Transitional Justice in America

5. Truth and the Ongoing Process of Reckoning (Lebogang Marishane, Farah Tanis)

Episode Description

Transitional justice is a continuous process. Even where there have been formal truth commissions–such as in South Africa–more work needs to be done and there are still communities left out. In this episode, Lebogang Marishane of Constitution Hill in South Africa discusses the ongoing truth and reconciliation efforts post-Apartheid and Farah Tanis makes connections to her work seeking truth and justice for Black women in America.

Episode Transcript

[Music begins]

Lebogang Marishane: Such injustice, you cannot just stand by and not fight it. And I think that's inspired my activism. Because I was that girl. I was that young child who kept crying, screaming because of the injustice, and the world was not listening at that time. So that's the fire in me. It burns from that. And then learnings that I'm taking away from the work that I do is that we need to amplify voices of those that are not seen, of those that are not heard.

Parusha Naidoo: Welcome to Transitional Justice in America, a podcast from the International Coalition of Sites of Conscience. The Coalition is a global network of over 350 historic sites, museums, and memory initiatives in more than 65 countries, all dedicated to using past struggles to address social injustice today.

I'm your host, Parusha Naidoo. I'm a Program Coordinator with the Coalition's Global Transitional Justice Initiative, which works to support transitional justice processes by engaging local civil society organizations, survivors, and governments in a participatory, inclusive, and holistic manner.

To help American sites learn from the work already being done around the world, we paired up US-based Sites of Conscience with Sites of Conscience members in Colombia, The Gambia, South Africa, and Sri Lanka - all countries that have or are currently undergoing transitional justice processes. Representatives came together for a six-month peer-to-to peer conversation and in this series, our four member groups will revisit these conversations, sharing what they have learned with you, our listeners.

In this episode, we're listening in on a conversation between Lebogang Marishane and Farah Tanis. Lebogang is the Strategy Manager at Constitution Hill in Johannesburg, South Africa. Constitution Hill is a living museum located in a former prison and military fort, now a space dedicated to telling the story of South Africa's journey to democracy. Her work as an activist has largely focused on policy; feminist approaches to history; information and technology; and memory and healing.

Farah is the Founder & Lead Curator of the Museum of Women's Resistance in the US. From 2010-2016, she chaired the first-ever Truth and Reconciliation Commission in the U.S. to focus on Black women and their historical and contemporary experiences with sexual assault and reproductive violations.

Farah Tanis: Greetings Lebo greetings, greetings, greetings from the United States. It's wonderful to have you with me today, with us today, and to really bring your words of wisdom, your knowledge, and tell your story today, and really share with you a little bit about mine.

"Let's be in conversation," as Gwendolyn Brooks says, who is one of my favorite poets. "We are each other's harvest. We are each other's business. We are each other's magnitude and bond". And so I welcome you today and I welcome you in this space.

Lebogang Marishane: Hello to you Farah and thank you so much for such an opportunity to be connecting with each other. Greetings from South Africa, Constitution Hill.

Farah Tanis: Tell us about what you do in your own words.

Lebogang Marishane: Hm. Just in a nutshell, Farah, I consider myself a feminist first and foremost, but I'm employed by Constitution Hill as a strategy manager. My work has always

been in the realm of social justice. So, secondly, I would consider myself a human rights activist, currently interested in the work around issues of memory.

But I think I'm more drawn towards- um- working with women and those that find themselves in the margins of society to ensure that they have access to justice. And in this case, social justice.

Farah Tanis: I love it. I am so proud to be in the presence of another feminist. I live and walk and embody what is called Black feminism, myself as one of the founders and co-executive director of Black Women's Blueprint, and as a person in my everyday life. And so there is so much between us that we can discuss from that perspective, Lebo.

Please tell me in your own words, what transitional justice means for you? How do you define it?

Lebogang Marishane: I think for me, transitional justice, rests in three pillars. I think I consider it to be a process of reckoning, a process of redress, but mostly a process of social justice. And I speak about it in the context of having seen wherein when the dawn of democracy kicked in, we began a process of the TRC, and I've learned that from it, you can't put timelines. So for me, it's so much more about how it evolves. But also how the process gets adapted to contemporary issues, to historic issues, how you reflect and redress and reckon with your history; but also fundamentally issues around accountability. So that's the center of what brings all those three pillars together.

And I make reference to South Africa because in the current environment today in South Africa, we are dealing with the consequences of having a transitional justice process that unfolded almost on its own.

It's almost like we rested on our laurels and let the process unfold on its own, without any tangible systems in place to ensure that we reach objectives that were meant to be realized by the TRC recommendations.

Farah Tanis: Thank you for sharing that. And as you say this, you know, I think about, you know, the United States, right? And- and how much we have looked to South Africa throughout the Black nationalist movement throughout, you know, our own liberation

movement throughout the civil rights movement. We've looked to South Africa; we have looked to South Africa's Truth and Reconciliation Commission and have started several iterations of that, I would say, within the United States. The United States government itself never sponsored a truth commission, never sponsored, you know, that reckoning that you're talking about. Be it, as you talked about, your transitional justice process and your truth commission in South Africa; it feels that that reckoning was incomplete. Right?

And that seems to be the narrative, the sort of parallel, in both of the narratives of- of South Africa and the United States that either there is no reckoning or that the reckoning is not fully satisfactory, not fully enacted, not fully embodied.

I wanna speak a little bit more about your story, or any story that you can use to help us land on the issue of transitional justice in your work. Where are you now? What has happened, you know, over the past few decades?

Lebogang Marishane: In terms of South Africa, there's a lot of learnings, and we find that in the work that we do of creating spaces for society to engage with its history, but to also reflect; to build social cohesion in practice. This, I mean, it looks like a solution, but when you work with communities, you begin to have issues emerging, issues of an unhealed society that is drowning in pain, that is so desperate to have conversations about the unfinished business of the TRC. And you find the yearning for reparation, the yearning for redress. South Africa has the most progressive constitution in the world, but I think what has been lacking is to ensure that it’s implementation addresses the unequal society that existed during the apartheid era into democracy, you find that that still exists.

But I think what could be termed as one of the injustices is the lack of addressing economic imbalance or inequality in society, whether it's racial or whether it is gendered. It still exists. And this is one of the most injustices that we currently are dealing with where you find women of all races– are still denied access to issues such as land. One, because of their gender. But secondly, a large majority of Black women find themselves without land to this day. So there has to be work done on the legislative front, but also to put into place measures that will begin to challenge these and get women to have access to issues of land.

Farah Tanis: I love that you bring up issues of land. It's really central. When we look at women and you know, all people really, whose land were taken beginning with the Indigenous people and the genocide of the Indigenous people here in the United States, and then the enslavement of people of African descent in the United States, then the false promise of land and the promise of the 20 acres in a mule that was never fulfilled.

And when we speak of women, you know, it's both of us working in organizations that serve and organize women, trans, gender-nonconforming, gender fluid people. And, I keep thinking about the Black women's truth and reconciliation commission that occurred in the United States. Right? And- and, this process that went on between 2010 and 2016, a six year process. It was the first of its kind to focus on what was taken from Black women in particular, in the United States; it focused on sexual assault. It focused on the reproductive violations. One of the things we didn't focus on was land, right? We focused on labor. But land was one of the things that was taken, right, from Black people in the United States. And now that you raise the issue, I really see, you know, just how critical it is to talk about that. I dare say they didn't take into consideration the specific ways in which gendered forms of racism, gendered forms of violence, impacted the bodies of those who were not cis males.

Lebogang Marishane: That's very interesting, especially when you speak about the transgendered. We first had to begin by amplifying voices of the LGBTI society in South Africa. And this is 25 years after the dawn of democracy. You still have to reckon with a system that does not recognize the identity of the transgendered society. That had to be a beginning point where you begin to acknowledge the existence , but also acknowledge the voices of these communities as part of society before you even look at the legislation. Back to the point that I made earlier on about the legislation and the policy frameworks, we work with our constitution being considered the most progressive one in the world.

But if that does not happen in practice, then it's an injustice. Through the work that we do, we then recognize that it was very important to begin to work throughout society with all pockets of communities, and have an inclusive approach that begins to first acknowledge the atrocities that were perpetrated-- gendered, the war, the weaponizing of apartheid, exclusion from society of communities such as the LGBTI, but also weaponizing apartheid against women who were raped, by the way whose stories are still not being freely told.

They are erased or, um, omitted from the history. It's only few women that have come through to speak about their experiences and how apartheid was weaponized against them.

Now you speak 25 years after, the struggle is still the same. We are conscious about creating forums where we engage through the LGBTI society to begin to create spaces, where not only these communities can speak among themselves, but where we have an inclusive dialogue. A moment of reflection, a moment of reckoning, speaking about what affects the society most, and how do we begin to ensure that as we speak [about] social cohesion, that we speak about an inclusive approach.

The process of digital storytelling as a tool is proving to be one that is successful, in that you place tools in the hands of communities, where they can use the tools to record their voices and mediate it, and publish their stories in a way that cannot be edited by anybody but can be released in digital media in a way that they want to be seen, In a way that they want to tell their stories, with no one mediating their narratives, and begin to engage with issues that they go through society without being excluded, but being part of processes that begins to build social cohesion. So I would say digital stories by far has been powerful, in that sense, to give back power to communities, to tell their stories and amplify their voices.

Farah Tanis: I think of our own Black women's truth and reconciliation commission, which, you know, for us was civil society led.

It was not supported by the government, and we had to take matters into our own hands and we had to, ourselves, right, tell the stories, and this- this whole idea of being able to organize around the issue of stories and storytelling and archiving and ensuring that the stories of those who were neglected or who were invisibilized during this process- during a process of transitional justice or throughout the story of a nation.

I think about how we struggled with that in the United States, and a lot of that had to do with the specific types of discrimination and gender based violence that women, gender-nonconforming people, trans-identified folks experienced, right, in the United States, whether that was in the Antebellum south or you know, throughout the trans-Atlantic slave trade, or throughout Jim Crow, along with the lynchings and the mass murders that were occurring here in the United States, or during recent times, contemporary times with police

shootings and law enforcement abuse, and abuse in various spaces; both abuse at the hands of personal actors and of course by the state.

And we found it incredibly difficult to get all of the stories that we wanted to get. And so I wonder in your process of engaging in the digital storytelling and getting the voices and getting consent and, and providing a space for people to tell their stories, if there is any process that you undertook in conducting your outreach, in sitting down with the individuals who were going to tell their story, or who were committing their story to your trusting- you with their story?

Lebogang Marishane: That's very interesting. And I think it's linked to what you just said earlier on about the power of the collective. When we began the process for collecting stories and working with- particularly the LBGTI community, we needed to have built a space and a movement that not only begins to provide a safe space for the community to feel free, to tell their stories, but we needed to look at approaches to using the technology itself. And we realized that we needed to have a feminist approach to digital storytelling. And in there, what was- what was required was to look at how we provide a safe space and a support base for those that would like to come through and begin telling their stories.

And it helps to be in a way that is imperfect, but also supportive to people that are forthcoming with their narratives, to be assured that whatever they going to share will not be used against them, or even manipulated to be used for activities such as fundraising or campaigning. But it was authentic narratives that were meant to transform society and begin to raise issues, raise voice, amplify these issues, and raise awareness to ensure that we build a conscience society about issues the LGBTIQA community is going through. The second one was about how do you begin to build a movement globally that begins to connect and contribute to a central archive system, exploring tools, exploring the technology, but plugging into this global space that begins to synchronize activities, because we realize that, you know, these issues can't be isolated, exclusive, and for lack of a better word, kept elite.

How do you ensure that these are the issues that the rest of society embodies? We begin to speak about them, ‘cause these are our sisters. They are us. How do we begin to build a feminist society, a gender aware society that begins to realize, recognize, acknowledge, but

is held accountable for the injustices that we've been committing. Some because we are ignorant, but some consciously, so, and how do we hold people to account?

And I'm gonna speak about how we then begin to be- uh- one of the pioneers of movements such as the Take Back the Tech, feminist approaches to technology. We began building tools and ensuring that they are freely available online. We have toolkits that people can download and methodologies that people can follow and the support base online that they can tap into.

And just going back to the power of the collective and how we achieve more when we synchronize our activities and our actions, you look at movements such as the hashtag #MeToo, #BlackLivesMatter, #Rhodes Must Fall? You see how, when we synchronize our action and our voices, we achieve more. And for me, that's very important, the collaboration, sharing tools, and ensuring that we amplify our voices globally. We can transform society and communities.

Farah Tanis: What you talked about is based in rights, it's based in basic human rights, right? When you talk about our trans-identified siblings, when you talk about gender nonconforming siblings, when you talk about, you know, women and really coming at it from a feminist, you know, perspective, right?

And what does that mean? What does that look like? What does it mean to work really intersectionally and to integrate within those intersections- within that intersectional framework- healing justice, right?

When you think about transitional justice, it can happen in little pockets and little towns that have undergone atrocities, and maybe a committee from that little town or a local government will take on a project such as the Greensboro Truth Commission, for example, and several others that are happening in- inside of the United States. I would say the United States is one of the few places in the world where there's, there've been mass atrocities, mass rapes, mass all- all forms of injustices that occurred against a particular group, a race of people, and there's been little to no acknowledgment. There's been no processes for reckoning, no processes of acknowledgment, no processes for justice that are nationally recognized and that are sponsored by the government of this country. When you think

about the Civil Rights Movement that we've looked to, we've looked to South Africa, we've looked to South Africa during also, like I said, the Black nationalist movement. Now we're all- we all, are part of the same sort of Black Lives Matter movement. And so there's so much there as far as knowledge sharing on activism as well.

So there are these intersections when we think about activism.

Lebogang Marishane: There is no separating the issues. When you work with communities, you realize how all these issues intersect. You cannot be separating women that have experienced gender-based violence from their conditions, from their living conditions. The layers are so multiple that just to penetrate and get to the issue of gender-based violence...

And this is one of the things that we've heard to do to not only work as an isolated country or community, but to link up with others and learn, how is it that they approach issues, how they unpack problems and how- what methodologies were they using to tackle issues that are intersecting. And that's where networks become important, to ensure that you link up with others, whether it's to access knowledge, whether it- whether it's to tap into their best practices, but also to share resources, where issues intersect, how do you ensure that women can access businesses, that they ca- can set up SMMEs they can get support for economic solutions. While as an organization, you provide space for reflection, you provide space for psychosocial support. So there's power in the collective there's power in the knowledge sharing, but also just being able to share those resources and ensure that we tackle all the issues holistically.

Farah Tanis: Absolutely. And when I think of rights, you know, of course, we have the right to truth. But you know, all of these other things that are basic human rights, right? We… It- it's so incredibly important that when, you know, we talk about the right to the truth, there's the truth, you know, of what has occurred to our bodies at the hands of individuals.

And then there is sort of the conditions that are created that allow for these levels of violence to occur superimposed on other discrimination. Other ways in which we are prevented from fully enjoying life and joy and connection, and ways in which we are kept in trauma- and documenting those and hearing those stories, and…

You know, I can't imagine someone who is trans-identified or, or assists women telling a story about sexual violence, where will only be about the sexual violence, right?

How do we continue to engage, you know, in storytelling, in bringing out the truth, unearthing the truth that has been buried and looking at the different- the intersections within, in, you know, the stories that are being told.Aand as people tell their stories really encouraging or, or supporting them to heal, and to engage in organizing and activism that can ensure their rights across all levels- across all of these domains of life. You know, as we're talking about rights, is there a project that you envision or that you're engaging in that monitors and reports on human rights violations?

Lebogang Marishane: Just in addition to what the South African government has done, we call chapter nine institutions, and they are meant to monitor any human rights violations. But I think what begins to be important is to have a very lively and engaged civil society, and civil society organizations or nonprofit organizations begin to be important in creating spaces and tools to monitor these violations and take government to account, and the perpetrators to account.

So the one project that I can think of that's recent was called Ushahidi. And this was a collaboration between South Africa and some African countries spearheaded by Kenya. It's a mapping tool that citizens can use using their phones to log in incidences. And I think we tend to lean toward they use of ICTs because they’re easily and available, but also one can use them without discrimination. You can log your- your- your call of the violation. Civil society can follow up on that and use that to hold police to account, because we find that the officials themselves, they normally use cases to discriminate against the trans-identifying people when they find themselves reporting incidents of sexual violence.

So technology has proven to be a great tool in the sense that it documents, but also it doesn't expose people to re-victimization, and therefore civil society organizations can always follow up on those cases. It's a strong tool. So we normally work with IT developers to make apps that people can use to ensure that we begin to monitor and hold those that are in power accountable to ensure that justice is actually- um- ah- realized by the victims.

Farah Tanis: Absolutely. And it establishes a record. It establishes a record and it stays in the national consciousness and memory. And so I- I really appreciate this conversation around monitoring and reporting and documenting and ensuring that any violations, do not remain buried and that they're the light, right? Speaking of this issue of- of memory, we know that your work at Constitutional Hill centers on memory. Can you tell me more about that work?

Lebogang Marishane: I think with Con Hill, it's more around how, as a site of conscience, as a same museum, you're not only just about, um, being a space of reflection, but how do you move memory to action? Part of what we've done was to establish programming that speaks about exactly that. How do you curate programming that ensures that social justice is realized?

So we do a lot of community engagement and we work with all sectors of society to ensure that we reflect on the past, but also deal with contemporary issues. An example would be around, um, the recent xenophobic attacks. We looked at the whole issue and then worked with organizations that are active in that space to come up with a program that would afford citizens a space where they can engage, but not only that, but to also look at solutions that we can begin to implement, to address issues and tensions between, um, migrants and the local South Africans.

So it's about shifting that memory work that we do. And not only be gatekeepers of information or spaces of reflection, because we believe that museums are not only there to archive history, but they're there to ensure that we don't repeat atrocities of the past. And we are very proactive, in that we design programs that responds to- to issues even before they happen.

Farah Tanis: Right. Right. So there is so much work to be done there in terms of memory when I think of the United States and the work that, you know, The Museum of Women's Resistance engages women in, it's interactive. Many times it can't be contained as you say, inside of a museum and in a building. And so there is, there's got to be opportunity for are various ways, multimedia ways of bringing that memory unearthing, you know, that memory for those who consent to it or the site of conscience, but also in everywhere else, all of the spaces, the land that was so- stolen, the descendant of the person that was harmed- the person that was harmed in the first person. So there's so much there

philosophically figure and very concretely tangibly to speak of when we think of memory and this- this mandate of never forget, right?

And, you know, I wonder how your work has affected you. What have you learned? Not only about the work or how to move forward or how to persevere, but also even about healing. What have you learned?

Lebogang Marishane: If one were to be honest, it's hard work, but I think what one learns about history is that we always have to reckon with history and I-I- take lessons from the South African TRC process to say it's an ever-evolving process. One of the things that the South African government had done, which I think the world needs to learn from it, is some kind of a timeframe to the process, or even maybe abandon the process at some point. We at the moment have a generation that's asking questions about the history. We have a- a generation that is dealing with the repercussions of what was created by the past, by decisions that were made in history. Dealing with young people that are beginning to ask questions. So those are the lessons from me that I've learned.

And I think because I also bring into the work experience about what apartheid has done, the segregation by Carlisle, I grew up with that. My earliest memory of the violence that was perpetrated by people that we lived in, in society. So a seed in me was planted to say such injustice, you cannot just stand by and not fight it.

And I think that's inspired my activism. It's what inspired me to stand up for those that find themselves in the margins of society and could not speak for themselves. And even when they were screaming, no one wanted to listen to them. Because I was that girl. I was that young child who kept crying, screaming because of the injustice, and the world was not listening at that time.

So that's the fire in me. It burns from that.

And then learnings that I'm taking away from the work that I do is that we need to amplify voices of those that are not seen, of those that are not heard. And that's why technology, for me, plays a central role in the work that I do, because I've seen what it does.

When you hand a cell phone to a woman who's been battered, who's been sexually violated, they can access help. They can call out for help. They can record their voice, they can document whatever it is that they're going through. And I think there's power in having a technology that can connect you with likeminded people out there to amplify your voice, to share resources, to access knowledge, but ultimately to ensure that you are seen, you are heard your story and narrative is out there unmediated, and you can begin to get the acknowledgement and recognition that everybody in the world deserves. So those are, those are the learnings that I have from- from the work that I've been doing.

Farah Tanis: Lebo, that- that's just tremendous. And I'm thinking, as you're speaking, what you've said about just really ensuring that everyone is seen and heard. Do you see that as being one of the things or one of- many of the things that transitional justice can give to everyday people?

Lebogang Marishane: Absolutely. We did not do justice to- what would term ordinary citizens to begin to hear how they experienced the atrocities of the past. It almost feels like the TRC was rushed, and I feel like there's a need to begin to listen to people, to begin to have spaces where everybody can feel free to come and record their voices, and which is what Constitution Hill does through our oral history project. We record stories of those that were not heard. We open up spaces for citizens to come and speak their truth. But I think these spaces ought to have a deliberate approach to those that were marginalized: women, the LGBTIQA communities. To those that were young back then, what's your story? How did it affect you? Just that moment of pause and telling my story, having my narrative documented and the world being able to access it. So that we can begin to reflect on those moments and those occurrences, because they did happen. It feels like there's no acknowledgment on some of these experiences and-and stories.

Farah Tanis: I think it's great guidance for anyone who is embarking on truth, justice, and memory work.

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Parusha Naidoo: You've been listening to Transitional Justice in America, a podcast from the International Coalition of Sites of Conscience. Our guests on this episode were Lebogang

Marishane and Farah Tanis. To learn more about Lebogang's work and Constitution Hill, visit constitutionhill.org.za. To learn more about Farah's work and the Museum of Women's Resistance, visit museumofwomensresistance.org.

The International Coalition of Sites of Conscience is the only global network of historic sites, museums, and memory initiatives dedicated to using past struggles to address social justice challenges today. This podcast was created in partnership with our Global Initiative for Justice, Truth, and Reconciliation which seeks to support communities either in or emerging from conflict by elevating the voices of survivors and marginalized groups. For more information, visit sitesofconscience.org. and gijtr.org. This podcast was written, edited, and produced by Better Lemon Creative Audio. I've been your host, Parusha Naidoo.

Stay tuned for the next and final episode of Transitional Justice in America, where we'll revisit key ideas shared throughout this series and leave you with key takeaways for American sites and organizations doing transitional justice work.

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