-off so that it seemed as if they had been caught up accidentally in confrontations with the police or other agents of the state rather than having been courageous opponents of the system.

Spokespeople for the families at the Farlam Commission, by contrast, often used the militant language of war and sacrifice. Mrs Ntsenyeho said plainly: *“I take Andries like a soldier who died for his own oath, who died for his rights at work, a soldier who died in action”* (MT 12 September 2014: 37868).

Many of the widows had no doubt that Lonmin was to blame for the deaths of their husbands. Mrs Ngxande said: *“I strongly blame his employers for not listening to their employees. If they met them halfway none of this would have happened”* (MT 13 August 2014: 34925), and she then turned to castigate the police. Mrs Thelejane, described in her statement how her husband Thabiso, like many of his co-workers, had carried a stick to the strike and asked: *“Can you call that illegal? Therefore, I blame the police for their action. Killing human beings like that was unforgiveable. This would never have happened if Lonmin took up their responsibilities and listened to their employees. None of this would have happened. I blame them”* (MT 13 August 2014: 34931).

Mrs Motsebetsane, speaking after the presentation of her statement, offered a barbed comment directed at Ramaphosa who had notoriously made an offer of several million Rands on a buffalo in an auction held shortly before (**City Press**, 2012): *“I want to tell the Commission that I have a last born child who is three years old. I cannot even buy a doll for the child to play, but there are people who can afford to buy buffaloes at a price of 18 million, although my husband was working hard and he died for a better wage”* (MT 13 August 2014: 34920).

What is remarkable is that some of the widows picked up the fight where their husbands had left off. Mrs Gadlela, speaking after the presentation of her statement, went on at some length, pointing out that it seemed to her that her husband had died because he had come to South Africa looking for work and was *“killed for his own rights”* (MT 13

August 2014: 34963). She addressed Joseph Mathunjwa, President of the Association of Mineworkers and Construction Union directly, encouraging him to believe that he had God's protection as the "*workers and the widows*" entered "*very difficult days*", but predicted that Mathunjwa's path would "*not be gravel all the way*". Then she urged the government to get into the "*boots*" of the people of Marikana and compensate them for their loss, future as well as present, "*because no-one knows how long they were still going to live*" (MT 13 August 2014: 34965). Zameka Nungu also made a speech, referring to her husband Jackson Lehupa's complaint that the miners earned so little money for hard work (MT 14 August 2014: 34971). She then addressed, in turn, the workers, the Association of Mineworkers and Construction Union and her fellow widows: "*I ask you people to be strong, my brothers and sisters be strong and don't turn back. If you want something (remain) steadfast ... because our husbands died for the truth. People don't want to hear the truth. Be strong, stand together and do not forget us who stand on that mountain ... they're looking at you, we appeal to you as well as the Union, AMCU (Association of Mineworkers and Construction Union). We trust that Union, we appeal to you to be strong and go forward and to my fellow widows, ladies let us pray. Let us have hope ...*" (MT 14 August 2014: 35005-6).

Matebang Ntsoele warned after the presentation of her statement that the "*Bible says everyone should reap what he sows*". She expressed surprise over Lonmin's carelessness in letting its employees be killed and then addressed the "*families who lost loved ones at Marikana*". She invoked God's wisdom for the benefit of the Commission and looked forward to a peaceful resolution (MT 13 August 2014: 3942).

Do Mesdames Gadlela, Lehupa (Zameka Nungu), Ntsoele Motsebane (author of the buffalo retort), and Nolundi Tukuza addressing the Commission on 14 August (2014: 34986) represent a new kind of political widow who is able to speak much more loudly and pointedly than was possible at the time of the TRC? Sepati Mlangeni, it has been argued above, articulated her grief clearly and staunchly withheld forgiveness, but seemed compelled to have done so by appealing to her interlocutors to understand how much she had lost and how helpless she had been rendered. Zameka, by contrast, urged forgiveness of the police, but she did so, not from the wretched abasement of the victim, but from a position where she had located herself among the soldiers on the mountain at Marikana, and clearly, like Mrs Gadlela saw a road leading to the vindication of the workers' rights. Mrs Gadlela hailed Mathunjwa as a "*leader of the nation*" (MT 13 August 2014: 34965), and Zameka instructed the Union to "*go forward*". She also addressed the other widows as a collective, encouraging them to believe in victory through their appeals to God and refusal to give up hope. She made the Commission answerable to God, who would, she implied, find in favour of the workers and the widows (MT 14 August 2014: 35005-6). Mrs Ntsoele

used scriptural injunctions to bring down – if one follows the logic of sowing and reaping – a terrible punishment on Lonmin.

Hearing the widows' voices?

The police testimony lasted “*for hours, for years*” (Munshi, 2016) and the families got two and a half days at the end, by which time there was poor attendance and the media was not there to cover the proceedings. Ms Dyantyi (2016) summed up what it was like for the widows endlessly listening to people “*telling stories of who my husband was ... how he was killed like he deserved it ... and me as his wife or as his father, I'm sitting here keeping quiet and I'm not allowed to ask even a single question.*” President Zuma delayed the release of the Commission's Report and the lawyers had to go to court to force his hand. Evidently they heard it was going to be released only via the media and had to scramble to try to arrange for the Marikana families to hear what it contained when it was broadcast that same day. The Report was disappointing to the families. It did not say how individual miners had died, which in many cases would have shown that they were either surrendering or fleeing (Dyantyi, 2016). Professor Meyersfeld (2016) said that she thought the public still believed that the miners were violent and “*got what was coming to them*”. The Report “*was not saying 1,2,3 must be done,*” (Dyantyi, 2016), instead referring the investigation to further police and legal processes (Munshi, 2016). Where was the restorative justice hoped for, or the identification of Lonmin as culpable? The families battled with their sense that the African National Congress government had betrayed them (Dyantyi, 2016).

On the other hand, many of the women said in consultations with the staff of the Socio-Economic Rights Institute that they felt better for having spoken at the Commission because “*things were burning inside for a long time*” (Dyantyi, 2016). In increasing numbers as time goes on many of the women, even those who were initially quiet, are becoming powerful public speakers at rallies, inspired by the notion as expressed by Zameka Nungu in a recent film (Kell, 2016) made about the widows that they are “*wearing (their) husbands' boots*”. Ms Munshi and Ms Dyantyi both said that it was no struggle to find widows to speak at commemorations or to be interviewed. “*I'm ready, I want to speak*”, they say, according to Ms Munshi (2016).

Conclusion

After demanding compensation from the government for the loss of her husband Bongani, Nombulelo Ntonga Nqongophele made a plea: “*we do not want the Commission to allow the families to disappear into thin air*” (MT 13 August 2014: 34913). She meant, no doubt, that the Farlam Commission should take measures to ensure that the families do not sink back into the poverty and obscurity that has been their lot for generations. But, we might add, is there a danger that the stories told to the

Commission might also “*disappear into thin air*”? The success of the widows’ narratives should not be measured by the Report or its omission of their voices. It seems that their voices are reverberating well beyond the sometimes inhospitable space of the Commission, and for the foreseeable future their testimonies are preserved in the online “real time” transcripts.

Through studying the widows’ testimonies, we learn more about the strike and the strikers, and the far-reaching impact of the death of a single man given the tenuous networks of dependency central to migrant labour. The strikers emerge as human beings rather than the dangerous “*hooligans*” who had to be quelled with lethal R5 fire. The fragments we glimpse of the strikers’ lives and their aspirations for a better life, and the tenacity with which they committed themselves to struggle for it against overwhelming odds, deepens and extends our understanding of human rights, and causes us to revise, as advocates Chaskalson, Ntsebeza and company urged, the meaning of constitutional democracy.

It appears that the final answer about whether or not these subalterns, the widows of Marikana could speak, should be unequivocally in the affirmative. Ms Dyantyi (2016) observed that the women reported feeling more powerful and that “*Marikana is their struggle now*”. When Ramphele wrote about political widows in the mid-1990s, her commentary was marked by a certain understandable bitterness. While political widows were spared the most obvious humiliations intended to neutralise the danger to their society posed by their ordinary counterparts, political widows had to sacrifice expressions of personal grief to the principles of the Struggle and to behave in accordance with the etiquette prescribed by the liberation organisation to which they belonged. It would be foolish to generalise. Many of those affected by Marikana are still struggling. The widows discussed above are, however, not constrained to the same degree by the fetters of political widowhood described by Ramphele. If we revert to Butler (2006), we might see that the widows of Marikana took advantage of the inconsistencies in the dominant political discourse and raised their voices above social disapproval to claim for themselves a proprietary relationship to the workers’ struggle and identities that were quite different from those through which they had lived their lives before.

Acknowledgments

I would like to acknowledge the financial support of the Swiss South African Research Programme for the project **Safeguarding democracy – contests of values and interests** under whose auspices the work for this paper was conducted. I would also like to acknowledge the collegial and intellectual support of members of the project affiliated to the History Workshop at Wits University, as well as the members of one of our

partners in the project, namely the *Interdisziplinäres Zentrum für Geschlechterforschung*, University of Bern, Switzerland where I was based for two months while I was researching and writing this paper. I am very grateful for critical input from the journal's referees and my colleagues in the Narrative Enquiry for Social Transformation (NEST) initiative.

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