Settler Colonialism and the South African TRC: Ambivalent Denial and Democratisation Without Decolonisation

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Augustine S.J. Park

Carleton University, Canada

Abstract

In the quarter-century since it began its work, the South African TRC has been endlessly debated. At the same time, a field of study emerged centred on settler colonialism, and settler colonial analyses have become established in transitional justice. South Africa's TRC, however, has escaped examination through the lens of settler colonialism. Typically, settler colonialism in South Africa is treated as an historical phase; however, recent scholarship emphasises South Africa's colonial present. Following these insights, this article: (1) establishes the relevance of a settler colonial lens for interpreting the South African TRC by demonstrating the settler colonialism of apartheid; (2) provides an empirical examination of the TRC's *Report*. The *Report* acknowledges settler colonialism while advancing a series of denials, producing 'ambivalent denial'; (3) explores the implications of ambivalent denial. Specifically, ambivalent denial contributes to democratisation without decolonisation by enabling settler denial and failing to address settler colonial structures.

Keywords

Settler colonialism, South Africa, transitional justice, TRC, truth commissions

Introduction

The year 2021 marks 25 years since the South African Truth and Reconciliation Commission (TRC) began its work. Over the course of this quarter-century, the TRC has been

Corresponding author:

Augustine S.J. Park, Department of Sociology and Anthropology, Carleton University, 1125 Colonel By Drive, Ottawa, Ontario, Canada K1S 5B6.

Email: Augustine.Park@carleton.ca

celebrated as a template to be emulated the world over (Gibson, 2004; Moon, 2004; Shaw, 2007) but has also been subject to significant criticism. Indeed, the South African TRC is the ‘most revered and reviled institution of this kind’ (Rose, 2015: 61). In the last, approximately, 15 years, a field of study has emerged that centres on settler colonialism (Veracini, 2010: 9) while analyses of settler colonialism have become firmly established in transitional justice scholarship, specifically in relation to mechanisms in Australia and Canada responding to the mistreatment of indigenous children by the settler state (e.g., Balint et al., 2014; Edmonds, 2016; Park, 2020; Rigney, 2017). In sharp contrast, transitional justice in South Africa has escaped examination through the lens of settler colonialism. In certain respects, this is unsurprising since the dominant framework for talking about South Africa has been apartheid rather than – and divorced from – settler colonialism. While discussing settler colonialism in relation to South Africa is ‘hardly original or controversial’, settler colonialism is normally ‘relegated to the past’ as an historical stage (Veracini and Verbuyst, 2020: 261). Reddy troubles this tendency, asking: ‘Why is the concept of settler colonialism excluded in studies of post-1994 South African politics and Apartheid, yet the legacies of that long experience of systematic racism are so easily visible?’ (2015: 52). Recent literature engages apartheid as itself settler colonial (Free, 2018) and theorises South Africa in the ‘colonial present’ (Kepe et al., 2011; Veracini and Verbuyst, 2020). Building on these insights, this article has three objectives:

The first objective is to establish the need for applying the lens of settler colonialism to the South Africa TRC. To this end, I combine a brief historical overview of settler colonialism in South Africa and explore key theorisations of settler colonialism. In brief, settler colonialism describes ‘circumstances where colonisers “come to stay”’ (Veracini, 2013: 313). Building a new polity on expropriated land, settler colonialism operates through a ‘logic of elimination’ founded on both dispossession (‘to alienate and destroy the native’) and transfer (‘to replace the native’) (Veracini and Verbuyst, 2020: 261). Moreover, settler colonialism in South Africa manifests as racial capitalism that combines land dispossession with labour exploitation (Clarno, 2017). I will end this section by arguing that apartheid must be understood as an expression of settler colonialism; and, since the TRC was addressed to apartheid, analyses of the TRC must also grapple with settler colonialism. The second objective of this article is to provide an empirical examination of the TRC’s final *Report* through a textual analysis in order to assess the character of the TRC’s treatment of settler colonialism. My analysis shows that settler colonialism is largely absent in the *Report* and what limited discussion there is produces what I will call ‘ambivalent denial’. Specifically, while the *Report* acknowledges settler colonialism through limited references to the anti-colonialism of liberation groups, the TRC undermines this recognition through a series of denials, namely: denial through the historicisation of settler colonialism, denying the existence of settlers, and denial through constructing distinctions between apartheid and colonialism. The third objective of this article is to explore the implications of ambivalent denial. In particular, I argue that ambivalent denial of settler colonialism in the TRC’s new national narrative contributes to democratisation without decolonisation by enabling continued settler denial and failing to address the structures of settler colonialism. Finally, this article concludes with reflections on directions for further inquiry. This article, indeed, can be read as an invitation to revisit the TRC using a lens of settler colonialism to explore new questions.

A Snapshot of the TRC

Established in 1996, the TRC was a result of a negotiated settlement that brought about the end of apartheid – South Africa's regime of state racism that endured from 1948 to 1994 under the rule of the Afrikaner National Party (NP). Characterised by white minority rule, apartheid was erected on the codification of the super exploitation of Black labour; gross material inequalities in relation to employment, income and access to land and in relation to access to public goods such as education and healthcare; the deprivation of political rights of non-white populations; extreme social and geographic racial segregation; and violent apparatuses of state security (Aiken, 2016; Bevernage, 2012; Cavanagh, 2017). The injustices of the apartheid system inspired popular protest and resistance by liberation organisations, most notably the African National Congress (ANC) (Aiken, 2016; Bevernage, 2012). The state responded to resistance through increasingly violent means of suppression. Beginning in the late 1980s, in the face of mounting internal and international political and economic pressures, the apartheid government initiated a series of reforms and began negotiations with the ANC. An interim constitution was adopted in 1993 and in 1994, the ANC came to power in the country's first democratic elections (Aiken, 2016; Bevernage, 2012; Clark and Worger, 2016).

The 1995 Promotion of National Unity and Reconciliation Act established the TRC to investigate gross violations of human rights carried out between 1960 and 1994. The TRC's mandate included hearing victim testimonies, addressing amnesty applications for politically motivated crimes (reflecting a concession during negotiations) and making recommendations relating to reparations (Aiken, 2016; Allais, 2012; Bevernage, 2012; Rose, 2015). In October 1998, the TRC published its five-volume final *Report*, which was followed by an additional two volumes published in 2002. The TRC operated according to various formulations that worked towards the goal of nation-building (Andrews, 2003). One formulation was a Christian formulation in which truth (confessions) would lead to reconciliation (atonement and forgiveness) (Andrews, 2003; Buikema, 2012; Gibson, 2004; Moon, 2004). Another formulation was therapeutic wherein individuals within the 'sick' society would experience healing through talk therapy, which would also lead to reconciliation (Shaw, 2007). Further, the TRC eschewed retributive justice, with its adversarialism and punitiveness, in favour of restorative justice, which understands crimes as violations of people and relationships and that favours restitution over revenge (Allais, 2012; Leebaw, 2003; Rose, 2015). The TRC's restorative justice was framed through 'ubuntu' notably by Archbishop Desmond Tutu, the Commission's Chair. A Zulu word, ubuntu refers to 'humanness' and expresses people's interdependence. For Tutu, rooted in 'the spirit of ubuntu', the TRC's restorative justice would enable 'the healing of breaches, the redressing of imbalances, the restoration of broken relationships' (Allais, 2012: 337–338). (For a critical interpretation of ubuntu and its uncomfortable relationship with liberal human rights, see Wilson, 2001: 9–17).

The TRC has been subject to significant debate. On the one hand, the TRC has been praised as a model and archetype of transitional justice (Gibson, 2004; Moon, 2004; Shaw, 2007). While the TRC was assigned a tall order, it seems to have been reasonably successful in its contribution to a peaceful transition from apartheid and civil war to a

functioning democracy (Gibson, 2004). The TRC contributed to a national conversation that promoted healing, named perpetrators, and privileged victims' voices in the shaping of a new official national history (Buikema, 2012; Heine and Turcotte, 2015). Crafting a new national narrative (Andrews, 2003), indeed, is regarded as one of the key benefits of the TRC. Proponents argue that officially sanctioned fact-finding created an 'irrefutable' record of the past that combats denial through victim testimonies and amnesty proceedings, while sectoral hearings contributed to accountability by exploring how institutions, such as churches, media, business etc. maintained apartheid (Clark, 2012; Leebaw, 2003; Rose, 2015). The claim of creating a shared truth or national narrative that defies denial is central to the argument later in this article.

On the other hand, critics problematise the relationship between truth and healing as well as the imposition of reconciliation onto victims (Clark, 2012; Moon, 2006). Indeed, Gready's (2011) work calls for careful unpacking of 'keywords' such as truth and reconciliation. The quality of the truth produced by the Commission has been criticised as incomplete and over-simplified (Chapman and Ball, 2001; Wright, 2017). Moreover, the TRC's purposefully impartial approach (Rose, 2015) (which emerged from the constrained circumstances under which it was created) resulted in producing false moral equivalents as all parties were subjected to equal scrutiny and equal apportioning of blame (Allais, 2012; Bevernage, 2012; Moon, 2006; Wright, 2017). Many victims felt that perpetrators enjoyed impunity, failed adequately to accept responsibility and that amnesty was not a fitting response to the egregious acts committed by perpetrators (Allais, 2012; Andrews, 2003; Heine and Turcotte, 2015); meanwhile, victims did not receive sufficient or timely restitution (Allais, 2012; Clark, 2012).

One of the most significant criticisms raised against the TRC relates to the Commission's narrow focus on politically motivated gross violations of individual human rights. Human rights were a central discourse to building the 'rainbow' nation, and the TRC's focus on human rights worked to legitimise and consolidate post-apartheid state power while constructing a new identity for the state as a defender of human rights (Wilson, 2001). While Gready (2011) has called for truth commissions to adopt more expansive concepts of human rights to capture social, economic and cultural rights, the South African TRC used a very narrow concept of human rights, producing a circumscribed version of apartheid as comprised of discrete victim and perpetrator subjects (Gready, 2011; Ross, 2003). Consequently, the TRC failed to address the structures of apartheid as a system. This "'blind spot" in the TRC's mandate' (Rousseau, 2019: 210) led to the invisibilisation of the routine suffering of everyday life, shaped by racism, racialised impoverishment, displacement etc. (Aiken, 2016). Moreover, reflecting the continuities of the past in the present (Gready, 2011), critics charge that the failure to address apartheid's structural and systemic injustice has contributed to ongoing racialised inequality, including deep poverty and worsening unemployment among Black South Africans, increasing socio-economic polarisation between Black and white South Africans and systemic violence, such as widespread crime and violence against women (Aiken, 2016; Clark, 2012; Gready, 2011; Rose, 2015). Thus, the history of apartheid written by the TRC is one of physical rather than structural violence (Bowsher, 2020: 52).

Despite condemning the TRC's neglect of the structures of apartheid, there is a curious silence among critics on the TRC's failure to address the structures of settler colonialism. As I will explore later in the 'Implications' section, using the lens of settler colonialism matters: A settler colonial lens situates apartheid in the *longue durée* or in a long history and invites different responses to addressing persistent injustice in the post-apartheid era. In a rare piece that explicitly addresses colonialism and the TRC, Roberts (2020) argues that transitional justice 'expertise' 'colonised' the TRC and betrayed the anti-colonial and self-determinative agenda of the ANC. Roberts reminds us that the ANC and liberation movements were not only engaged in anti-apartheid but fundamentally *anti-colonial* struggle. This insight underscores the need to confront the TRC's failure to grapple with South African settler colonialism, to which I now turn.

South Africa and Settler Colonialism

Theorising Settler Colonialism

'Settler colonialism is the specific formation of colonialism in which the colonizer comes to stay, making himself the sovereign, and the arbiter of citizenship, civility, and knowing' (Tuck and Gaztambide-Fernandez, 2013: 73). It is motivated by 'the securing – both obtaining and maintaining – of territory' (Wolfe, 2006: 402), over which sovereignty is asserted through claiming 'discovery' of 'unused', 'empty' lands and a mission to render the land productive (Collins, 2011: 31). The 'organizing grammar' of settler colonialism is race: 'racial regimes encode and reproduce the unequal relationships into which Europeans coerced the populations concerned' (Wolfe, 2006: 387). Indeed, settler colonialism works through 'racial projects that devalue and dehumanize "native" populations, [and] provide "ethical" or "legal" arguments for dispossession' (Clarno, 2017: 5). Following Wolfe's influential formulation, settler colonialism operates through a 'logic of elimination' that assumes 'different modalities' (Wolfe, 2006: 402) that range from massacre to assimilation.¹ Veracini's (2010) concept of 'transfer' complexifies elimination by encompassing myriad means to cleanse the settler polity of the colonised.

Through elimination, settler colonialism 'destroys to replace' (Wolfe, 2006: 388). Replacement takes at least two forms. On the one hand, settler colonialism strives to replace indigenous peoples and societies, which is the 'settler response to a basic reality: the organized presence of other human beings on the land' (Collins, 2011: 32). On the other hand, settler colonialism aims to replace *itself* with a post-colonial condition, which Veracini terms 'self-supersession' – that is, an imagined time when colonialism is a thing of the past and settler colonies become 'independent nations' that have managed to 'repress, co-opt, and extinguish indigenous alterities' (Veracini, 2011: 3). 'By the end of this trajectory', Veracini argues, settler colonies 'claim to be no longer settler colonial (they are putatively "settled" and "postcolonial"...)' (2011: 3). These dual forms of replacement work 'to resolve the uncomfortable and precarious dis-location as usurper, and replace the Indigenous people as the natural, historical, rightful and righteous owners of the land' (Tuck and Gaztambide-Fernandez, 2013: 77).

South Africa is not normally conceptualised as a settler colony. Instead, analyses of settler colonialism tend to focus entirely on the colonies of the so-called 'New World',

characterised by the logic of elimination. Early settler colonisation of southern Africa did more closely resemble 'New World' colonialism as it centred on displacing 'natives' and seizing more land (Clarno, 2017: 25; Kelley, 2017: 270). However, settler colonialism in South Africa differed in important ways from that of Australasia and the Americas. In South Africa, indigenous populations were not demographically annihilated (Beinhart and Dubow, 1995: 2). While settler rulers believed it 'would be a blessed thing for us if the negro like the Red Man tended to die out before us' (Cavanagh, 2017: 294), whites remained a persistent demographic minority, unable to displace indigenous populations. Correspondingly, the 'presence of a small settler minority... gives twentieth-century South Africa a demographic make-up altogether different to that of the other settler societies' (Cavanagh, 2017: 292). Moreover, while the 'New World' colonies relied on immigrant and forcibly migrated enslaved labour, in South Africa, the demographic dominance of Africans would eventually be seen as an opportunity to harness cheap local labour (Beinhart and Dubow, 1995: 2; Cavanagh, 2017: 294). Thus, South African settler colonialism differed from that of the 'New World' colonies because settlers depended on indigenous peoples for labour (Cavanagh, 2017). But South Africa's divergence from 'New World' colonies should not be interpreted to mean that South Africa was simply 'a colony that happen[ed] to have settlers in it' (Cavanagh, 2017: 293). Recognising that 'no two colonies were [or are] exactly alike' (Free, 2018: 876), I suggest thinking in the plural about settler colonialisms that manifest differently across spaces.

Cavanagh's (2017) analysis of settler colonialism in South Africa explores both land dispossession and labour exploitation. Similarly, Kelley argues that 'the expropriation of the native from the land was a fundamental objective, but so was proletarianization' (2017: 269). I follow Clarno's formulation of 'racial capitalism', which makes visible the centrality of both '*accumulation by dispossession and coercive labor regimes*' (Clarno, 2017: 9, original emphases). On the one hand, land dispossession is a 'constant, normal strategy of capital accumulation' while, on the other hand, the exploitation of labour, including through violence, is an integral characteristic of capitalism (Clarno, 2017: 9). Indeed, dispossession of land and capitalist exploitation should not be treated as mutually exclusive in analysing settler colonialism; rather, they need to be thought about in concert (Clarno, 2017: 6–7). Ultimately, in South Africa, the 'demand for labour did not replace or diminish the settler colonial demand for land' (Clarno, 2017: 6). I now turn to a brief sketch of settler colonialism in South Africa up till apartheid to illustrate the organising grammar of race and the land dispossession and labour exploitation of racial capitalism.

Early Settler Colonialism to Apartheid

Archaeological evidence shows that the region constituting South Africa was inhabited by San hunter and gatherers at least 10,000 years ago, and between 3,000 and 2,000 years ago, there was contact between the San and Khoikhoi pastoralists. It was the Khoikhoi people with whom European colonialists would have first contact (Worden, 2012: 10–11). Khoikhoi and San peoples are believed to have a common origin and are referred to as 'Khoisan' (Clark and Worger, 2016: 10). Bantu-speaking populations moved into the region between 300 and 1000 CE (Worden, 2012: 10–11), although other sources show

Bantu-speaking peoples were present in South Africa for some two millennia, as early as 100 CE (Clark and Worger, 2016: 11). Portuguese and Dutch ships had been travelling along the coast of southern Africa since the 1400s; however, European settlement began in 1652 with the Dutch arrival at the Cape of Good Hope and the establishment of a fort operated by the Dutch East India Company (*Vereenigde Oostindische Compagnie* or 'VOC'), a commercial enterprise with substantial trade in Asia (Clark and Worger, 2016: 10–11).

During the period in which the VOC controlled the Cape, there was a proliferation of new population groupings. Dutch migrants, along with Huguenots escaping persecution from Germany and France came to settle the Cape. Some offspring of European men and both slaves and Khoisan women were integrated into the settler population, while most were part of the fast growing 'mixed' community. They developed a new language, on which Afrikaans is based, mixing Dutch with Portuguese and Malay. Moreover, another new group called the 'Griqua' developed from the intermingling of escaped slaves and Africans in the interior. Right from the beginning of the colonial encounter, race became a central organising grammar with the VOC ordering different populations according to a racial hierarchy that privileged VOC employees and settlers (Clark and Worger, 2016: 11–12; Ross, 2016: 188–189).

In 1795, Britain entered southern Africa. Initially, British colonialism relied on forcibly migrated enslaved labour until the abolition of slavery throughout the British Empire. By the 1830s, aggrieved Dutch settlers, known as Boers (meaning 'farmer' in Dutch), frustrated with British policies (including the loss of enslaved labour), began the 'Great Trek'. The Great Trek saw some 20 percent of the Boer population depart the Cape to the north with the goal of leaving British territory thus expanding settler expropriation of land. They established the Natalia Republic, Transvaal (later called the South African Republic) and Transorangia (later called the Orange Free State). The British invaded the Natalia Republic and established Natal as a new British colony, which prompted most Boers to flee to the other republics where they would develop a culture and identity in relative isolation, becoming increasingly separated from European metropolises (Clark and Worger, 2016: 12–13; Ross, 2016: 190–191).

By the 1860s, race as an organising grammar persisted as new racially defined populations emerged. In particular, former slaves, Khoisan and Griqua groups mixed and began to be defined as 'Coloureds' – a middle category between 'civilised' Europeans and 'uncivilised' Africans (a category retained in apartheid). Moreover, a new population comprised of indentured Indian labourers emerged who – defying the preference of the British – remained after the end of their contracts to become merchants (Clark and Worger, 2016: 13). To Reddy, South African settler colonialism 'had its structural basis in the racialised organisation of labour' (2015: 102). Specifically, with the discovery of gold and diamonds in the mid- to late-1800s, the racial project shifted to redefine Africans principally as labourers. This was accompanied by an elaboration of law (forerunners to apartheid-era laws) to keep African labour cheap and docile (Clark and Worger, 2016: 14; Clarno, 2017: 26; Kelley, 2017: 271). Struggle over control of gold between the British and Boers led to the South African War of 1899–1902 (Ross, 2016: 194–198) that resulted in the integration of the two Boer republics into the British Empire (Clark and Worger, 2016: 15–16).

In the years following the South African War, the Boer population consolidated an exclusionist national identity as ‘Afrikaner’ – ethnically and culturally unique, with the Great Trek as a founding myth and with a distinctive language (Afrikaans) (Clark and Worger, 2016: 17–19, 26–28). In 1910, by an act of the British Parliament, the Union of South Africa was founded as a self-governing unitary state under the British Crown that joined together the South African colonies and in which only white males held the franchise, reflecting the persistence of the organising grammar of race. From Union until the beginning of the apartheid period in 1948, policies of segregation were established through law to protect white economic, political and geographic interests that prefigured apartheid (Beinhart and Dubow, 1995; Cavanagh, 2017; Clark and Worger, 2016).

Apartheid as an Expression of Settler Colonialism

As the historical sketch above makes clear, in the period leading up to apartheid, South Africa never ceased to be settler colonial. However, I now focus on establishing apartheid as itself an *expression* of settler colonialism (Reddy, 2015: 102) – even an attempt to perfect the settler colonial project. This echoes Free’s point that ‘apartheid South Africa was not an exception’ to settler colonialism but ‘was the end of a spectrum’ (2018: 877). Apartheid may, indeed, be understood as ‘the ultimate security blanket for South African settler colonialism’ (Cavanagh, 2017: 297) or ‘settler colonialism on steroids’ (Cavanagh, 2017: 304). In this discussion, I combine the framework of racial capitalism, which underscores the coexistence of both land dispossession and labour exploitation, with the logic of elimination. Kelley highlights that elimination in South Africa ‘sought to eliminate stable communities and their cultures of resistance’, as well as ‘metaphysical and material relations of peoples to land, culture, spirit, and each other’ (2017: 269). However, I emphasise elimination through removal (Wolfe, 2006). Through further historical exploration, I argue that apartheid eliminated Africans through physical removal from land claimed for settlers and civic removal by depriving them of rights accorded to citizens and, ultimately, citizenship itself. Since settler colonialism ‘destroys to replace’, apartheid worked to replace Africans with Afrikaners and other whites in spaces claimed for settlers. At the same time, apartheid worked to replace the settler colonial state with a post-colonial state of Afrikaners who, themselves, claimed autochthony.

Between 1948 and the 1980s, apartheid was built through a stunning legislative regime in which race shaped all dimensions of life. Many apartheid laws mirrored or simply reproduced segregationist laws that had already been passed, although the apartheid state intensified enforcement through increasingly repressive methods (Clark and Worger, 2016: 46). Moreover, as noted above, some policies under early British rule were forerunners to apartheid, which suggests a degree of continuity in the organising grammar of race and the racial projects of settler colonialism. This continuity underscores that, while settler colonialism tends to be thought about as a prior stage in South African history, settler colonial policies extended straight through apartheid. In 1950, the Population Registration Act was enacted to determine and register the race of all people in South Africa, creating a classificatory system that became the basis of

many other laws (Clark and Worger, 2016: 47). Throughout the 1950s, all non-white groups were increasingly deprived of political rights. All amenities were separate and legislated to be of unequal quality. The 1953 Bantu Education Act established separate schooling systems that aimed to prepare Africans for their lowly position in society (Clark and Worger, 2016: 54). Moreover, apartheid laws repeated, extended and intensified control over African workers, including barring Africans from skilled work, reserving classes of work for specific races and outlawing collective labour negotiation and action by African workers (see Clark and Worger, 2016: 79–84) in the service of racial capitalism.

While apartheid was characterised by wide ranging codified inequality, following Clarno (2017), my discussion emphasises race, land and the state, specifically the state's codification of racialised access to land or space. I do this in order to underscore the logic of elimination operating in apartheid. While passes had been required of Africans entering and remaining in spaces designated for whites continuously since the early 1800s under British rule, the 1952 Native Law Amendment Act intensified and regularised the pass system (Clark and Worger, 2016: 48–49). The 1950 Group Areas Act divided the country into race-based geographic areas, which allowed the state to determine all aspects of property ownership and residence. While African ownership of land was already restricted, the Group Areas Act enabled the state to forcibly remove occupants from land proclaimed fit for another group. In effect, this Act 'finished the work of earlier legislation . . . by defining the racial occupation of every inch of South Africa' (Clark and Worger, 2016: 50). In reality, Africans were the only groups ever required to move – under the threat of force – in order to make space for Afrikaners (Clark and Worger, 2016: 74). The Bantu Resettlement Act of 1954, moreover, enabled the forced removal of Africans to be replaced by Afrikaners, such as the 60,000 people removed under military and police supervision from Sfiatown to make way for the new Afrikaner suburb of Triomf. The 1950s to the 1980s saw the removal of some 3.5 million Africans to 'erase black spots' in white areas (Clark and Worger, 2016: 74–75). The restrictions on African access to land and space, and the regime of removal underscores land dispossession in racial capitalism and manifests the logic of elimination as one population is physically eliminated to be replaced by settlers.

Faced with unrest and resistance, the government developed a strategy of 'grand apartheid'. A 'massive effort of social engineering', grand apartheid aimed, once and for all, to achieve the removal of Africans from spaces designated for whites and operated under the belief that peace among the races would be achieved through absolute separation (Clark and Worger, 2016: 68). Under the ideology of 'separate development', the apartheid state aimed to establish 'self-governing', 'independent' statelets – supposedly 'homelands' to ensure that 'no African would be a citizen of South Africa' (Beinhart and Dubow, 1995: 16; Clark and Worger, 2016: 70). Building on British colonial and segregationist legislation, the apartheid state passed the Bantu Authorities Act of 1951, asserting ethnically defined tribal reserves as the true homeland of Africans who should be governed by their own (state-appointed) chiefs (Clark and Worger, 2016: 53). Under British rule, the idea of African homelands (also called Bantustans) had already been established. Indeed, the Natives' Land Act of 1913,

established 'reserves' comprising 7 percent of the country's land (which was, theoretically, increased to around 13% in 1936). While the land reserved for Africans was, in actuality, of the poorest quality and deemed unfit for whites, the apartheid state asserted that this land mapped onto traditional kingdoms and prior African landholdings (with the implication that the rest of the land had been empty (Free, 2018: 877)). Corresponding to 10 ethnic groupings, 10 homelands were established, of which only 1 (Qwaqwa) had contiguous borders. The other nine homelands were made up of scattered fragments of territory. KwaZulu, for example, was comprised of some 70 bits of territory (Clark and Worger, 2016: 75–76). Tribalising the African population was of great interest to the apartheid regime, which worked 'to identify "ancestral" chieftaincies and encourage small-scale tribal organisation' (Cavanagh, 2017: 298). While the politics of ethnicity in South Africa are complex, the goal of the apartheid regime was to deter a nationalist consciousness among Africans and to turn the majority population into many different minority groups (Beinhart and Dubow, 1995: 16–18; Cavanagh, 2017: 298; Spence and Welsh, 2014: 25).

With the Promotion of Bantu Self-Government Act of 1959, the apartheid state declared that all the homelands would be granted 'independence'; chiefdoms would be resurrected; 'national' legislative bodies and bureaucracies would be installed. Four homelands were granted independence between 1976–1981 (Transkei, Bophuthatswana, Venda and Ciskei). Their 'citizens', then, were deemed foreigners in South Africa. To achieve the same end, in the 1980s, the other six (Gazankulu, KaNgwane, KwaNdebele, KwaZulu, Lebowa and Qwaqwa) were given limited self-government to ready themselves for independence. These citizens 'subtracted' from South Africa were simply added to the homelands (Beinhart and Dubow, 1995: 16–17; Cavanagh, 2017: 298; Clark and Worger, 2016: 76–78; Spence and Welsh, 2014: 45). Like other settler colonies, South Africa's 'triangular citizenry relationship' was comprised of 'dominant settlers, suppressed indigenous people and marginalised exogenous people' (Cavanagh, 2017: 293). What makes this configuration unique in South Africa is the effort to transform indigenous populations into an exogenous population, that is the effort to make indigenous people into foreigners. Homelands were used as a means to physically eliminate Africans from settler space, which, in large part, failed. However, homelands also enacted elimination through civic removal. Of course, apartheid had already extended the civic elimination of depriving Africans of any political rights that existed since the Union, but the declaration of homelands as independent states aimed to stamp out nationalist African resistance (Cavanagh, 2017: 298) and thus eliminate Africans as political actors. It also formed the basis of a full civic removal by stripping Africans of citizenship and rendering them aliens. Thus, Africans were eliminated not simply from settler space but from the settler polity.

Some homelands simply refused independence recognising that the loss of citizenship would lend legitimacy to apartheid rule (Spence and Welsh, 2014: 55). In practice, Africans did not simply 'move home'; there was hardly the space (consider Qwaqwa in 1983 with some 250,000 people in 25 square miles) (Clark and Worger, 2016: 77). And with no economic opportunities in the Bantustans, Africans had few choices, leading to the continuing and increasing urban presence of Africans. Not permitted to live in cities, they were restricted to densely packed townships and informal settlements

around cities (Cavanagh, 2017: 297–298; Spence and Welsh, 2014: 56). Those African workers who did live in Bantustans were required to commute for hours per day to their places of work in white areas. While the backbone of apartheid was the super-exploitation of African labour, the logic of elimination (physical and civic removal), created foreign migrant workers whose mobility would be closely controlled through labour bureaus and passbooks regulating their presence in white areas (Clark and Worger, 2016: 79–80). So, we can observe the intersection of racial capitalism with the logic of elimination. The African worker's labour can be exploited, but as an 'alien', 'visitor' or 'temporary sojourner', he does not belong to this space (physically or civically); he has no rights in this space; he can be removed from this space as soon as his labour is not being exploited.

The creation of homelands also strived to perfect the settler colonial project by attempting to achieve self-supersession through 'decolonisation' in two ways. First, in 1960, in the period of 'high apartheid' (1960–1975), South Africa exited the Commonwealth and declared itself a republic. Second, establishing independent states for African 'tribes' would 'parallel the decolonization policies pursued by Britain and France in Africa' (Beinhart and Dubow, 1995: 16; Spence and Welsh, 2014: 25). With no remaining ties to a colonising metropole and having expelled indigenous peoples to their supposed homelands, apartheid South Africa claimed to be an independent, post-colonial nation-state. The fantasy of post-coloniality, moreover, needs to be read alongside the transformation of the settler into the native. The creation of homelands affirmed the view that Africans came from elsewhere, not from South Africa but their own tribal lands. (This mirrors Veracini's 'transfer by conceptual displacement' in which 'indigenous peoples are not considered indigenous to the land and are therefore perceived as exogenous Others' (2010: 35)). While Africans became 'foreign', Afrikaners became indigenous. The claim that Afrikaners are *indigenous* Africans (Murray, 2013: 33), and thus not colonising settlers, has been central to the construction of Afrikaner identity since its beginnings. The Afrikaner collective identity is not tied to a European heritage but is rooted in identification with Africa (Murray, 2013: 45). The term 'Afrikaner', indeed, means 'people of Africa' (Clark and Worger, 2016: 19). Afrikaner 'indigeneity' rested on claims that 'the South African hinterland was largely uninhabited when the Dutch settlers arrived', that some African settlement occurred *after* Dutch settlement and that no one could claim true nativity to these territories. Since Dutch settlers got there 'first' and made the land productive, they could claim legitimate indigeneity (Boehmer, 2011: 259). Nationalist discourse went so far as to downplay or outright deny archaeological evidence that demonstrated prior occupation (Murray, 2013: 43). Thus, only Afrikaners could 'claim a legitimate role in the founding of the nation' (Murray, 2013: 36). In the settler imaginary, white settlers endowed with 'uniqueness and mission' (Collins, 2011: 34) were 'making history on a subcontinent without history' (Murray, 2013: 34). Further, Afrikaners believed they were 'chosen people' (Murray, 2013: 45), like 'Afrikaner Israelites' and thus asserted a special spiritual connection to the land: 'in so far as we [Afrikaners] are God's people, and this is our covenanted land, we are its true inheritors – we, the only white tribe of Africa' (Boehmer, 2011: 260).

Combining the logic of elimination with racial capitalism, apartheid shows itself to be an expression of settler colonialism. This is important in relation to the TRC because the

TRC was addressed to apartheid (albeit, limited to gross human rights violations), yet scholars have not engaged the question of how the TRC grapples with settler colonialism. Thus, in the following section, I offer an empirical analysis of the TRC's treatment of settler colonialism.

Ambivalent Denial: Settler Colonialism in the TRC's Final Report

If the TRC was engaged in crafting a new national narrative, a textual analysis demonstrates how settler colonialism would figure in this narrative. This discussion is based on an analysis of the six substantive volumes of the final *Report* of the TRC to locate and interpret references to settler colonialism. (Volume 7, comprised entirely of lists of victims, is excluded from this analysis.) The data was gathered through a search of each volume using word stems. The stem 'settl-' was used to locate terms relating to settler colonialism (such as 'settler(s)', 'settled' etc.) All instances of the 'settl-' stem that do not refer to colonialism were excluded. Examples of excluded usages include legal settlement, settling scores, informal or squatter settlements as a socio-geographic form etc. The stem 'colon-' was used to capture all terms relating to colonialism (such as 'coloniser(s)', 'anti-colonial', 'decolonisation' etc.) All instances of the stem that do not relate to colonialism were omitted, such as the large number of references to the military rank of 'colonel'. For each instance in which searches of the stems located a reference to colonialism or settler colonialism, the instance was recorded along with the surrounding context in which the term appears for analysis.

The table below shows the number of times a term relating to colonialism or settler colonialism appears as a result of word stem searches in each of Volumes 1–6. Volume 6 is comprised of six sections, so the table shows combined totals for the six sections. This table captures that settler colonialism, and colonialism more broadly, are largely absent from the *Report*. Some general observations: In Volumes 1, 2 and 3, the majority of terms generated through the word stem 'colon-' refer to colonial history or colonialism/decolonisation outside of South Africa. In Volume 1, most instances of 'settler(s)' refer to colonial history. In Volume 3, of the eight instances of the term 'settler(s)', two are historical references and six refer to the 'One Settler, One Bullet' campaign of the Azanian People's Liberation Army (APLA), the military wing of the Pan Africanist Congress (PAC), a more radical group that broke off the ANC. In Volume 4, all instances of all terms are used historically, although some refer to legacies of colonialism. Volume 5 includes a greater variety in usage, including perspectives of liberation and Afrikaner groups, legacies of colonialism, and colonialism/decolonisation outside South Africa. Throughout the *Report*, references to colonialism/decolonisation outside of South Africa relate to how decolonisation globally, in Africa and especially in neighbouring states shaped the apartheid regime's policies and strategies and, to a lesser extent, the anti-apartheid movement. In Volume 6, most references to colonial(ism) appear in quotations from international law. The comparatively high number of instances of the term 'settler(s)' in Volume 6, all refer to APLA/PAC ideology and practice with most instances naming the 'One Settler, One Bullet' campaign.

Terms resulting from word stem search	Volume 1	Volume 2	Volume 3	Volume 4	Volume 5	Volume 6 (all sections combined)	Total number of instances in final Report
Colonial	7	9	5	1	6	12	41
Colonialism	1	1	1	1	7	3	14
Coloniser(s)	1						1
Colonist(s)				1			1
Colonialist(s)					1		1
Colony/Colonies	1	3	4				8
Colonially					1		1
Colonising					1		1
Neo-colonialism	1						1
Decolonisation/Decolonisation	3	3			1		7
Anti-colonial/Anti-colonialism		1			5		6
Post-colonial					1		1
Settler(s)	6	2	8	3	4	12	37
Settled			1				1
Total pages constituting each volume	509	710	745	318	460	2,890	

Enumerating the instances of specific terms illuminates the degree to which these concepts were deemed to merit attention in the new national narrative crafted by the TRC. The limited appearances of these terms, especially relative to the sheer scale of the *Report*, demonstrate that the TRC did not use settler colonialism as a lens for interpreting apartheid and did not define settler colonialism as a wrong to be addressed. However, enumeration does not establish the meanings the TRC attributed to settler colonialism. Rather, my analysis of the relatively few instances in which settler colonialism or colonialism appear in the TRC's *Report* demonstrates ambivalent denial in which the TRC acknowledges, but ultimately denies settler colonialism.

Ambivalent Denial

In its *Report*, the TRC acknowledges apartheid as settler colonial (by implication) by narrating the anti-colonialism of the liberation movements in two ways. First, the *Report* refers to transnational connections between South Africa's liberation struggle and anti-colonial struggles globally, especially in Africa. While these references are thin and sporadic, the *Report* expresses that liberation movements were 'undeniably increasingly influenced by the tide of national liberation struggles sweeping the globe' and the ANC and other groups 'presented themselves as part of this process and . . . articulated their struggles as part of an international struggle against colonialism' (TRC, 1998, vol. 2: 8; also, TRC, 1998, vol. 5: 279). The 'anti-colonial resistance movement in Africa' especially in neighbouring countries was 'deeply entangled with the South African struggle' (TRC, 1998, vol. 5: 278–279). Liberation groups, moreover, took inspiration from other nationalist movements that gained independence from European colonisers (TRC, 1998, vol. 2: 14). For example, a delegation from liberation groups travelled to Vietnam on a study tour in 1978, spending time with 'General Giap, the architect of victories over both

French colonial and US forces', after which the ANC and its military wing, uMkhonto we Sizwe (the MK), adopted a strategy of insurgency (TRC, 1998, vol. 2: 27). The *Report* also refers to the MK sending recruits to 'sympathetic African countries', China and the Soviet Union for military training (TRC, 1998, vol. 3: 548–549) reflecting the combined context of anti-colonialism and the Cold War (also TRC, 1998, vol. 5: 282). Finally, the *Report* makes passing reference to the arrest of Black Consciousness supporters who were planning a celebration of the end of Portuguese colonialism in Mozambique (TRC, 1998, vol. 3: 166). However sporadically, noting connections between the anti-apartheid movement and anti-colonialism transnationally implies that the *Report* recognises that the liberation struggle was engaged in anti-colonial struggle against Afrikaner rule. By extension, apartheid South Africa could be understood as settler colonial.

Related, the second acknowledgement of apartheid as settler colonial appears in the *Report*'s inclusion of liberation movements' self-understanding. Specifically, the *Report* quotes the submissions of both the ANC and PAC in which the groups indicate that anti-colonialism was central to their struggle. For the ANC, 'the central political motive' was 'anti-colonialism' (TRC, 1998, vol. 5: 279). Quoting the ANC submission:

At the root of South Africa's conflict was the system of colonial subjugation. Like other colonial countries, South Africa was victim to the rapacious licence of an era that defined might as right, an epoch of international morality that justified dispossession and turned owner into thief, victim into aggressor, and humble host into ungodly infidel. (TRC, 1998, vol. 5: 279)

Similarly, for the PAC, 'The enemy of the liberation movement of South Africa and its people was always the settler colonial regime' (TRC, 2002, vol. 6.5: 707–708; TRC, 1998, vol. 2: 6; TRC, 1998, vol. 5: 244) and the 'national liberation struggle [was] against settler colonialism for the restoration of our land to its rightful owners – the African majority' (TRC, 1998, vol. 5: 280). These two forms of acknowledgement are thin given that explicit references to the liberation struggles as anti-colonial in the *Report* are extremely rare. Ultimately, these few references to the idea of anti-colonialism are undermined by a series of denials. The absence of significant engagement with settler colonialism in the *Report* is its own form of denial; however, the *Report* effects denial of settler colonialism through several further moves: denial through historicisation, denying the existence of settlers, and denial through constructing distinctions.

Denial through historicisation: The *Report* historicises settler colonialism by narrating South African history through the following periodisation: Settler colonialism is a distinct phase in the distant past that is recounted almost entirely in relation to frontier violence (TRC, 1998, vol. 1: 25, 28, 40) as well as early British colonial administration (e.g., TRC, 1998, vol. 3: 55). Settler colonialism is superseded by British colonialism, which is, then, superseded by apartheid. The separation of apartheid from any form of colonialism is reinforced by the TRC's formulation that apartheid is distinct from but 'rooted in colonialism' (TRC, 1998, vol. 5: 278, 280; TRC, 1998, vol. 1: 60). These roots, however, are vague. Concrete connections drawn between apartheid oppression and colonial practices and ideologies are sparse, limited to the following meagre handful:

The TRC notes that both colonial rule and apartheid rested on the creation and mobilisation of ethnic divisions (TRC, 1998, vol. 2: 694; TRC, 1998, vol. 1: 39; TRC, 1998, vol. 5: 228). There is passing reference to the colonial origins of the newspaper industry (TRC, 1998, vol. 4: 173) as well as the establishment of Christianity with colonialism, the consequent marginalisation of African religions and the apartheid state's understanding of 'itself as the guardian of "Christian civilization"' (TRC, 1998, vol. 4: 77, 60–61, 92). Brief mention is made in Volume 6 of the fact that under apartheid white-owned agricultural enterprises 'benefited from the colonial-era restrictions on black land ownership' (TRC, 2002, vol. 6.2: 140). Finally, the TRC asserts that racialised discrimination has 'its roots far back in South Africa's colonial past' (TRC, 1998, vol. 1: 29, 60). However, the TRC's overarching discourse constructs apartheid as a rupture from colonialism: Apartheid is 'different from the discriminatory orders that preceded it' (TRC, 1998, vol. 1: 29). Thus, apartheid is not understood as extension or expression of settler colonialism; settler colonialism is, instead, an historical artefact. This periodisation denies the continuity of settler colonialism. Yet, as Wolfe shows, settler colonialism is 'a structure rather than an event, its history does not stop' (2006: 402).

Denying the existence of settlers: The periodisation produced by the TRC also affirms a goal of settler colonialism, specifically the supersessionist fantasy in which the settler becomes the native. Specifically, under British colonialism, the Afrikaner is recast not as a coloniser but as a victim of colonisation. The Boer search for 'freedom from British rule' frames the settler incursion into Sotho-territory in the Great Trek (TRC, 1998, vol. 3: 329). However, this narration occludes the experience of the dispossessed Sotho, which transforms Boers – not the Sotho – into the victim of colonial violence and land expropriation. Similarly, the *Report* quotes a submission by the Freedom Front, an Afrikaner political party, to explain 'the perception on the part of many of the dominant political forces that the Afrikaner population, too, had been injured by attempts at colonial subjugation by the British' (TRC, 1998, vol. 5: 280). The brutality of the British against the Boer, especially in the South African War, should not be downplayed (see Clark and Worger, 2016: 15); however, the implication is that Boers were somehow not, themselves, colonisers and were indeed 'the white tribe of Africa' (TRC, 1998, vol. 5: 280). By failing to challenge the submission of the Freedom Front, the TRC lends legitimacy to claims that Afrikaners were the autochthonous colonised.

The *Report*, more generally, is critical of the idea that Afrikaners *are* settlers. Repeatedly, the *Report* seems to question the very existence of settlers through placing the term 'settler(s)' in quotation marks, which implies that the term is inappropriate or a misnomer (TRC, 1998, vol. 1: 84, 111–112; TRC, 1998, vol. 2: 372–373; TRC, 2002, vol. 6.3: 402–403, 437; TRC, 2002, vol. 6.5: 704). Despite claims that the TRC suffered from too much impartiality (as noted above), the Commission implicitly takes a stand in relation to settler colonialism by valorising the ANC's non-racialism and the anti-racism of the Black Consciousness movement (TRC, 1998, vol. 5: 278–279), while using a more critical tone relating to the APLA/PAC perspective that '*regarded* white people as settlers' (TRC, 2002, vol. 6.1: 45, emphasis added; also, TRC, 1998, vol. 3: 510; TRC, 1998, vol. 5: 280). Curiously, it is largely in the context of the murder of a white foreigner (Amy Biehl, an American exchange student and activist) in which the TRC advances the view that white people are not settlers. Similarly, the APLA/PAC's

'One Settler, One Bullet' campaign is described as a 'bid to reclaim the land and return it to what the PAC *perceived* to be its real owners' (TRC, 1998, vol. 3: 372, emphasis added). In this article, I do not take a position in relation to the ideologies and practices of the liberation groups (that is not the goal of the article) but I do recognise that the 'One Settler, One Bullet' campaign resulted in 'discomfort' relating to the discourse of 'settlers' (Reddy, 2015: 191). However, the TRC's language choices are informative, conveying that: (1) white people are not settlers or, at least, that the term 'settler' should not be used to describe them and (2) land rights are a question of perception.

Denial through constructing distinctions: The *Report* denies settler colonialism in South Africa by continuously distinguishing between apartheid and colonialism as discrete phenomena. To be clear, I neither suggest that apartheid lacks distinctive features, nor do I suggest that apartheid can be simply subsumed under settler colonialism, which will manifest differently across contexts. However, the language of the *Report* makes clear that apartheid is constructed as something other than settler colonialism or any kind of colonialism. Part of this distinction derives from the language of international law. There is not space here exhaustively to discuss international law relating to apartheid. Nonetheless, while various resolutions were passed by UN bodies relating to apartheid, the argument that the *Report* seeks to make is that the Geneva Conventions and other international instruments did, indeed, apply to the anti-apartheid struggle. Specifically, 1977 Additional Protocol I, article 1(4) states that struggles in which peoples are 'fighting against colonial domination and alien occupation and against racist regimes in the exercise of their right of self-determination' should be treated as international armed conflicts (TRC, 2002, vol. 6.5: 608 and 598–599, 600, 602, 671, 710–711).

'Yet', as Gorelick argues, 'the very use of the word 'and' leads one to believe that while apartheid might give rise the right of self-determination, it in itself is not colonialism' (Gorelick, 1986: 75). While Gorelick contends that the General Assembly, through an existing definition of colonialism in (Resolution 2625(XXV)) could 'have made the equation of apartheid with colonialism possible', South Africa was regarded as an 'independent state' in which the UN would 'only recognise one people of South Africa as defined by the territorial limits of the state' (1986: 75–76). The self-determination in question, thus, was 'internal self-determination, that is, that the people of an existing state must have the right to define the structure of the state' (Gorelick, 1986: 76). As far as international law is concerned 'there is only one people in South Africa comprised of all the residents of the Republic; a colonial situation does not exist' (Gorelick, 1986: 84). Given that apartheid is a crime against humanity, the TRC concludes that 'the war waged by the liberation movements was a just war' (TRC, 2002, vol. 6.5: 709–710). But, again, apartheid is framed as '*similar to* other egregious crimes such as genocide, slavery *and colonialism*' (TRC, 2002, vol. 6.5: 593, emphases added). Drawing similarities works with constructing distinctions to imply that apartheid is not an expression of colonialism of any kind. Indeed, in the UN, in 'resolutions dealings with apartheid, South Africa was qualified as a "racist" and not a "colonialist" state' and a distinction was maintained 'between colonialism and apartheid' (Gorelick, 1986: 76), a distinction also maintained in the African Charter (TRC, 1998, vol. 1: 96). I do not argue that the TRC should have taken on the task of challenging international

law, but the use of international law that constructs distinctions between apartheid and colonialism reinforces and supports the prevailing position of the TRC – that apartheid South Africa was not settler colonial or colonial in any way. Ultimately, therefore, acknowledging that liberation struggles were anti-colonial is undermined by denying the colonial quality of apartheid.

Implications

While the TRC engages in thin acknowledgement of the settler colonialism of apartheid through limited reference to the anti-colonialism of the liberation struggle, the *Report* ultimately undermines these acknowledgements, producing ambivalent denial of settler colonialism. The TRC's ambivalent denial has at least three implications, in my view. First, while proponents argue that the TRC created shared truth and an authoritative national narrative that combats denial, I argue that the narrative generated by the TRC, in fact, contributes to continued denial. Collins argues that denial is itself a logic of settler colonialism and that denial is 'active and influential in settler societies, which by definition are built upon hidden structures of violence that extend into the present' (2011: 35). The TRC's treatment of settler colonialism contributes to the 'most basic form of denial . . . which enables members of the dominant culture in settler societies to examine their surroundings and view no evidence of colonization' (Collins, 2011: 35). Of course, the TRC could not have been expected, by itself, to decolonise South Africa. The 'official narrative created by institutions like the TRC does not necessarily *create* ongoing change' (Rose, 2015: 70, original emphasis); but, if the TRC's narrative is treated as authoritative, ambivalent denial of settler colonialism lends legitimacy to settler denial. Settlers do not see themselves as responsible for – or having benefited from – apartheid (and thus settler colonialism). Consequently, they oppose 'societal restitution or redistribution' programmes, including relating to land or employment, and see redistribution 'as "reverse racism" that unfairly victimises the white community' (Aiken, 2016: 195).

A second implication is that the TRC did not interrogate the structural and systemic injustices of settler colonialism and thus invisibilised these forces and their impacts, which we now see have 'survived apartheid' (Veracini and Verbuyst, 2020: 262). Specifically, ambivalent denial invisibilised settler colonial structures of racial capitalism and eliminationism, which has contributed to their persistence. The post-apartheid state, for example, has been characterised by the 'neoliberalization of racial capitalism' (Clarno, 2017: 13). The TRC, as a form of 'neoliberal transition', prefigured and contributed to neoliberalisation in post-apartheid South Africa (Bowsher, 2020). Despite the growth of a small African middle class and the rise of a number of super-elite Africans, the organising grammar of race remains in place. There has been an intensification of racialised economic inequality as well as the production of racialised surplus populations who are marked as disposable. The racialised poor, in turn, become the object of intensified security measures (Clarno, 2017: 14–17). The neoliberalisation of racial capitalism has led to unemployment and inequality that is worse now than under apartheid. 'According to the World Bank, postapartheid South Africa is now the single most unequal country in the world' (Clarno, 2017: 33). Another example: While the ANC

instituted a land reform programme in 1994, settlers retain the overwhelming majority of land (Clarno, 2017; Karriem and Hoskins, 2016). While there is not space here to review land reform policies, including emerging changes (see Karriem and Hoskins, 2016; Kepe et al., 2011; Koot et al., 2019), it is worth noting that in the constitution, land restitution is limited to persons or communities who were dispossessed of their land after 19 June 1913. As discussed above, this date corresponds to the Natives' Land Act, which officially codified land dispossession by confining Africans to only 7% of the land making up South Africa with baseless claims that these meagre, poor quality lands corresponded to traditional homelands. This Act was essential to settler colonial elimination so establishing 1913 as the cut-off date for making claims relating to land restitution fundamentally legitimises settler expropriation of the land.

As outlined earlier, there are existing criticisms that the TRC's narrow focus on gross human rights violations resulted in failing to address the structural and systemic inequality of apartheid. An analysis of settler colonialism does not simply reiterate these criticisms with new terminology. Rather a settler colonial lens positions apartheid in the *longue durée* or in a long history, which illuminates the essential and fundamental character of these structures of injustice. The problem is not narrowly the persistence of apartheid-era inequalities, but that these tenacious inequalities are foundational to South Africa as a settler colony. Consequently, a settler colonial lens invites new ways of thinking about confronting post-apartheid inequality and injustice. Specifically, challenging settler colonialism calls for decolonisation. There have, indeed, been growing calls for decolonisation within South Africa (Veracini and Verbuyst, 2020: 264).

This brings us to the third implication: The TRC's ambivalent denial contributes to a broader problem of democratisation without decolonisation. This implication echoes recent condemnation that the heroes of transition sacrificed decolonisation for 'reconciliation' (Veracini and Verbuyst, 2020: 263). Recognising that South Africa's transition was negotiated under precarious conditions and that the situation could easily have devolved into renewed violence (Rose, 2015), it is indeed an incredible achievement that South Africa did peacefully transition to a functioning democracy. But, as Kelley writes, 'decolonization was not achieved with the election of Nelson Mandela' (2017: 272). Since 'settler colonialism is relatively impervious to regime change' (Wolfe, 2006: 402), democratisation can leave settler colonialism firmly in place. Clarno argues that South Africa has experienced only 'partial decolonization' (2017: 11), while Cavanagh adopts the stronger position that South Africa 'remains a settler society' (2016: 302). As Veracini and Verbuyst put it, post-apartheid South Africa has 'inherited settler colonialism as a structure . . . It is as if apartheid was let go so settler colonialism could endure' (2020: 262). Nonetheless, Kelley proposes optimism, arguing that settler colonialism is not 'indestructible' and that decolonisation 'as a process' is possible. However, what decolonisation in South Africa may look like remains to be seen as 'enacting genuine postsettler passages' is a question 'far from being resolved' (2017: 272).

Conclusion: New Directions for Research

A quarter century since it began its work, the TRC merits renewed examination. While there have been extensive criticisms launched against the TRC, South Africa's settler

colonialism has, curiously, not been explored. A settler colonial lens adds new perspectives to the expansive debates on the TRC and raises questions from a different angle. There are at least three types of questions to which this article gives rise, in my view. One set of questions relates to the context, workings and politics of the TRC. These questions are 'why' or explanatory questions, such as why the TRC reproduced dominant discourses of settler colonialism as an artefact of the distant past, why apartheid was conceptually divorced from colonialism, or why the TRC, despite acknowledging that the liberation struggles understood themselves as anti-colonial, ultimately engaged in ambivalent denial of settler colonialism. Pursuing these questions would dovetail with and deepen literature that examines how negotiations and the precarious context placed limits around transition. Another set of questions relates to the implications of using a settler colonial lens to interpret transitional measures in South Africa. For example, while most authors treat Black South Africans as indigenous/'native' (e.g., Beinhart and Dubow, 1995: 2), some scholars are now examining consciousness among some Khoisan people of having preceded the arrival of Bantu-speaking Africans in South Africa (Koot et al., 2019; Veracini and Verbuyst, 2020; Verbuyst, 2016) resulting in narrowing the definition of who might be considered indigenous. Using a lens of settler colonialism, then, raises questions of how, in the context of transition, to address such emergent claims and pursue justice measures for all populations who experienced violent oppression. Finally, another set of questions that arises from this article relates more broadly to scholarship on transitional justice and settler colonialism. Specifically, there has been a proliferation of literature examining transitional mechanisms in 'New World' settler colonies, notably in Australia and Canada (e.g., Balint et al., 2014; Edmonds, 2016; Park, 2020; Rigney, 2017). Interpreting apartheid as an expression of settler colonialism invites exploration of how concepts and theorisations that emerged in relation to transitional measures in Australia or Canada may illuminate issues relating to transitional justice in South Africa. While recognising that settler colonialisms vary in their local manifestations, a rich literature has begun to emerge about transitional justice and decolonisation that may inform analyses of South Africa. This literature may also spark insights and questions relating to what decolonisation in South Africa may entail. As this article aims to show, a settler colonial lens on the South African TRC opens news lines of inquiry that merit exploration.

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ORCID iD

Augustine S.J. Park <https://orcid.org/0000-0001-8418-3999>

Note

1. See Wolfe's discussion on the relationship and distinction between genocide and settler colonialism (2006: 387: 401–404).

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