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Voices Rising: An Essay on Gender, Justice, and Theater in South Africa

Carol M. Kaplan[1]

I. MEMORY

I was twelve years old when I first saw Athol Fugard's play *Sizwe Bansi Is Dead* and it changed me. I was there because my parents, white progressives, took every opportunity that they could to educate me and my three brothers about the iniquities of Apartheid. My mother was a member of the South African Institute of Race Relations (SAIRR), a national group committed to documenting the impact of Apartheid policies on the population of South Africa and dedicated to promoting engagement and understanding between racial groups.[2] She had served on the committee of the regional chapter, the Natal branch, for many years, and would later serve as vice president of the national body. Among its other activities, the SAIRR in Natal presented cultural events that sought to break down Apartheid's racial barriers. To that end, my mother cofounded, along with two other members of Durban's arts community, an art exhibition called Art South Africa Today that took place once every two years from 1963 to 1977 under the auspices of the SAIRR and the Natal Society of Arts.[3] The unspoken aim of the exhibition was to bring the work of black[4] and white artists into the same venue, and thereby to bring the artists together with their audiences.[5] This was a rare occurrence in Apartheid South Africa where day-to-day contact between different racial and ethnic groups was strictly controlled by a vast system of laws known as "petty Apartheid," which governed everything from the legality of selling or serving liquor to black customers to outlawing sexual relations between individuals of two different races.[6] Prior to sponsoring the exhibition, the SAIRR had

presented an annual theater event for mixed audiences, but a change in the enforcement of Apartheid laws made it illegal for theaters, cinemas, and other entertainment venues to admit multiracial audiences.[7]

It was for this same reason, and the fact that the creators of the play refused to perform in racially segregated venues, that the production of *Sizwe Bansi Is Dead* did not take place in one of the downtown commercial theaters where I had eagerly attended productions of British whodunits and the annual Christmas pantomime. Instead, my family and I joined throngs of people who entered the large, featureless hall of the student union building on the University of Natal, Durban campus to sit on classroom chairs arranged by the hundreds in semicircular rows around wooden platforms that created a rudimentary stage on the main floor of the hall. Theater lights were hung precariously from the balustrade of a narrow upper balcony as well as on scaffolding brought in for the event. The place was packed—there were people everywhere. The chairs filled up first, but soon every available space was crowded: the balcony, the stairs, and the aisles. People stuck their heads in through windows behind the stage. And, most notably for the times, a significant percentage of the audience was black.

Although the University of Natal, like all white universities in South Africa, was barred from freely admitting black students, it was permitted to enroll a limited number of "nonwhites" in courses of study not available to them in their "own" institutions of tertiary education.[8] Accordingly, university halls, like church halls, were locations where multiracial events could occur that did not facially violate the law. Of course, there was always the possibility that someone might complain and the authorities would step in to investigate. But typically, events like these were one-off affairs that were over by the time authorities were ready to impose bans or restrictions.[9]

The play that night began late—very late. There was a problem accommodating the crowds; hundreds of people had shown up based on the reputation of the playwright, Athol Fugard, and the two actors, Winston

Ntshona and John Kani, both African. I do not know what I expected to see that night, but I certainly was not prepared for what I experienced.

When the auditorium lights went down and Kani appeared on the stage dressed as Styles, the black photographer who is the sole proprietor of his own business, I entered a world that I had never encountered before. Around me, the audience was mesmerized, held by the virtuosity of the performances, moved to laughter, to exclamations in Zulu, to spontaneous applause, and to throat-tightening sobs.

While I had left other plays feeling buoyed, transported to fantastical places, and dreaming of myself in the role of the leading lady, I left this experience seared to the core. I had been confronted with a reality of pain and suffering conveyed through fiercely passionate acting that came not from practice and recitation, but from the cauldron of lived experience. I had witnessed the story of a man forced to surrender his identity, his name, and his entire sense of worth as an individual only so that he could find work and support his family. The identity that he gave up was that of a respectable, loved man. The identity that he took on was that of an unknown drunk lying dead in a dark alley—an anonymous body that his friend had inadvertently pissed on in the dark.

The play's subject was the demeaning and dehumanizing system of influx control—a cornerstone of the Apartheid system—that severely curtailed the freedoms of black men and women to seek and find work, to live in areas of their choosing, and most devastating of all, forced men and women to live apart from their families for long periods of time.

All African men and women were required to carry reference books containing all of their personal details, as well as their employer's information.[10] Africans could not be hired unless their reference books were "in order," meaning that they had the requisite permit to be where they were at that time. If caught without the proper papers, a person would be arrested, jailed, and then "repatriated" to his or her home district, which he or she had left in the first place because it was impossible to find paid work

there.[11] Sizwe Bansi's problem was that he had no permit, but the dead man did. And so Bansi switches identities with the drunk and gives up his own life.

The play brought home with devastating effect the meaning of freedom denied—the freedom of movement, of expression, to choose a livelihood, and to experience fair and equal treatment under the law. In a mere two hours I had learned, seen, heard, experienced, realized, and internalized what discrimination really meant: not from the perspective of a privileged white child for whom it was an academic concept but through direct entry into the hearts, heads, and lives of the men on stage. This was the kind of theater to which I wanted to dedicate my life. I had experienced its power to transform, to educate, to create change.

II. A BRIEF LOOK BACK: WOMEN, THEATER, AND APARTHEID

Over the next fifteen years, I had many opportunities to experience the electric energy of South African political theater, in particular the black political theater to which white liberal and progressive audiences were exposed.[12] As a drama student in Cape Town in the late 1970s and early 1980s, I frequented the Space Theater, which had been started by Bryan Astbury and Yvonne Bryceland. The Space was renowned for its commitment to work that challenged Apartheid, and many of Athol Fugard's early plays were given their first public performances at the theater.[13] Later, I moved to Johannesburg where I found a home, along with many other theater artists, audiences, enthusiasts, and fans, at the Market Theatre. This theater had become the primary force in finding, nurturing, presenting, and promoting the new voices of South African theater that would become known around the world.[14]

The authors and theater-makers who achieved international recognition, in addition to Fugard, included men such as Mbongeni Ngema, Percy Mtwa, Barney Simon, and Maishe Maponya.[15] Their plays portrayed the struggles of ordinary men and women trying to survive the lives that they

were forced to live under the Apartheid regime. The stories were sometimes told with great humor, presenting a society gone crazy in its efforts to make nonsensical, ludicrous laws appear rational. At other times, the stories were told with philosophical sadness, revealing a world in which suffering was a fact of life if you were born with a certain color of skin. In the case of protest theater, the stories were passionate, often music-backed exhortations to take action and defeat a tyrannous regime. Whites also explored, through theater, the damage that Apartheid wrought on their lives, telling the stories of young men forced to serve in the South African army[16] where they witnessed acts of atrocity and terror perpetrated on the ANC's guerilla fighters, as well as on innocent men, women and children in the townships. There were stories of conscientious objectors who were imprisoned and reduced to noncitizens for turning their backs on the white establishment and of anti-Apartheid activists put under house arrest or detained. Permeating these stories was the sense of fear that trickled as a constant stream in the lives of whites who openly opposed Apartheid: the fear of being spied on, turned in, or betrayed. It seemed irrelevant, in that climate, to make plays about much else.

However, as many women theater artists and commentators have noted, the creators of these stories throughout this period were predominantly men and their subject matter was predominantly men's lives.[17] Although black and white women were active in anti-Apartheid theater as actors, and white women often created, directed, and presented plays about black women's experiences, these plays were seldom published.[18] They tended to exist in performance only. The themes and topics of these plays varied in the details, but typically women's experiences were, as in the plays by men, refracted through the prism of Apartheid. The stories they told focused on the violence that the system engendered and the particular suffering endured by women who were triply persecuted as a result of being black, poor, and female.[19]

One play that stands out in this category, *You Strike the Woman, You Strike the Rock*, was developed through a workshop process and cowritten by the performers—women who were members of a theater collective operating in a township near Johannesburg.[20] The title of the play borrows from a song sung by women who participated in a march on the houses of parliament in Pretoria during 1956 to protest against the pass laws that underpinned the government's policy of influx control.[21] Popular lore has it that black women stood up in a blaze of defiance, taking their men by surprise, and together with white women who opposed Apartheid, they marched to express their outrage at the burden that the pass laws and influx control system placed on their lives.[22] Because women were not allowed to join their husbands unless they too had the requisite permits, they were left to wait at home in rural areas and hope that their husbands would send wages home. These laws imposed inordinate stress on family life, with men often striking up relationships with city women and abandoning their wives and families, leaving them destitute.[23] The song that was sung by the marching women inspired the slogan that, ever since, has become a symbol of the determination of black women in South Africa to assert their power, and at the same time, to sustain family and community life:

> Wathint` abafazi, Strijdom!
>
> Wathint` imbokodo uzo kufa!
>
> Now you have touched the women, Strijdom!
>
> You have struck a rock. (You have dislodged a boulder!)
>
> You will be crushed![24]

The play, presented at the Market Theater in February of 1987, focused on the contemporary experiences of black women and their role in the liberation struggle. It was one of the few plays written by South African women that received international attention.[25]

Another black woman writer to achieve success was accomplished poet, author, and storyteller Gcina Mhlophe. Her play, *Have You Seen Zandile?*—which tells the story of a relationship between a young black girl and her grandmother, who is her inspiration and her anchor—toured Europe and offered audiences a unique perspective on the experiences of black women in South Africa, as it focused on personal, family relationships rather than the overt injustices of Apartheid.[26]

In addition to work by black women that often resulted from collaborations with white directors,[27] white women playwrights and directors also concerned themselves with the desultory influence that Apartheid exerted on their lives, while placing gender issues front and foremost in their plays. I remember one of these plays in particular: *This Is For Keeps*. It was presented in the smallest theater space at the Market in 1983 and left an indelible impression. Directed by Janice Honeyman—who is today among the leading playmakers and directors in South African theater—and written in collaboration with the two actors, the play was an incendiary examination of domestic violence and brutality. The action takes place over a single evening in the home of a married couple and begins by presenting what appears to be a happy, flirtatious relationship between young newlyweds. As the fictional evening progresses, it becomes apparent that the wife is dancing on eggshells around an abusive spouse. We watch her become increasingly disempowered, reduced, defeated, and ultimately, brutally and graphically raped. Under South African law at that time, rape laws included a marital exception, so a man could not legally be charged with raping his wife.[28] The play highlighted this issue and was received with acclaim, winning prestigious awards.[29]

Under Apartheid in South Africa, white women were, in a certain sense, third-party beneficiaries of the patriarchal, white supremacist values and policies that underpinned Apartheid and yet were themselves typically excluded from the halls of power and were politically marginalized.[30] Given the chance to express ourselves, many white women explored this

particular angle in their dissection of the intersection of class, race, and gender. [31] This is certainly a topic that I was drawn to in my work in South Africa and in the first few years that I was here in the United States. My plays explored the essential powerlessness of women in a system that required them to maintain an elevated status in relation to other races, while remaining subservient to white male authority.

III. TRANSITIONS: POST-APARTHEID CHANGES AND CHALLENGES

Despite a relatively prolific output by women theater artists in the 1970s and 1980s, and barring a handful of exceptions, women playwrights struggled to achieve the same status as their male counterparts, while black women were grossly underrepresented in the areas of writing and directing. This situation has improved marginally following Apartheid's demise, but there is, without a doubt, a long way to go. In her anthology of South African plays by and about black women, Kathy A. Perkins has compiled interviews with the playwrights whose plays are included in the collection.[32] The interviews were conducted in the years following the first democratic elections of 1994, which voted the previously banned African National Congress into government and installed Nelson Mandela as South Africa's first democratically elected president.

As part of my research for this essay, I interviewed two contemporary South African women theater artists, Nadia Davids and Lara Foot Newton, whose work has been widely produced in that country. [33] Adding their voices to those of the women interviewed by Perkins—who asked each whether conditions for black women in theater in the new South Africa had improved[34]—it becomes clear that there is still much work to be done both to encourage and nurture women's voices, and to empower women to believe that they have the right to speak their stories and have them taken seriously. Most of the women interviewed by Perkins, and one of the playwrights that I interviewed, comment on the invisibility or marginality of

women's voices in theater[35] and the challenge that they confront in finding resources to mount productions of their plays.[36]

To some extent, the problems experienced by women are a product of the broader difficulties that confront theater in post-Apartheid South Africa, which like other branches of the performing arts, struggles to find sufficient funding to encourage new writing and to draw in young audiences who have driven the emergence of a new cultural identity in the country since liberation.[37]

While music and, to a lesser extent, dance, are able to draw corporate sponsorship by appealing to a wide audience, theater, particularly non-commercial theater that seeks to explore serious topics, is unable to compete for funding on the open market. For this reason, the change in the funding structure for theater, which occurred at the end of the 1990s, has had a serious impact on the opportunities for new theater-makers to develop their work. In 1996, the infrastructure for state funding of the arts via provincial arts councils was dismantled, leaving drama, dance, opera, and orchestral companies in the various regions of the country to fend for themselves financially.[38] As a result, institutional theaters, which had relied on consistent and generous state funding to provide full-time employment to actors, writers, directors, designers, crew, administrators, and others and to finance productions, had to fire most of their employees and found themselves without any production budgets.[39] Acting companies were disbanded, and, in most cases, all that remained were skeleton administrative staffs competing with everyone else for the same pot of limited funding and charged with making theater venues pay for themselves.[40] Accordingly, many established theaters have been forced to include a sizeable commercial component in their theatrical seasons. In addition to presenting nostalgic musical revues and local productions of Broadway musicals, theaters revive proven, locally created popular musicals season after season because these productions guarantee full houses.[41] This leaves fewer resources and production slots for new work.[42]

Ironically, the upshot of these changes has not resulted in less theater in South Africa. To the contrary, in the wake of Apartheid, new theater festivals have sprung up in myriad towns and cities around the country, as have small-scale theater, cabaret, and performance venues in the larger cities.[43] Most of these spaces are simple and require work that is easy to produce and inexpensive to put on. In a sense, the business of producing new drama and having a career in theater has become more ad hoc and less professional. For example, a playwright who gains attention with a new work has no guarantee that the next piece that she creates will receive the backing of an established producer or a significant theater. More likely than not, the creator will find herself scrambling as much for the money and resources for her next production as for her first. In these circumstances, it is often more difficult for women, and particularly black women, to participate in the freelance, easy-come, easy-go life of an itinerant theater artist.[44]

IV. VOICES RISING: A GLIMPSE OF THE FUTURE

Despite the current challenges confronting women theater artists in South Africa, this past year I encountered the work of two South African playwrights, one in performance, the other as a text, which provide ample reason for hope that women's voices and women's issues will emerge as powerful contributors to South Africa's emerging post-Apartheid theater culture. Each writer has created a piece of theater that speaks eloquently to the question of how women's lives intersect with, and are affected by, notions of law and justice.

I saw the play *At Her Feet*, written by Nadia Davids,[45] in Cape Town, the city in which it is set.[46] It is a one-woman show that tells the interweaving stories of six colored women from Cape Town who are of different generations, different levels of education, and different professions, but all share the experience of being Muslim in a post-9/11 world,[47] an experience

in which "[Muslim women] became visible in an entirely new and dense way in different pockets of the world's psyche."[48]

The play is loosely structured around the women's reactions to a fictional account of an honor killing of a young Muslim woman in Jordan who is stoned to death for speaking to a young boy in her village to whom she was not related. The play explores how these women—who are, at least as an official matter, protected by the democratic culture of the new South Africa from acts of violence perpetrated in the name of faith[49]—try to negotiate their positions in the world as well as their positions in their immediate community on a deep emotional and philosophical level. In our interview, Nadia explained that she chose the style of multiple storytelling for the play because of her sense, following 9/11, that

> rather archaic, old, Orientalist images of Muslim women . . . were being played out in the global media—portrayals I thought were often biased, outside perspectives that I felt very little connection with, and I was trying to create a genuine reflection of the world that I had grown up in—which in itself was multifaceted, at once Muslim, African, Western. I focused on that particular group of people because it's the space that I was born into, it's what I know, . . . and I wanted to deal with certain issues that were important to me: racism, sexism, tradition, modernity, religion, and I found the vehicles through a range of characters.[50]

The play begins with the Jordanian girl, Azra al Jamal, declaring her name and announcing that she has just been killed. She goes on to describe, in poetic detail, the experience of being surrounded by men and boys that she has grown up with and feeling the stones that they cast at her collide with and break her body. She ends her monologue with the request that people remember her name. The play's perspective swings quickly to the present time and day with Sara Jacobs, a young poet from Cape Town, stepping into the light to celebrate the simple geometry of the scarf or veil, which is contrasted against its complex history and freighted cultural significance. Sara tells us she has just watched a documentary about the

stoning death of the Jordanian girl and experienced disgust at the "barbaric faith" that carried out this sentence only to realize, in her next breath, that it is the faith that she was born into and with which she feels a strong sense of connection. In moments such as these, when expectations are overturned and contradictions are brought together in a jarring collision, the play's nuanced and complex agenda is laid bare.

Adding to the tapestry of voices that Davids presents are the characters of Auntie Kariema, Tahira, and Ayesha. Ayesha is a Marxist-feminist-black-consciousness Muslim slam-poetess, whose idols include "Biko, Baraka, Malcolm [X], some Feminist theory, big up to Spivak and Judith Butler, and of course my personal hero, Edward Said, with a little Lauren Hill in the mix."[51]

Ayesha is Sara's radical chic friend who wears a red Che Guevara T-shirt purchased at the local mall ("Revolution and clothing, it's really sexy") and is a big fan of Cuba ("not a single McDonalds in the whole [country] . . . that's really something"),[52] and, like Sara, is trying to negotiate the treacherous, twisting pathways of personal, community, and global identity. Ayesha tells the story of her ill-fated love affair with Sara's cousin, Nazeem ("I mean people, we are not talking about a Halaal raver, a [mall] roaming Nikes and Spikes boy")[53] who won't take her home to visit his mother because, unlike the women in Nazeem's family, Ayesha doesn't have the "genuine hair, and slightly Eastern features . . . looking for all the world like Arab princesses caught somewhere in a Western consumerist time warp, fucking Scheherazade at the mall."[54]

Instead, as Nazeem says "in a rush of words that he prays he can take back for years after" Ayesha's hair is "so kroes [crooked, curled] that my mother will think you are a boesman [bushman] and never that your [*sic*] a Muslim, she's totally bigoted, but it doesn't matter to me, so it shouldn't matter to you, so let's just go on with our relationship without my mother . . . okay?"[55]

In response, Ayesha describes herself "absorb[ing] the emotional rocks thrown" at her, drawing the obvious parallel between the excommunication she feels for looking too much like her African ancestors ("cos the black blood I *know* is passing through their veins didn't show up as well on them as it does on me")[56] and the ultimate excommunication experienced by Azra, the Jordanian girl, who "spoke to a man who was not [her] father/brother/uncle/cousin."[57] Ayesha's outsider status is genuinely painful; however, unlike Azra, Ayesha has the freedom to make her own choices. After Nazeem promises that he will take Ayesha home to visit his mother if she shows up with straight hair, Ayesha goes out and buys a wig "so obvious in its theatricality that it was designed for Rapunzel." She arrives at Nazeem's mother's house with her "blonde wig that defied description . . . and a half hour later, with Nazeem still chewing his lip into a blood clot" breaks up with him ("Ek en may hare gaan huis toe!" [Me and my hair are going home!]).[58] Through Ayesha's character, the play expands its examination of what Davids describes as the

> multiple view points, multiple lenses, a sense of the varied, fractured nature of identity. [I wanted t]o explode certain myths that usually exist around the underrepresented: that anything "other" is always homogenous, fixed, stable. I wanted to create a work that was complex and that administered not just to addressing the misconceptions, but also investigated internal issues and problems around prejudices and injustices.[59]

Interestingly, one of the most poignant and moving speeches of the play is delivered by Nazeem's mother, also Sara's aunt, Auntie Kariema. Auntie Kariema makes two appearances in the play, each time in her kitchen. There, she prepares traditional dishes: first, for the evening meals that take place during the fast of Ramadan, and later, for the feast of Eid. The rituals of the fast days are described in painterly detail by Sara, who speaks of the changes that occur to body and mind during the days of the fast, of awakening at four in the morning to "spice beef sandwiches and sugary

cups of tea," of "lights go[ing] on in the other houses, and as [she] look[s] down the street, the flick of a switch declares a religion."[60] The evening rituals are rich with images of family and community with "children carry[ing] plates of food back and forth between neighboring homes, and by the time you sit down, there are so many gifts on your table it feels as though you are eating with your whole community."[61] Against this warm, gleaming backdrop of community spirit and camaraderie stands Auntie Kariema in stark relief.

A woman who is proud of her approved marriage, her family achievements, and her physical comforts ("a nice house, nice TV, nice kitchen, lots of kids"), Auntie Kariema has little patience or tolerance for those who do not share her particular outlook. She believes herself to be superior to Africans and despises the way that certain Arabic words have crept into daily conversations between people of her community, replacing familiar greetings with Arabic ones. She also holds much of modern Western culture responsible for the ills of the world, including Azra's violent fate ("I am telling you—that village gets a radio from somewhere, next thing you know, Madonna is blaring out 'Justify My Love' and 'Like a Virgin,' and this girl thinks she can do what she damn well pleases.").[62] At the same time, Auntie Kariema watches MTV avidly on her satellite television and scorns "Eastern Mosaic," a program that, in her mind, is designed for Indian audiences and is certainly not to her taste.

Her first reaction to her niece's concerns about Azra's death is harsh: "You telling me that this girl had no idea she was breaking the rules running off to see that boy? So she breaks the rules and she must get away with it? Is that what you are saying?"[63] But later on, Auntie Kariema recounts her own story of transgression. As the eldest child, Kariema was close to her mother who was only sixteen when she was married off to a man of forty. When Kariema was ten, her mother fell ill and died. Bereft and desperate, little Kariema followed the men who carried her mother's shrouded body to its grave. She needed to be there when they buried her mother. She was

told to turn back and to rejoin the women who remained at the house, but she defied orders and kept walking. Only by reliving her own pain and suffering and recalling her sense of bewilderment at not having the right to express her love for her mother does Kariema recognize the connection between herself and the Jordanian girl: "So this girl, this Arab girl. I suppose I can understand her. I wanted to walk, and she wanted to talk." [64] That simple articulation of two women's natural desires to express feelings of love, one for a dead mother, the other for a man, brings home the deep connection and shared experience of these two women who live on different continents, in different cultures, and in a sense, in different eras. As Davids puts it,

> The . . . thread that runs through the piece is really about a journey-seeking justice and a sense of equality. There is certainly a sense that these women's lives are circumscribed by archaic, gendered laws and that their beings and bodies are dictated to by an outdated and often violent patriarchy. I tried to find ways and develop strategies for the women in which they defined their own sense of justice that exists outside of accepted, inscribed law, transcending the imposed boundaries. Azra does this from beyond the grave; in a sense her dance of death releases her into a place from which she can make judgments, indict her killers. Kariema finds her defiance in walking, and ultimately in aligning herself with the other woman who broke the rules.[65]

A point of contention that runs through the play, which is introduced by Sara and echoed later by other characters, is the personal significance of the hijab or head coverings with which Muslim women who live in non-Muslim countries grapple on a daily basis. In this instance we meet Tahira, a young Cape Muslim who has a job at a travel agency. She recounts, with bittersweet humor, the day that her boss, Mr. Talbot, came into the agency to complain about the drop in sales after 9/11, expressing surprise that she still wore her headscarf. After declaring his liberal credentials, Talbot finally tells Tahira that she is not allowed to wear her headscarf at the office

anymore because "it's unnerving for the customers"[66] who do not feel comfortable buying plane tickets from her. When she laughs at the absurdity of this, Mr. Talbot gets stern with her and starts explaining the importance of adhering to company dress policies. Tahira is suddenly confronted with a deeply uncomfortable and disconcerting choice between her job and her religious observance. She chooses the latter and starts looking for alternative employment.

Sara, on the other hand, chooses not to cover her head, while Ayesha, who considers herself an observant Muslim, albeit on her own terms, makes the same choice as Tahira. The decision to wear the hijab—or in Ayesha's case, a less traditional hair wrap—is, for both women, a positive act of declaring their individual identity and their membership in a community. For Azra, by contrast, her clothing, her veiled identity, and her anonymity are all emblematic of her powerlessness and the loss of her human rights. In juxtaposing these stories, the play walks that fine line in which two conflicting democratic imperatives meet: on the one hand, an individual's right to freely exercise his or her religion, and on the other, the need to keep church separate from state so that justice does not discriminate between men and women or the faithful and faithless.

The imperative of separation is absent from Azra's world, but very much present in the world that Ayesha, Sara, and Tahira inhabit. While the play holds these opposites in a delicate balance, as an audience member one cannot help thinking about countries where the balance has tipped completely to one side or another (Afghanistan and Saudi Arabia on the one hand and France on the other). Davids has purposefully highlighted these distinctions, taking advantage of the unique political, historic, and cultural position that she has as a Muslim woman living in a tolerant, open society. As she says,

> I think any form of extremism is a dangerous space to have to exist in, and . . . the play addresses those concerns and tries to describe negotiating multiple identities in permissive, tolerant environments

> (e.g. South Africa) struggling (sometimes hopelessly) with self-definition in legally circumscribed environments. The scarf or hijab has become a major signifier of this struggle, and while I am happily in a position wherein I can freely exercise my right to choose not to wear one, I am extremely committed to protecting the rights of women who choose to wear it. I think that the notion that Muslim women who choose a scarf are somehow participating in retrogressive, self-imposed oppression is really reductive thinking…the situation in France where people are being "rescued" from their own choices, or other people are being "shielded" from having to witness obvious displays of Islam is worrying because it speaks to an ingrained European Islamaphobia. It also lends itself to the criticism that is constantly leveled at Western feminist perspectives . . . that in the desire to impose or liberate other women within the boundaries of their understandings of freedom, they end up re-colonizing them. On the other hand, the final monologue I think expresses my feelings on the veiling, hiding, and shadowing of women in places like Saudi Arabia and Afghanistan very clearly—the inhumanity of it, the evil of it, the fact that it should not be tolerated. But I think that the imposition of the veil in those countries and the way in which women around me have worn hijab is very different; the choices I see are informed by different experiences and pressures. I think the easiest way to assure freedom is that there is always choice and that it's always conducted in a safe place.[67]

The multiple threads that make up the tapestry of this play are woven together in its two final moments: the first, a poem sung by Ayesha, and the second, a monologue spoken by Azra's mother who has come to claim the lifeless body of her murdered daughter. Azra's mother recognizes her daughter and speaks her name, inscribing her in our collective memory. In gathering up her daughter's broken body, the mother reclaims only her daughter's first name, because "[t]he al Jamal, the part of you that your father claimed, is gone now." It seems in retrospect to have been a tenuous, slight claim especially when compared to that of the mother who holds her daughter's head in her lap "near to the place that [she] pushed [her

daughter] from [her] years ago." The mother recalls how she wept that her child was born a girl, not because she would have preferred a son, but because "we don't want our children to be prisoners of their own bodies. Wrapped in cloth that hides you from the world the minute you start to bleed. The minute your body begins to speak about its power and its capabilities."[68]

While Azra's mother completes the play's narrative circle bringing us back to bear witness to the life and death of an innocent girl who acted from her heart, it is Ayesha's poem/song that ties together the themes and the vision of the play. The song reaches back into prehistory to establish a vast context for the lives of these women. It paints a wide geographical landscape, imagining a world of global connection and empowerment of women. The poem, partly excerpted below, speaks for itself:

We begin with souls
At the core of the Qu'ran
Existing in space, far before man
Dwelling in voids that knew no gender
Who would have thought that physical bodies would
Render them apart
Apart, apart, apart.

So if that's the start
Is this the ending?
Where laws are made
And there is no bending?
No, no, no there is no bending

. . . .

What about Ayesha, the prophet's wife
She translated Shariah law in her life
A scholar, a warrior, a poet, a passion
Universal woman before the medieval fashion

. . . .

Standing here staring down at my feet

Knowing that's where my children will meet
Paradise
I devise
That what I see are journeys
Maps made of silk
And routes to freedom that have not yet been built
And routes to freedom that have not yet been built

. . . .
To my sister in Nigeria
Facing death from the Shariah

. . . .
To my sisters in history, in Cape Town's past

. . . .
Muslim women who redefined the rules
My sisters in the frontline of the U.D.F.
When scarves were a way of saying "voetsek"

Know that I make it my business not to forget

No, I won't forget,
My routes to Freedom,
And my sisters, my global ummah sisters
Where my routes, where are my routes?
And where are my sisters?[69]

While *At Her Feet* invites audiences to listen to women who are articulate, self-aware (to differing degrees), and vocal about their own experiences of struggle and injustice, Lara Foot Newton's[70] play *Tshepang: The Third Testament* tries to give utterance to silence. There are two characters on stage throughout the play: Simon, a man who tells a story, and Ruth, a woman who never speaks and remains shuttered behind the trauma of a crime for which there can be no articulate response. While I have not seen the play performed, in reading the text I was struck by its power and beauty.

The play examines with remarkable grace one of the ugliest aspects of present-day South African life: the violent rape of very young girls. Although fictional, the characters and events it depicts nevertheless closely follow those associated with an actual brutal rape of a nine-month-old baby that was widely reported in the local and international press and that horrified people around the world.

Newton's play begins with Simon and Ruth surrounded by miniature sculptures depicting the important objects and environments of the story. A a tiny bed is tied to Ruth's back. Ruth sits on a heap of rock salt that she periodically rubs into animal hides. There is a model of the village where Simon and Ruth live. Simon looks down onto it as he speaks, establishing that this is a metaphorical universe, in which events, acts, facts, and characters are primarily symbolic. By choosing this style of presentation, Newton eschews the more traditional approach of dramatizing events and thereby distances the audience from their sensational or exploitative elements.

Similarly, Newton rejects the easy route of resorting to our customary notions of crime, punishment, and justice. There is no criminal, no prosecutor, no cathartic act, and no trial, jury, or judgment. Indeed, the narrative about the rape itself creeps in almost as an afterthought two-thirds through the play following a long and careful set up. Of course, once the topic is broached, it is clear that the rape has seeped into every thought and action of the people in the small village where the event occurs and into every crack and crevice of its impoverished homes, streets, and buildings. And the implications of the crime flow well beyond the village itself. It is here that Newton achieves the play's purpose: turning responsibility and culpability for the crime into a collective experience.

Without preaching, without soapboxing, with gentle and poetic grace, Newton turns the audience's gaze upon itself. Claiming that the play is "based on twenty-thousand true stories,"[71] Newton refuses to treat the crime as an isolated incident, and instead situates the events within a context rich

in history, politics, and powerlessness. It is important that she chooses a man to narrate the story, thereby obliterating any possibility that the play will be seen as "only" a woman's story. Instead, it becomes the story of everyone, and in particular, it becomes a story of the poverty and violence that have become ingrained into the very structure of life, of communities, of whole societies, and of the impossibility of separating individual acts of violence from the vast context that they inhabit. As Newton explains in the interview,

> My aim was to introduce and try to understand the phenomenon of child rape—not to point fingers or to provide answers. I knew that the story teller needed to be a man, so as not to make it accusatory, and I knew that he needed to be a man with phenomenal *ubuntu* (humanity).[72] I also decided very early on to depict the rape [scene] metaphorically and not realistically. Finally I decided to place the rapist in the context of a violated history and childhood. The simplicity of having a story teller speaking directly to the audience creates the possibility for intimate communication, trust, and empathy.[73]

It is, of course, essential that Simon win our trust as we have only his point of view to rely on. This is skillfully established through Simon's honest accounts of events from his past as well as the histories of the characters in the village. We discover right away that this village is a place where women and children are routinely beaten, where there are wives, and there are *houvrou*[74] (literally: "held women"), and where there is a scarcity of mothers, lovers, and leaders. Although Simon does not have a houvrou himself, he acknowledges that in a place where there are no jobs, no resources, and where nothing ever happens, it is better to have a houvrou because "you can't get rid of a wife. A houvrou you can let go. Bye-bye, voetsek, fokkof!"[75]

Women are objects; they are there to be used for their sex and discarded, just as their men are used for their labor and dispensed with. Trompie, for example, is a man who held a good job and led a decent life until he was

retrenched by the dried-fruit factory where he worked. Since then, Trompie has tried to drink himself to death on the moonshine (*valwyn*) that makes men "[see] the devil . . . and she [isn't] sexy."[76] There is also Dewaal, a man who spends all day untangling fishing line, even though he never goes fishing. It turns out that Dewaal passed his school-leaving examinations with distinction.[77] But even this talent is rendered useless and meaningless in a town where nothing happens, where no one visits, except the sun with its desiccating heat. Dewaal has his own tragic story, one that highlights the marginality of this town and its people who are ignored and abandoned by the mainstream world. Dewaal's nine-year-old son, we learn, went missing one night. Instead of conducting a proper investigation, instead of a searching with dogs and helicopters, the authorities did nothing: the boy just disappeared as if his life had no significance.

Simon also introduces us to Sarah, a woman that he knew when they were both children. Sarah, it turns out, was pimped by her older brother who offered boys a turn with her in exchange for comics, sweets, and chewing gum. Sarah's control over the situation went as far as deciding how long each boy had—the time that it took her to read three pages of the comic that they had brought. "If we didn't finish in time" Simon remembers, "her brother, Petrus, for an extra [sweet], would let us continue inside half a loaf of white bread . . . that he'd stuck carefully into an ant heap at exactly the right height."[78] The half loaf of bread that Simon uses to demonstrate "Petrus's brilliant invention"[79] later becomes a prop to illustrate the rape of the baby, transforming an amusing gimmick into the harrowing metaphor for a baby's violated body. This typifies Newton's technique: she devotes more than half of her play to establishing its symbolic universe and then radically shifts it, upending the meanings that the audience has bought into and accepted. In this way, the play quietly and strategically brings its devastating message home with force.

As part of the build up, we meet Alfred Sorrows who we later learn is the rapist. He was Ruth's boyfriend when the rape happened, but Ruth was

terrified to go to the authorities to turn him in. Instead, she remained silent, and six men were wrongfully arrested for the crime. These (fictional) facts appear to establish Sorrows as the monster that we want and need him to be. However, Sorrows is first introduced to us via his own story of brutal violation and rape. Simon played with him as a child and witnessed the day that his father's houvrou, Margret, beat Sorrows within an inch of his life because the boy could not stop wetting his pants. Simon reenacts his memory of the event using a broom to beat up an invisible boy just as Margret beat Sorrows when he was three. The broom breaks into pieces—just like Sorrows's bones did.

Simon remembers that when Sorrows came back from the hospital after several months, he "was making a noise like a small dog."[80] Simon tries to reassure him that things will be okay and that "Jesus will save all the children."[81] Sorrows responds: "Jesus has forgotten us,"[82] and in response Simon invents the idea that Jesus had a sister, a savior who is "going to ride through the streets of our village on a donkey, and give all the kids plenty of sweets, and everyone w[ill] be happy. Every child w[ill] have sweets and a mother and a father."[83]

One of the painful devices of the play is that the female savior that Simon invents to comfort his broken childhood friend is later embodied by the raped baby. Both in fact and in this fictional account, the baby is nicknamed "Tshepang" by the nurses who tend to her when she is in the hospital. *Tshepang* means "have hope" in Sotho, one of the African languages spoken in South Africa.[84] Journalists picked up on this in their coverage of the rape story, and from then on the child was referred to as "Baby Tshepang" by many newspapers and broadcasts.[85]

By having Sorrows, the child who believes that Jesus has forgotten him, become the man who, in a sense, gives the village (and the country) its savior, Newton is clearly establishing Sorrows as a tragic character in his own right. While the play does not paint him as innocent, it certainly deprives us of an easy target for our outrage. We do not hear a word about

how the legal system deals with Sorrows and, accordingly, are not absolved of our own responsibility to figure out a just outcome to these events. We are forced to step back from the sensational and cathartic content to find a more objective way of perceiving what has happened. As Newton puts it,

> Once we get to the topic of infant rape—there can never be justice. This is the pain of the story. And this is the cycle of violence. Even if we were to hang the bastards, we would not have a sense of justice. To hang a man who is capable of infant rape, for me, would be similar to putting an old dog out of it's misery by giving it an injection. In fact we would be doing him a favor. I weep for Alfred Sorrows as much as I weep for Baby Tshepang. I don't like him; I don't care if he is dead or alive, but I weep for all those who have never experienced love.[86]

Love is an important redemptive theme in the play, even though it is a mere flicker of warmth in an otherwise dark and bleak universe. Simon's love for Ruth, the mother of the raped baby who has not uttered a word since she tried to take her own life after the rape, suffuses the play. Simon, who learned love from a mother who held a job as a custodian at a school for twenty-five years and "kept the family going,"[87] is a humanizing force and a symbol of the ability of the human soul to survive, regardless of the cruelty that surrounds it.

It is only once all of the pieces of this fictional universe are in place, both the devastating and the hopeful, that Simon is ready to take on the heart of the play's story. Even here, there is a careful set up: it is the beginning of what seems to be a completely ordinary day in the village. Dewaal, the baby's grandfather, is untangling his fishing line, when he trips over a little dark mound in the dust. It takes a moment for him to realize what it is and then he screams. Simon remembers joining the crowd that had gathered around Dewaal, who was praying, and he recalls how long it took for the pieces of the picture to make sense to him:

> [A]nd there next to him in the dust . . . at first I thought it was some part of a sheep . . . a sacrifice of sorts . . . and then slowly the

> picture became clearer—an arm, . . . some fingers, two tiny little arms . . . hands . . . a small crumpled face . . . a little pot belly . . . fat little thighs . . . and in between her thighs . . . lay a mass . . . like a cauliflower, red, gooey, . . . her derms all bloody, her tiny, tiny little . . . split open. She had been raped, sodomised, disemboweled . . . they said.[88]

He goes on to describe the silence of the people gathered in that group, a group which is unable to speak a word even when the ambulance arrives and the young medic springs out eager to help. "We stood, bags of salt," says Simon. Even after the medic throws up at the sight of the baby, even after the ambulance leaves, still "[n]o one said anything, no one moved. It was like we were in church. We stood at our altar."[89]

In this moment, the silence that Ruth is clothed in becomes everyone's silence; it is a silence that expresses the impossibility of a response as well as the silence that is bred by disinterest. From then on, accounts of what actually took place emerge in fragments that Simon pieces together. We discover the culpability of the many people who, whether as a result of negligence, selfishness, drunkenness, or sheer incapability, did nothing to stop the rape. There is Ruth herself, the young mother with no mothering skills, who left the baby on its bed and went out to the tavern to drink. She left to escape her boyfriend, Sorrows, who had come to her demanding sex.

There is Sarah, the child prostitute who remained a prostitute her entire life, who came to the house looking for Ruth, saw Sorrows abusing the baby, and left. She went to the tavern to tell Ruth, and they drank themselves into oblivion. There are the six men who were wrongfully accused of committing the rape and were then exonerated by DNA testing. There is the media, descending on the town in an orgy of sensationalism, condemning the townspeople, labeling them as monsters, and finally giving the town its name: "Town of Shame." As the play makes clear, however, the only way that the town could gain the world's attention was by having the most shocking story of all to tell:

> Now you want to see something happen? You want to see something happen? They all arrived. The press, the newspapers, television, film, cameras, USA, Britain, Johannesburg, Amsterdam. They all came here. What a story [*happily*]—six men raped a nine-month-old baby. You see! You see how shit you are? You see how shit we all are?[90]

Newton believes that it is because six men were accused of gang raping the baby that the event and the issue of child rape and violence against girls received any press at all. She comments that once it was discovered that there was only one rapist, the press lost interest.[91] In the play, the media remains interested when the news emerges that the baby's mother, Ruth, had known all along who the rapist was and did not come forward to report him out of fear. She is condemned by everyone as a mother, as a woman: "The bitch! The whore!"[92] In response, there is Ruth's own crude attempt to see justice done when she cuts off her breast with the top of a tin can and punishes herself for the crime. And there is Simon's realization of the truth that binds all of these events and these people together when he screams at a journalist who has come to interview him about Baby Tshepang's mother and the shame she has brought to the town:

> Shame on you. Shame on all of you. Who do you think you are? Coming here with your cameras and your accusations. Pointing your painted ugly fingers at us. Where were you, where are you? What are you doing here? Get out of here! Take your cameras and get out! This town was raped long ago. This town was fucking gang raped a long, long, long, long time ago. Shame on us? Shame on you, shame on all of us![93]

With those words, the play delivers its verdict: it is not only Sorrows, Ruth, Sarah, or the townspeople who are guilty of this crime—it is all of us. We are all responsible for the neglect, isolation, and hopelessness of these people; we are responsible for the structural violence and poverty that strangles their lives; we are responsible for the devastation that was enacted,

and continues to be enacted again and again, on children's bodies. As Simon asserts, "After Tshepang, the press had a competition."

> "Five month old baby raped and sodomised"
> "Two year old raped and left for dead"
> "Mother sells sex with her three year old for food and shelter"
> "Twenty thousand child rapes in South Africa a year."[94]

These certainly could be actual headlines torn from South African newspapers.[95] And faced with statistics like these, it becomes clear that traditional ideas about crime, punishment, and justice are rendered almost irrelevant. Indeed, these statistics speak to a far more pervasive ill in society—one that cannot be fixed or addressed through the prosecution and punishment of individual perpetrators. In the playwright's view, this illness cannot be divorced from South Africa's history:

> The devastation of Apartheid is . . . massive! It will take years, time, and focus from the whole world to clean up the mess. In the meantime, there are going to be many more Tshepangs and many more Alfreds. The justice system can't begin to address these issues. . . . These guys don't have jobs; they have no hope, dignity, respect. They have nothing to wake up to except the chance of getting some alcohol and maybe some sex. They just want to self destruct. Justice comes after the event—then it is too late![96]

The play ends as it began, with Ruth and Simon waiting. Only now it is clear what they are waiting for; they are hoping that the baby girl will be returned so that they and the community can rebuild their broken lives. By now, the sun is setting. Simon wants Ruth to go with him to the tavern for a drink. But Ruth sits, unmoving, and then she finally speaks, uttering just one word: "Tshepang."[97] Looking out into the distance, Ruth finally recognizes what her baby's life has come to represent for everyone: the opportunity for redemption, for salvation, and to start again and get it right this time, which is possible only if everyone keeps paying attention.

These two plays serve as examples of the tremendously powerful stories being told by women theater artists in South Africa grappling with issues of law, justice, and women's human rights in a society that continues to transform itself. These stories inscribe new identities, new complexities, and new insights into the shared and emerging culture of the country. In light of the historical importance of theater in South Africa as a document of and testament to its long history of persecution, prejudice, and political struggle, there is no doubt that theater will continue to be the forum in which South Africans grapple with their consciences and their identities.

While the voices of women writers have been in the minority on South Africa's stages in past decades, there is no doubt that given resources, training, and opportunities, women's voices will gather into a powerful chorus. As women step forward to offer their insights, to share their experiences, and to inscribe their lives into the collective consciousness of the country, they will pave the way for future generations of twelve-year-olds who will watch, learn, and be transformed by stories that sear them to the core.

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[2] Underpinning the system of Apartheid in South Africa was its arbitrary and capricious policy of racial classification. The Population Registration Act of 1950 provided the basis for separating the population of South Africa into white, colored (that is, mixed race), or native (later called Bantu) people (referred to in this essay as Africans). Act No. 30 of 1950 (S. Afr.). In 1959, the category "Asian" was introduced to refer to Indians who had, prior to that time, not been recognized as permanent citizens of South Africa, even though Indian indentured workers had been present in the country since the nineteenth century. Africans were further subdivided into ethnic or language groups. The Group Areas Act of 1950 divided South Africa into separate areas for whites and blacks (including coloreds) and gave the government the power to forcibly remove people from areas not designated for their particular racial or ethnic and language group. Act No. 41 of 1950 (S. Afr.). A system of "influx control" was put in place to restrict the ability of Africans to move freely from area to area. *See also infra* note 8 and accompanying text (providing examples of the effects of the laws and their restrictions).

[3] *See* ESMÉ BERMAN, ART AND ARTISTS OF SOUTH AFRICA: AN ILLUSTRATED BIOGRAPHICAL DICTIONARY AND HISTORICAL SURVEY OF PAINTERS & GRAPHIC ARTISTS SINCE 1875, at 299 (2d ed. 1983).

[4] Racial terminology is freighted with an ugly history in South Africa. Accordingly, it is helpful to include a brief explanation of the terms used in this essay. I use the word "black" to designate people who were negatively discriminated against by Apartheid's legal and political system, regardless of their specific race or ethnicity, and "white" to identify those people upon whom the legal and political system of Apartheid conferred automatic status and privilege. As stated previously, I use "African" when speaking of indigenous South Africans who speak one of the many African languages as their mother tongue. During the years of the anti-Apartheid struggle, politicized coloreds frequently rejected identifying themselves by the racial appellation designated by the Apartheid government and identified themselves as black and often as "so-called coloreds" when it was necessary to distinguish their position from that of Africans. Since Apartheid's demise, however, various communities have developed a greater sense of their unique identities and the word "colored" has been reclaimed as a means of positively identifying with certain shared historical and cultural experiences. I use the term colored in that light, rather than as a racial designation. For a discussion of the emergence of a colored identity following the birth of a new South Africa after 1994, see Ken Wells, *Mixed Feelings: 'Coloreds' Struggle to Find their Place in a Free South Africa*, WALL ST. J., Dec. 6, 1995, at A1.

[5] My mother, Sylvia Kaplan (née Kisner) recalls that she and the other founders, Jo Thorpe and Mary Davidson, knew that in order to successfully mount a national exhibition that would be inclusive all races, they needed the blessing of the black art establishment. To that end, they met with Sydney Khumalo and Lucas Sithole, the principal players in the black art world, in Johannesburg in the early 1960s. They heard them out and agreed to encourage black artists to participate.

[6] For a helpful account of the history and impact of petty Apartheid on the lives of blacks, see generally F. Michael Higginbotham, *Sins from the Past and Lessons for the Future: Eliminating Apartheid in South African Public Accommodations and the Challenge to an Enlightened Judiciary*, 12 B.U. PUB. INT. L.J. 1 (1994). My mother recalls the organizers' trepidation as the opening of the first Art South Africa Today exhibition approached. They had consulted a lawyer for a legal opinion on whether they would violate any laws by holding a racially mixed event, out of concern for the black artists and their guests who would be far more vulnerable if there were consequences. They were advised that the law was too grey to determine the bounds of legality. For example, while blacks and whites could not *sit* together, it was not clear that they were barred from *standing* together. One thing the lawyer did advise the conveners was that no alcohol should be served, as liquor licensing laws forbade blacks and whites from drinking alcohol together socially. So the opening went ahead with cheese, but without wine, and drew over a thousand people from all racial and ethnic communities in and around Durban.

[7] The Reservation of Separate Amenities Act of 1953 required that all races should have separate amenities—such as toilets, parks, and beaches—and that these need not be equal in quality or availability. Act No. 49 of 1953 (S. Afr.). In the early 1960s, the Act was

amended, and it appears that there was a crackdown at that time on theaters, cinemas, and other performance venues admitting racially diverse audiences. Act No. 10 of 1960 (S. Afr.). Owners of theaters who defied the law were jailed, and artists who performed in front of mixed audiences were arrested. Famously, the British pop singer, Dusty Springfield, was put under house arrest and then deported back to England for performing for multiracial audiences on her tour of South Africa in 1964. *Artists A–Z: Biography, Dusty Springfield*, *at*
http://www.vh1.com/artists/az/springfield_dusty/bio.jhtml (last visited Mar. 28, 2005).

[8] The Extension of University Education Act of 1959 prohibited blacks from attending white institutions, with certain few exceptions, and established separate universities and colleges for Africans, coloreds, and Indians. Act No. 45 of 1959 (S. Afr.). These policies affected the white English-language universities in particular that had, until then, admitted students of all races and ethnicities.

[9] Of course, many people involved in the arts were often severely punished for doing their work. Writers were systematically banned. Playwrights and actors were arrested or detained for espousing communism, or inciting hostility between the races for doing work that exposed how badly blacks were treated under a system of white supremacy. Athol Fugard's diaries give accounts of black actors being summarily arrested and detained. And John Kani tells a story of how, on returning to South Africa having received a Tony Award for his performance in *Sizwe Bansi Is Dead* on Broadway, he was arrested along with fellow-actor, Winston Ntshona. Kani was detained for twenty-three days in solitary confinement for furthering the aims of communism. The state's explanation was that the reviews of the play in American newspapers said that the performers had received the Tony Award in recognition of their contribution to the struggle against Apartheid. *See A Conversation with the Cast Members of* Nothing But the Truth, Dec. 2, 2003,
http://www.lct.org/calendar/platform_detail.cfm?id_event=27257008.

[10] The Natives (Abolition of Passes and Co-ordination of Documents) Act of 1952 replaced the previously named "pass book" with the "reference book" that all Africans had to carry. Act No. 67 of 1952 (S. Afr.). The reference book contained their photograph, address, marital status, employment record, influx control endorsements, and the rural district where they were officially allowed to reside. Africans were allocated arbitrarily to certain "native areas" based on their "language group," regardless of where they were born and raised.

[11] *See generally* RICHARD L. ABEL, POLITICS BY OTHER MEANS: LAW IN THE STRUGGLE AGAINST APARTHEID 1980–1994 (1995) (providing a historic overview of legal efforts to challenge Apartheid in the courts, including challenges to pass law system). Abel also notes that

> [t]he pass laws (which regulated the residence of Africans and required them to produce identity documents on demand) were one of the most pervasive and hated facets of apartheid, separating husband from wife, parent from child, banishing "surplus" labor and "unproductive" Blacks to impoverished "homelands" while exposing millions of urban residents to brutal bureaucrats, midnight raids, summary arrest, demands for bribes (of money or sex), and imprisonment or forced labor.

Id. at 3–4; *see also* KATE MILLET, THE POLITICS OF CRUELTY: AN ESSAY ON THE LITERATURE OF POLITICAL IMPRISONMENT 117 (1994) (describing the system of Apartheid and influx control that required Africans to reside in small reserves on arid land that could not sustain their livelihoods, the requirement that they obtain valid passbooks to travel to other areas, and the difficult and "arcane" process involved in obtaining such passes).

[12] In addition to the theater that was being created and performed by black writer/directors and actors in venues that were situated in "white areas," there was a significant tradition of black township theater which was seldom, if ever, seen by white audiences. Gibson Kente is the most famous of the township theater makers and an icon of South African theater history. He developed a specific style of theatrical storytelling, performance, and delivery and trained hundreds of black actors and theater artists. His works dealt with the gritty reality of township life and were presented in a polyglot of African languages and township slang. He passed away in November 2004, tragically one of the many victims of the HIV/AIDS epidemic that has swept through the country. *See* Liz McGregor, *Gibson Kente: South Africa's Father of Township Drama*, GUARDIAN, Nov. 10, 2004, (Obituary), http://www.guardian.co.uk/southafrica/story/0,13262,1347286,00.html. Deemed the "Father of South African Township Theater," Kente was declared a "national treasure" by the South African National Arts Council. *See Living Treasures Awards Showcase: Gibson Kente*, *at* http://www.nac.org.za/showcase_G_Kente.htm (last visited Mar. 28, 2005).

[13] The plays of Fatima Dike, one of the few black women playwrights to be regularly produced during Apartheid years, were performed at The Space.

[14] For an informative source of information on the climate and culture of theater in South Africa during Apartheid, see PAT SCHWARTZ, THE BEST OF COMPANY: THE STORY OF JOHANNESBURG'S MARKET THEATRE (1988) (providing an anecdotal, but detailed, history of the key personalities of the theater world, both creative and otherwise, involved in the founding and flowering of the Market Theatre in Johannesburg, South Africa). The theater played a pivotal role in developing and nurturing new talent, and in particular, black talent. It provided a vital meeting place for writers, directors, actors, musicians, choreographers, dancers, filmmakers, fine artists, and like-minded thinkers of all races. *But see id*. at 192 (noting that the Market was not universally hailed by black political activists or white liberals and that followers of the black consciousness movement rejected it for being a white-run theater funded with white money, while some members of the white public declared its work to be "too 'political,' too 'radical,' too 'black.'").

[15] Aside from the plays of Athol Fugard, some of which were developed in collaboration with the performers, the best known South African Apartheid plays presented internationally include the following: *Woza Albert* by Percy Mtwa, Mbongeni Ngema, and Barney Simon; *Children of Asazi* by Matsamela Manaka; *Asinamali* by Mbongeni Ngema; *Born in the RSA* by Barney Simon; *Bopha!* by Percy Mtwa; and *Gangsters* by Maishe Maponya. These plays are compiled in *Woza Afrika! An Anthology of South African Plays* (Duma Ndlovu ed., 1986). *See also* SCHWARTZ, *supra* note 14, at 184–87.

[16] Conscription was compulsory for all white men sixteen years of age or older. Boys were deferred from military service until they completed high school, and thereafter,

could obtain additional deferments to attend college or to obtain professional degrees. But unless they left the country, obtained a medical discharge, or managed to stay in deferment status until they aged out of the system, they would inevitably have to serve in the South Africa Defense Force. In 1984, various anti-Apartheid organizations launched the End Conscription Campaign (ECC), which provided opportunities for whites to become much more visibly active in the anti-Apartheid struggle in South Africa. *See* Janine Rauch, *War and Resistance*, *in* WAR AND RESISTANCE (Gavin Cawthra et al. eds., 1994), *available at* http://www.csvr.org.za/papers/papwarjr.htm (last visited Mar. 28, 2005); *see also* ABEL, *supra* note 11, at ch. 4 (discussing cases brought to challenge six-year prison sentences imposed on white men eligible for army service who refused to report for training or duty).

[17] *See generally* BLACK SOUTH AFRICAN WOMEN: AN ANTHOLOGY OF PLAYS 1–2 (Kathy A. Perkins ed., 1998) [hereinafter Perkins] (providing an overview of black theater and protest theater in South Africa during Apartheid and noting the absence of plays written by or about black women and in particular that "[w]omen are practically invisible in the internationally acclaimed male-authored protest plays of the 1970s and 1980s . . . [which] focus primarily on the oppression of blacks by whites.").

[18] *Id*. at 2 (noting that "[b]ecause there are so few published plays by and about black women of South Africa, dramatized interpretations of the role women play in that society are minimal. The available plays by black women are usually published through small South African presses.").

[19] See, for example, *Die Swerfjare van Poppie Nongena*, a dramatic adaptation of a novel by Elsa Joubert, a white Afrikaans woman. The play toured extensively around South Africa but obviously had limited appeal outside of the country because it was in Afrikaans. It told the story of a black woman's struggle to overcome the obstacles placed in her way by the laws of Apartheid that thwarted her attempts to lead a family life and to have a relationship with her children. The play was never published.

[20] The play was developed and co-written by the Vusisizwe Players and was based on an idea that originated with Itumeleng Wa-Lehulere and Andile Nyembezi in a workshop. The cast included Thobeka Maqhutyana, Nomvula Qosha, and Poppy Tsira; it was directed by Phyllis Klotz. Klotz, a white woman, has been involved in community-based theater in South African for many years and established with Smal Ndaba the Sibikwa Community Theatre Project based in Daveytown, a black township in East Rand in 1988. The Project continues to function to this day. Sibikwa Community Theatre, *at* http://www.sibikwa.co.za/ (last visited Mar. 28, 2005).

[21] *See infra* note 23.

[22] Under the Native Laws Amendment Act of 1952, the influx control and pass law system was extended to African women as well. Act No. 54 of 1952 (S. Afr.).

[23] *See* Womens Day March 9 August 1956, *at* http://www.sahistory.org.za/pages/specialprojects/09August/menu.htm (last visited Mar. 28, 2005) (recording the role of women in the anti-Apartheid struggle in South Africa).

[24] *Id*. Johannes Gerhardus Strijdom was prime minister of South Africa at the time. *Id*.

[25] In 1987 and 1988, the play toured seven European countries and was presented on college campuses in the United States and Canada. *See* MORE MARKET PLAYS (John Kani ed., 1994).

[26] *See* Perkins, *supra* note 17, at 81. The play is published in Perkins's collection. *Id*. at 80.
[27] *Have You Seen Zandile?* was "originated by" Gcina Mhlophe and is based on her life. In addition to Mhlophe, her co-performer, Thembi Mtshali, and the director, Maralyn van Reenen, are credited as creators. Perkins, *supra* note 17, at 83.
[28] The Prevention of Family Violence Act No. 33 of 1993 (S. Afr.). Prior to the passage of this Act, it was commonly accepted by the courts in their interpretation of Roman-Dutch law that a man could not be found guilty of raping his wife. *See*, *e.g.*, State v. Ncanywa, 1992 (2) SA 182 (Ck). Only after passage of the Act in 1993 was marital rape outlawed. *See also* Dulla Omar, South African Minister of Justice, Notes for Delivery to the Masimanyane Women's Group (July 4, 1996), *at* http://www.info.gov.za/speeches/1996/96_2119.htm (last visited Apr. 24, 2005) (a South African government Web site describing the purpose and impact of the Act, and the need for additional, non-legislative initiatives to combat domestic violence).
[29] *See* SCHWARTZ, *supra* note 14, at 106, 269. Janice Honeyman was a founding member of the Market Company, as well as its first resident director, and has created or co-created innumerable plays over her stellar career—both overtly political and purely entertaining. It is possible that the play will be revived in 2005 under Honeyman's direction. The play was included in the first published collection of new plays presented at the Market Theater. MARKET PLAYS (Stephen Gray ed., 1986).
[30] For decades, Helen Suzman was the only female member of Parliament, and from 1959 until 1974, was the only representative of the Progressive Party which opposed Apartheid policies. *Suzman Disappointed with ANC Government*, HERALD, Aug. 11, 2002, *at* http://www.theherald.co.za/herald/2002/11/08/news/n04_08112002.htm.
[31] In April and May of 1985, a six-week Women's Festival of the Arts was organized by Women for Peace and held in Johannesburg. The Market Theater offered all of its theaters and rehearsal rooms as venues for the theater component of the festival. The festival presented a slate of new plays written and/or directed by women that explored a range of topics specific to women's lives. Adrienne Sichel, *Exciting Premieres for Local Theatre*, STAR, Apr. 1, 1985. As with a number of women who wrote, directed, or performed in the festival, it gave me my first opportunity to direct one of my own plays and to witness firsthand as one of a handful of festival coordinators, the breadth of subject matter that women choose to write about. *See also* Percy Baneshik, *Aiming at a Unified Perspective of Women*, SUNDAY STAR TIME OUT, Mar. 24, 1985, at 11. Sichel, a journalist and theater critic, claimed that the festival "had repercussions for years afterwards." SCHWARTZ, *supra* note 14, at 106. The plays and performance pieces that premiered at the festival explored a range of styles, genres, and mixed media, often focusing more on the personal lives and experiences of women and girls, rather than on Apartheid itself. For example, *The Patchers*, written and directed by Clare Stopford (who later became a resident director at the Market Theatre), tells the story of the 1922 mine labor strikes and rebellions in Johannesburg from the perspective of the wives, mothers, sisters, girlfriends, and daughters of the men who were caught up in this historic event which predated Apartheid policies. *See* Sichel, *supra*. Although a number of black men and women theater artists pledged to participate in the Festival, and the organizers sought to solicit work from black, colored, and Indian women writers, *see* Rina

Minervini, *A Celebration of Women and the Arts*, RAND DAILY MAIL, Nov. 16, 1984, (Weekend Fun Finder), at 1, there were no submissions of new plays written by black women. There have been a number of women's drama festivals in Johannesburg, Cape Town, and Durban, since the 1985 event. *See*, *e.g.*, Lucille Davie, *Women's Art Festival in August*, July 25, 2003, *at* http://www.joburg.org.za/2003/july/july25_women.stm (last visited Apr. 11, 2005).

[32] *See* Perkins, *supra* note 17, at 5.

[33] E-mail Interview with Nadia Davids (Jan. 2005) [hereinafter Interview: Davids] (on file with the *Seattle Journal for Social Justice*); E-mail Interview with Lara Foot Newton (Dec. 2004) [hereinafter Interview: Foot Newton] (on file with the *Seattle Journal for Social Justice*).

[34] *Id*. at 5.

[35] For example, Lueen Conning, a colored playwright born and raised in Durban, noted that the few South African black female writers who have achieved recognition, are generally known overseas and are not supported by local theater and publishing industries. Perkins, *supra* note 17, at 8. In addition, Gcina Mhlope, an award-winning African playwright born in KwaZulu-Natal, commented in 1997 on the absence of young black women playwrights emerging in the new South Africa and the lack of professional networks or easily accessible training for would-be black women writers and theater artists. *Id*. at 82. But in contrast to these less positive assessments, Fatima Dike, the first African woman playwright to be published in South Africa, sees a significant change for women in theater, particularly in the kinds of subject matter that women can tackle without having "that fear of what are the brothers going to say." *Id*. at 25. She notes that during Apartheid days, "we had to harness our power together to fight the struggle through theater." *Id*.

[36] Muthal Naidoo, an Indian writer who was born in Durban and who lived for many years in the United States where she taught at universities and organized black theater programs, expresses the view that a lot of lip service is being paid to gender issues in the theater community, without much changing in a significant way. *Id*. at 114. Magi Noninzi Williams, an accomplished and celebrated actress, writer, producer, and director, has written prolifically for the stage and perceives a difference in the way women that writers are received by the theater community. Despite a resumé that includes six produced plays, including a production at the Lincoln Center Woza Afrika! Festival in 1997, she feels she is "still looked upon as a newcomer." *Id*. at 161.

[37] *See* Maria McCloy, *Mama Africa Meets the Kwaito Generation: South Africa's Legendary Miriam Makeba Raps with a Young Upstart*, UNESCO COURIER, July–Aug. 2000 (discussing the huge influence of new music in South Africa on creating a new youth identity and the commercial prospects for this business).

[38] *See* Adrienne Sichel, *South African Update*, DANCE MAG., Dec. 1998, at 46. The article (which focuses on the impact of changes in government cultural policy on dance and ballet performce) suggests there was political logic in disbanding the arts council structure as these bodies were government-appointed and therefore unavoidably associated with its Apartheid policies. That said, a better approach might have been to disband the existing boards and to terminate their executives, replacing them with people who had the experience, ideas, and abilities to transform the mission and the focus of

these institutions. Certainly, there were many highly esteemed, politically credible theater artists who had worked with no resources under Apartheid and who might have turned these institutions into vibrant engines of theatrical innovation and output. With funding, organizational, operational, and production structures already in place, it becomes a much easier task to establish the kinds of educational, developmental, and outreach programming that can find and promote the talent of people from previously disadvantaged communities.

[39] It is worth noting that South African tax law does not provide for tax-deductible, private gifts to non-profit organizations. While there certainly are private philanthropists who support a range of artistic efforts, there is not yet a pervasive tradition of private donations to support the arts as there is in the United States. In addition, corporate sponsors tend to favor large-scale, high-profile events (such as rock concerts, sporting events, and festivals) and seldom support new, experimental, or developmental theater.

[40] *See* National Arts Council of South Africa, *at* http://www.nac.org.za/ (last visited Mar. 29, 2005).

[41] Some of the musicals recently produced in South Africa include *Phantom of the Opera*, *Cats*, *Grease*, and *Chicago*, which will be presented in a national tour in 2005. Local musicals like *Kat and the Kings* and musical/dance extravaganzas like *African Footprint*, which have also been presented internationally, are frequently revived and presented on stages in Johannesburg, Durban, and Cape Town.

[42] That said, the Market Theatre continues its dedication to developing new work and operates a laboratory specifically for this purpose. In addition, the Baxter Theatre and the Artscape Theatre in Cape Town are committed to showcasing new works by new authors and to reaching out to draw in non-theater audiences. Baxter Theatre Centre, *at* http://www.baxter.co.za/drama.htm (last visited Mar. 29, 2005); Artscape Theatre, *at* http://www.artscape.co.za/ (last visited Apr. 11, 2005). But like the old state theaters, all of these institutions have the challenge of balancing economic imperatives against artistic ones, with artistic interests often taking second place.

[43] Douglas Rogers, *Birth of a Nation*, GUARDIAN, Oct. 16, 2002, http://www.guardian.co.uk/arts/features/story/0,11710,812757,00.html (discussing new South African plays presented in London and the recent emergence of a new and active theater culture in South Africa). In addition, there has been an explosion of educational theater and what is referred to as "industrial theater." Industrial theater companies are hired by companies as diverse as auto manufacturers, real estate companies, mining conglomerates, as well as supermarkets, to educate and to train employees on more mundane matters from customer relations and service, to vitally important matters such as unprotected sex and the spread of HIV/AIDS. As an example of this development, see The Learning Theatre Organisation, *at* www.learningtheatre.co.za (last visited Mar. 29, 2005). Some of this work is remarkably innovative and creative in the way it deals with difficult and challenging social issues. These groups employ established theater artists, managers, and administrators, and train new generations of industrial theater workers.

[44] Magi Noninzi Williams notes that in addition to overcoming their own lack of confidence, would-be women theater artists are also dealing with numerous other responsibilities such as caring for families, holding down jobs, and finding transportation. She notes that many South Africans have had to establish their credentials in other

countries before they are recognized in South Africa. *See* Perkins, *supra* note 17, at 161. Although the laws that kept whites and blacks separate no longer operate, many young black women (and men) still live in the townships that exist on the outer margins of white cities. There are still transportation issues around these areas, but some theater professionals, both white and black, have begun efforts to address this. For example, under the guidance of Roy Sargeant, Artscape Theatre is sponsoring a company in the township of Langa, providing writing, directing, and acting classes, presenting plays written by established and emerging playwrights, and offering internships and production experience to company members at Artscape's establishment in Cape Town. Artscape Theatre, *at* http://www.artscape.co.za/ (last visited Mar. 29, 2005).

[45] Nadia Davids was born and lives in Cape Town, South Africa. She is currently a Ph.D. candidate at the University of Cape Town where she is researching District Six—a colored neighborhood in Cape Town from which residents were forcibly removed and relocated during the 1960s under the Group Areas Act—as a site of performance of land loss and memory. She has received two A.W. Mellon scholarships in connection with her academic work and has studied at both the University of California and New York University on the scholarships. Nadia's theater credits include four new plays, which she has written and directed: *Khumbula,* which went to the Grahamstown Festival in 1995, *Doc's Wife, The Butterfly and the Wog,* and *At Her Feet*. She has also collaborated with other writers like Antjie Krog and Fatima Dike on the Artscape production *A New Day*, presented in Cape Town in 2004. She has received the Rosalie van der Gucht Prize for New Directors.

[46] I had the honor of returning to South Africa for two months this past summer to direct one of my own plays, *Jocasta Rising*, at Artscape Theatre. One of the actresses in the play, Quanita Adams, had recently won a prestigious award for her solo performance in *At Her Feet* and arranged a special showing of the work.

[47] The play was performed at the Grahamstown Arts Festival in 2003 to great acclaim. It was subsequently presented at the Baxter Theatre in Cape Town, run by Mannie Manim, who was the Artistic Director at the Market Theater during its heyday.

[48] Interview: Davids, *supra* note 33.

[49] *See* S. AFR. CONST., ch. II, §§ 9, 10, and 12.

[50] Interview: Davids, *supra* note 33.

[51] NADIA DAVIDS, AT HER FEET 6 (2002) [hereinafter AT HER FEET] (unpublished play, on file with the *Seattle Journal for Social Justice*) (all page numbers used in citations to the play refer to the page numbers on the author's manuscript on file with the *Seattle Journal for Social Justice*).

[52] *Id*. at 5.

[53] *Id*. at 6. "Halaal," as used in this context, describes someone who observes Muslim practices—for example, consuming only those foods that are permitted under Muslim law.

[54] *Id*.

[55] *Id*. at 7.

[56] *Id*. at 6 (emphasis in original).

[57] *Id*. at 1.

[58] *Id*. at 7.

[59] Interview: Davids, *supra* note 33.
[60] AT HER FEET, *supra* note 51, at 9.
[61] *Id*.
[62] *Id*. at 3–4.
[63] *Id*. at 3.
[64] *Id*. at 13–-14.
[65] Interview: Davids, *supra* note 33.
[66] AT HER FEET, *supra* note 51, at 8.
[67] Interview: Davids, *supra* note 3.
[68] AT HER FEET, *supra* note 51, at 18.
[69] *Id*. at 16–18. "Voetsek" is an insulting way to ask a person to leave, as it is more typically used to shoo away a dog.
[70] Lara Foot Newton is a multi award-winning theater director, writer, and producer. In 1996, she was made Resident Director at the Market Theatre in Johannesburg and was Associate Artistic Director at the Theatre from 1998–2000. Lara has directed more than thirty professional stage productions, twenty-three of which have been new South African plays. In 2003, her play, *Tshepang*, won the prestigious Fleur du Cap award for best new South African play, and in 2004, Lara was awarded the International Rolex Mentor and Protégé Arts Award. Lara has taught at the University of the Witwatersrand in Johannesburg and at the Market Theater. She is on the committee of the Grahamstown Arts Festival.
[71] LARA FOOT NEWTON, TSHEPANG: THE THIRD TESTAMENT 2 (forthcoming 2005) [hereinafter TSHEPANG] (all page numbers used in citations to the play refer to the page numbers on the author's manuscript on file with the *Seattle Journal for Social Justice*).
[72] "Ubuntu" is a Zulu word and is loosely translatable as a person's capacity for compassion and forgiveness. In short, it is a person's ability to identify with the common humanity that we all share.
[73] Interview: Foot-Newton, *supra* note 33.
[74] *See* TSHEPANG, *supra* note 71, at 6.
[75] *Id*. For more information regarding the term "voetsek," see footnote 69. "Fokkof" is an Afrikaans pronunciation of "fuck off."
[76] *Id*.
[77] In South Africa, all students take examinations in the final year of high school in order to matriculate. A distinction is the highest grade that can be attained in a particular subject. The "matric" exams are similar to British O and A levels.
[78] TSHEPANG, *supra* note 71, at 10.
[79] *Id*.
[80] *Id*. at 13.
[81] *Id*.
[82] *Id*.
[83] *Id*.
[84] *Baby Tshepang's First Steps in Her Journey of Hope*, PRETORIA NEWS, Oct. 27, 2004 ("The baby was named Tshepang ('hope') by nurses and is now living in foster care.").
[85] *See*, *e.g., Potse Guilty of Raping Baby Tshepang*, July 26, 2002,

http://iafrica.com/news/sa/998816.htm; Michael Schmidt, *Where the Horror Never Ends: The Dirt-poor Town Notorious for Baby Rape Lives Under a Shadow*, SUN. TIMES (Johannesburg), Mar. 24, 2002.

[86] Interview: Foot Newton, *supra* note 33.

[87] TSHEPANG, *supra* note 71, at 13.

[88] *Id*. at 16–17.

[89] *Id*. at 17.

[90] *Id*. at 18.

[91] Interview: Foot Newton, *supra* note 33. "I thank God that the six men were accused because that is why the story hit the papers in such a big way, creating a platform for all the other stories to come out. Note that when it was discovered that it was only one man, the newspapers lost interest." *Id*.

[92] TSHEPANG, *supra* note 71, at 21.

[93] *Id*. at 20.

[94] *Id*. at 22–23.

[95] *See*, *e.g*., Barnaby Phillips, *Baby Rapes Shock South Africa*, BBC NEWS, Dec. 11, 2001, *at* http://news.bbc.co.uk/1/hi/world/Africa/1703595.stm (declaring that "[e]very day the newspapers bring awful revelations: a nine-month old girl gang raped by six men; an eight-month-old raped and left by the roadside" and recounting the story of a nine-year old girl who was seized by a neighbor, forced to look at pornographic magazines and then raped and indecently assaulted. According to the report, the neighbor then gave the girl a few coins "and said sorry."); *Only 5% of Child Rapists Convicted*, Dec. 18, 2002, *at* http://wheels24.co.za/News24/South_Africa/Aids_Focus/0,,2-7-659_1299353,00.htm (asserting that child rape has increased by up to 400 percent in the past eight years, and that three-year old girls are more likely to be raped than any other group because they are too young to resist, or to identify or testify against their attackers).

[96] Interview: Foot Newton, *supra* note 33.

[97] TSHEPANG, *supra* note 71, at 23.