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# **The 2011 Toilet Wars in South Africa: Justice and Transition between the Exceptional and the Everyday after Apartheid**

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## **ABSTRACT**

This article analyses the media images and public discourses that surrounded the 2011 ‘open toilet scandal’ or what came to be known as the ‘2011 Toilet Elections’ and the ‘Toilet Wars’. Widely circulated media images of unenclosed modern, porcelain toilets struck a raw nerve as the nation was preparing to vote in local government elections, and produced responses of shock from politicians and ordinary citizens, partly because these images seemed to condense and congeal long historical processes of racism and apartheid. Whereas the Truth and Reconciliation Commission (TRC) was understood to be the key transitional justice mechanism in the mid-1990s, by the late 1990s the TRC was no longer at the centre of political life, and its mythology of national reconciliation and ‘new beginnings’ was being widely contested. What replaced it was a ‘messy’ popular politics that was preoccupied with issues relating to land, housing, sanitation, service delivery, labour conditions and employment equity. The TRC’s narrowly conceived conception of transitional justice seemed unable to address these struggles to improve conditions of everyday life. The article concludes that these forms of popular politics reveal the limits and possibilities of engaging with the unfinished business of the 1994 democratic transition by developing a localized politics of transitional social justice.

## **INTRODUCTION**

In the run-up to South Africa’s 2011 local government elections, protests against unenclosed toilets in an informal settlement in Khayelitsha in Cape Town were widely reported in the media as the ‘Toilet Elections’ and the ‘Toilet Wars’. The widely circulated media images of unenclosed modern, porcelain toilets struck a raw nerve as the nation was preparing to vote: for a few weeks running up to the elections, the images of these open toilets

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produced responses of shock from politicians and ordinary citizens. Both the Democratic Alliance (DA), the political party in control of the Western Cape Province, and the ruling African National Congress (ANC) government were politically compromised by scandals about the construction of such toilets in townships in the provinces that they controlled. The spectacular image of the open toilet created the conditions for the framing of sanitation as a matter of concern for politicians, activists, journalists, citizens and, most significantly, judges. As will be discussed later, in the domain of the courts, this spectacle of the open toilet came to stand in for the indignities and injustices of daily life under apartheid as well as the limits of transformation after apartheid.

The Toilet Wars in the Western Cape and recent forms of social movement activism around sanitation seem to have contributed towards a post-apartheid 'politics of shit' that has been visible in 'service delivery protests'. These protests recently involved not only burning barricades, but also the destruction of toilets and the tossing of bags of human faeces onto township streets, highways and the steps of the provincial legislature building, as well as — in June 2013 — at the vehicle convoy of Western Cape Premier Helen Zille (*Cape Argus*, 2013; *Cape Times*, 2013). A few weeks later, the 'poo protestors' dumped containers of human waste in the departure section of Cape Town International Airport. They were arrested and charged under the Civil Aviation Act for delaying flights while cleaners worked around the clock to get rid of the waste and its lingering smell. These activists had literally dragged the stench from the urban periphery and its informal settlements to the seat of political and economic power in the city centre (see Robins, 2013a, 2013b).

Prior to the Toilet Wars, the shocking sanitation conditions in informal settlements seldom made it into the mainstream media or national political discourse. This observation raises a number of questions that this article seeks to address. Firstly, what do these protest actions about poor sanitation, and the increased visibility of everyday realities of structural poverty, reveal about broader questions relating to 'transitional justice' in South Africa? Secondly, in what ways has this ongoing politicization of issues such as sanitation challenged the dominant transitional justice narrative — that the 1994 elections which brought the ANC and Nelson Mandela to power constituted a 'new beginning' characterized by the miraculous birth of a democratic nation state? (See Anders and Zenker, 2014—the Introduction to this volume.)

The politicization of sanitation — for instance, in the form of the Toilet Wars, the emptying of bags of excrement in public spaces in protest, and social movement activism around these issues — suggests that transitional justice is going to continue to be a protracted and messy process involving, amongst other things, the systemic reform of the mundane conditions of structural poverty. Unlike the human rights-based framework of transitional justice that underpinned the Truth and Reconciliation Commission (TRC), issues such as sanitation, housing and public education can only be addressed by long-term state interventions at a systemic

level. Conventional transitional justice mechanisms such as commissions, courts and tribunals are seldom able to adequately address these structural problems and inequalities (see Anders and Zenker, 2014). For instance, the TRC focused on narrowly framed gross human rights violations, defined in terms of political violence, torture, abduction, murder and assault, to the exclusion of everyday violence and more systemic violations such as daily racial discrimination in housing, land, health, education and numerous other domains. It is precisely the gaps in these transitional justice approaches that have necessitated the emergence of new forms of social activism. This contribution will show how sanitation activists have recognized this reality and responded by critically engaging with the state in order to lobby and pressure it to meet its constitutionally enshrined obligations to its citizens in terms of housing, education, sanitation and land restitution. This is a very different understanding of social justice than either the revolutionary rhetoric and practices of the anti-apartheid struggle era, or more conventional transitional justice approaches, which tend to focus on commissions and courts to establish peace building and new political beginnings in post-conflict settings in Africa (Anders and Zenker, 2014).

The article will use the Toilet Wars controversy to draw attention to what at first glance appear to be two distinct and contradictory political logics: first, the ‘politics of the spectacle’ with its association with styles of popular resistance and the exceptionality of state violence and injustice during apartheid; and second, a ‘politics of the ordinary’ that I describe here as ‘slow activism’.<sup>1</sup> Whereas the former has to contend with the difficulties of sustaining media and public interest in the drama of the spectacle — and in the process often obscures the more ordinary and systemic forms of injustice — the latter has to make ‘ordinary suffering’ and systemic injustices politically legible to the state, the media and the wider public. The article will also draw attention to the ways in which proponents of slow activism may also tactically deploy the politics of the spectacle such as toilet queue protests (see below) in order to make legible these mundane realities of structural violence and poverty. In other words, although these two logics may at times appear to be distinct and contradictory, NGOs, social movements, trade unions and community-based organizations often selectively draw on both of them. It will become apparent that social justice activism that is concerned with long-term conditions of structural poverty is unlikely to find conventional transitional justice concepts and mechanisms appropriate to the task. It will be argued here that the political logic of the exception, which underpins both the concepts and mechanisms of transitional justice *and* the politics of the spectacle can, under particular circumstances, come to stand in stark contrast to the logic of the ordinary that underlies the structural

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1. I use this term to refer to contemporary NGO and social movement tactics that seek to render as politically legible the normalized and taken-for-granted daily realities of structural violence and racialized poverty.

violence of the everyday that social movements such as the Social Justice Coalition have tackled through their practices of slow activism and what I refer to as 'transitional social justice'.

## MAKING HUMAN WASTE POLITICALLY LEGIBLE

In February 2011, I joined a group of American exchange students who visited the social movement for the urban poor, Abahlali baseMjondolo, in 'QQ Section', an informal settlement in Khayelitsha on the outskirts of Cape Town. Abahlali-Western Cape had been in the news in September and October 2010 as a result of its almost daily erection of barricades in Khayelitsha, and its calls for popular protests to render Cape Town ungovernable until the City management responded to service delivery needs in informal settlements. One of the leaders of the movement, Mzonke Poni, accompanied the exchange students on a walk through QQ Section. He stopped in front of a large mound of garbage and began to speak about daily conditions in the informal settlement. He told the students that residents had to relieve themselves using buckets and plastic bags, and how they would throw these bags, 'flying toilets', in the direction of a wetlands area next to the settlement where it was not possible to build houses.<sup>2</sup> Poni also told the students that residents walked long distances to request to use the toilets of shebeen owners and residents who lived at the adjacent formal housing scheme called Q Section. Sometimes they were charged to use these toilets, and many residents could not afford to pay these toilet fees. The students were overwhelmed both by Poni's accounts of daily conditions and by the pungent stench coming from the nearby piles of waste. Poni commented on the students' discomfort and pointed out to them that QQ residents have to endure this on a daily basis.

Having recently visited an informal settlement in Khayelitsha called RR Section, where the Social Justice Coalition (SJC) had managed to get the City of Cape Town to improve sanitation infrastructure, I too was shocked by the sight and smell of huge heaps of uncollected garbage. What neither the students nor I could have anticipated during our visit in February 2011 was that a national controversy about unenclosed toilets was about to explode in the run-up to the May 2011 elections. We could also not have anticipated the faeces-flinging protests that ANC Youth League (ANCYL) and community activists in Khayelitsha would resort to in June 2013, in the run-up to the 2014 national elections. These dramatic protests were staged against the DA-controlled city and provincial government's rollout of portable

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2. Despite the target of completely eradicating the bucket system by 2007, there were still an estimated 200,000 bucket toilets in municipalities throughout the country in that year. In addition, there were over 1 million households, or 2 per cent of households in South Africa, without any toilet facilities in 2009 (The Municipal Outreach Project, 2009).

toilets rather than the permanent flush toilets demanded by residents of Cape Town's informal settlements. The ANC activists, including the former ANC Councillor Andile Lili who had been at the centre of the 2011 Toilet Wars, mobilized Khayelitsha residents against the provision of portable toilets. This was part of an emerging 'politics of shit' that shocked the political establishment and was even deemed unacceptable by the ANC leadership, which threatened these activists with disciplinary action.

Notwithstanding concerted efforts by social movement activists from organizations such as the SJC and Abahlali to draw attention to ongoing sanitation disasters in many informal settlements, prior to 2011, toilets and sanitation were not considered to be proper party political concerns. Instead, they were submerged and subsumed under the vague and technicist concept of 'service delivery'. Although activists and the media periodically reported on practices of open defecation, the bucket system, or the fact that large numbers of poor people have to use plastic bags to relieve themselves, these kinds of sanitation concerns did not enter into party political campaigns or mainstream political discourse. There was something quite extraordinary and shocking about the mass media image of the unenclosed modern porcelain toilet that captured the attention of politicians, activists and citizens in 2011. What the spectacle of the open toilet obscured, however, was the very ordinary, if not banal, slow activism of SJC activists who had, over a number of years, patiently lobbied and pressured the City government to respond to the absence of any budget for the maintenance, cleaning and monitoring of communal toilets in informal settlements in Cape Town. On 3 October 2011 the SJC announced that they had finally managed to persuade the Office of Cape Town Mayor Patricia de Lille to make available R 138 million for janitorial services for sanitation facilities in informal settlements. In May 2013 these janitors, who were employed by a company contracted by the City of Cape Town municipality to clean and maintain the toilets in informal settlements in Khayelitsha, were dumping bags of faeces and garbage on the highway in protest against labour conditions.

This article is concerned with understanding the complex relationship between this spectacular politics of shit and the slow, patient sanitation activism of the SJC. It is also concerned with why, until quite recently, toilets and 'shit matters' remained so tightly confined to the private domain of the home and seemed to resist becoming matters of public concern. These questions are addressed in relation to the moment in 2011 when it seemed as if the toilet had indeed become imbued with political and juridical meanings about race, dignity and privacy, meanings that far exceeded the functional utility of this mundane object. The public scandal of the open toilets was of such a magnitude that it prompted Tokyo Sexwale, the Minister for Human Settlements, to announce in September 2011 that he was appointing Winnie Mandela to head an eleven-member national task team which he had commissioned to investigate open toilets in poor communities throughout the country. Announcing the composition and scope of the task team to the

media, the Minister stated: 'The sordid chapter [of the open toilets] must be brought to an end' (*Business Day*, 2011).

As will become clear, the Toilet Wars catalysed public disputes that found expression in protests as well as letters to the press, court judgements, media reportage, Internet blogs and other outlets. The controversy entered a variety of legal and political settings and discursive fields: the Western Cape High Court, the Human Rights Commission, party politics, social movement activism, popular protests against poor 'service delivery', and the mass media. The controversy became a particularly productive site for mass mediated processes of contestation, definition and boundary-making by a variety of actors and networks, including bloggers, journalists, newspaper columnists and letter writers, politicians, NGOs, social movements, community residents, activists, state officials, judges, academics and many others. So what did this spectacle of the open toilet reveal, and obscure, about the politics of transitional justice in South Africa? How come 'toilet matters' managed to move out of the sequestered, private space of the home into the public sphere of the streets, the media and national party politics? In other words, how did toilets and shit matters escape the confines of the private sphere to become such a highly politicized matter of public debate? Finally, what role, if any, did this spectacle play in facilitating or inhibiting SJC's tactics of slow activism?

In trying to address these questions, the article will focus on two key problematics: first, the ways in which the media images and public commentary on the spectacle of the open toilets constituted various contested public and juridical discourses on 'race', dignity and privacy in the run-up to the 2011 local government elections; and second, how this media spectacle intersected with the slow and patient efforts of the SJC to render legible to the public and the state the conditions of 'ordinary suffering' in informal settlements in Cape Town. The aim of the article is to examine to what degree, if at all, this mass-mediated controversy about open toilets contributed towards rendering legible the mundane, and often invisible and normalized, indignities and injustices of 'slow violence' (Nixon, 2011)<sup>3</sup> and chronic poverty in South African cities. The article focuses specifically on what I refer to as

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3. Nixon uses the term 'slow violence' to refer to slow-acting forms of violence such as climate change and desertification that pose 'formidable imaginative difficulties for writers and activists alike' because they seem to lack the symbols of dramatic urgency (Nixon, 2006: 14). For Nixon, slow violence accounts for processes of 'long dyings' and 'attritional lethality' that result from the long-term consequences of environmental catastrophes such as the Bhopal and Chernobyl disasters. Here casualties are deferred, sometimes for generations, and this makes it difficult to convince political leaders to act to avert further catastrophe or to hold accountable actors who contributed towards these disasters in the first place. While tens of thousands of people have, over many decades, suffered socially, economically and physiologically as a result of such disasters, it remains difficult to hold states and corporations accountable. So how can activists, writers and journalists represent and narrate these kinds of environmental catastrophes which are 'low in instant spectacle but high in long-term effects'? (ibid.: 15).

the ‘politics of legibility’ and how various actors attempted to frame these issues as matters of public concern, thereby significantly expanding dominant conceptions of transitional social justice. It also asks how this framing emerged in relation to the ordinary, daily realities of structural poverty and ‘slow violence’ that do not generally conform to conventional understandings of transitional justice *or* media-friendly spectacles and instantaneously disseminated images of distant suffering (Boltanski, 1999; Nixon, 2011).

### SANITATION, SHIT AND THE PUBLIC SPHERE

Writing about ‘excremental politics’ and infrastructure (public toilets and sewage systems) in the Ghanaian city of Tema, Brenda Chalfin (2014: 93) suggests that it would seem from most scholarly and technoscientific interventions that ‘the natural order of human waste is expected to give way to the political administration of excreta and the eventual sequestering of shit and shitting as base substance and private act (Morgan 2002)’. Chalfin draws on Dominique Laporte’s *History of Shit* (2000) to highlight the relationship between this privatization of human waste management and the naturalization of the ‘paired emergence of self-regulating private citizens and the overarching apparatus of the modern state’ (Chalfin, 2014: 93). These historical developments have, in Chalfin’s words, contributed towards ‘the interiorization of sanitation and bodily waste as fundamental to individual well-being and to the broader project of societal improvement’ (ibid.). Chalfin’s ethnographic study investigates the engagement of actors in contemporary urban Ghana with waste and hygiene in ways that contribute towards creating public spaces and animating political life. This sanitation politics includes popular or subaltern political practices of claiming ‘the right to the city’ and ‘the right to shit’.

For political theorists of democracy such as Hannah Arendt (1958), the private domain of the household (the *oikos*) and everything that took place within its walls were not considered to be ‘properly political’ matters of concern. Arendt would probably have struggled to envisage an ‘authentic politics’ located in the technical, governmental and social reproductive domains, let alone ‘private matters’ relating to defecation, toilets and sanitation infrastructure. For Arendt, the embodied dimensions of human existence, including the most basic bodily needs and functions, had to first be taken care of within the confines of the private domain before ‘proper’ public life could emerge. Yet, it would seem that in cities in Ghana and South Africa even the most basic activities of everyday life, including defecation, periodically surface in public spaces and politics. Given Arendt’s association of these matters with the ‘private’ space of the household, it is unlikely that she would have recognized these concerns with toilets, sanitation and human waste as properly political matters.

Of course the privatization and domestication of human waste was part of a long historical process that Laporte (2000: 29) identifies as beginning in Europe with France's 1539 Degree 'requiring that every individual or individual family hold on to personal waste before carrying it out of the city'. However, Arendt is not alone in sequestering the *oikos* and its human waste from being considered as properly political matters. Jürgen Habermas (1989), the pre-eminent theorist of the bourgeois public sphere, would probably also not have envisaged that private, household-related and bodily matters such as toilets and shitting had the potential to animate public debate on political and juridical questions relating to dignity, privacy and democracy. For Habermas, the early bourgeois public sphere that emerged from the seventeenth century until its decline in the mid-twentieth was conceived of as an 'elevated' political space of rational-critical debate that transcended narrow, mundane, private interests and concerns, as well as the individual statuses of the arguers. A 'politics of shitting' (Appadurai, 2002) would no doubt have seemed beyond the pale from the perspective of the more high-minded, philosophically inflected conceptions of 'the political' shared by Arendt and Habermas.

When it comes to African scholarship, Achille Mbembe (2001) and Jean-Paul Bayart (1993) have been far less restrictive in their assessments of what counts as political. For example, they both write eloquently about the porous borders between the private and the public in their accounts of a 'politics of the belly' in terms of which the private parts and orifices of 'Big Men' are more than game for public commentary, scrutiny, parody and ridicule by citizen-subjects. Similarly, unlike European political theorists of democracy such as Arendt and Habermas, Irish Republican prisoners appear to have been fully cognizant of the potency of a 'politics of shit' when, from 1978 to 1981, they embarked upon the 'blanket protests'<sup>4</sup> that involved smearing their cell walls with excrement in protest at not being allowed to leave their cells because they refused to wear prison uniforms as part of their struggle to be recognized as prisoners of war (Coogan, 2002; Feldman, 1991).<sup>5</sup>

The open toilet controversy in South Africa in 2011, as well as the more recent faeces protests in Cape Town in 2013, suggest that a basic bodily function such as defecation, perhaps *the* most private and intimate domain of household life, can, under certain conditions, enter the circuits of public debate and political life. There are nonetheless historically constituted obstacles that may prevent such private matters from entering the public domain of debate and deliberative democracy (Laporte, 2000). For instance,

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4. Refusing to wear prison uniforms, which they referred to as 'monkey suits', these IRA prisoners wrapped blankets around their bodies. See Feldman (1991: 153–5, 166–85) for first-hand accounts and analysis of the 'blanket protests'.

5. Olaf Zenker drew my attention to the 'blanket protest' as an extraordinary measure or political logic that was used to communicate to the outside world that what appeared to be an 'ordinary situation' (i.e. criminals in prison), was in fact an exceptional situation of criminalizing 'prisoners of war' under inhuman conditions (Zenker, personal communication).



deep histories of stigma and shame associated with shit and open defecation have ensured that these issues are only gradually becoming part of an emergent 'politics of shit' (Appadurai, 2002) in India. Similarly, in a book entitled *Shit Matters*, Lyla Mehta and Synne Movik (2011) analyse how the Community-Led Total Sanitation (CLTS) Programmes that began in Bangladesh opened up such debates in villages, thereby challenging the silence and normalization of abysmal sanitation conditions in many parts of the developing world. The Bill and Melinda Gates Foundation and the Swedish environmental agency Ecosan have recently become key global actors in sanitation programmes that seek to break the silence about 'shit matters' and develop new eco-friendly 'toilets for Africa' (see Penner, 2010).

The Social Justice Coalition in Cape Town has approached the problem from a very different angle to the Gates Foundation and Ecosan. Instead of trying to come up with new-fangled toilet designs, the SJC has sought to ensure that the state provides, monitors and maintains toilets and existing sanitation technologies in poor communities. The SJC has also taken up the challenge of making more visible the appalling sanitation conditions in informal settlements in South Africa. The SJC's approach differs from ANCYL's politics of the spectacle. Instead it deploys slow, patient methods to mobilize communities around activism and to legitimize 'scientific facts' about sanitation conditions in poor neighbourhoods. It does this by producing studies that show, for example, that 500,000 people in the city of Cape Town have no access to basic sanitation facilities. These sanitation facts are then disseminated to the public through the mass media. A typical SJC press statement frames the sanitation problem in Cape Town as follows:

In some of these [poor] communities more than 100 dwellings (or 500 people) share one toilet stall. . . . Many toilets and standpipes have consequently fallen in disrepair, due largely to high use and a lack of routine maintenance, repairs and monitoring. The resulting poor hygiene conditions contribute directly to an array of illnesses including diarrhea, gastroenteritis and skin rash. Lack of access also places resident at great risk of criminal attacks. (SJC, 2011)

This framing of the problem, which is backed up by scientific studies commissioned by the SJC, seeks to transform 'private matters' of defecation into public concerns and matters of public health.

So apart from the many criticisms of Habermas's early conception of the classical bourgeois public sphere for overlooking exclusions based on race, gender, sexuality, class and education,<sup>6</sup> it would seem that his Europe-centred model is also guilty of privileging 'elevated' topics of deliberation and debate to the exclusion of those, such as toilets and shit, that could be considered to be too ordinary, base and banal. It is therefore not very surprising that Habermas's innovative analyses of the European bourgeois

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6. Craig Calhoun also notes that in the 1960s 'young leftists attacked it for focusing on the bourgeois public sphere to the exclusion of the proletarian one, for an inadequate grasp of everyday life (including mass media) in advanced capitalism, and for exaggerating the emancipatory potential in the idealized bourgeois public sphere' (Calhoun, 1993: 5).

public sphere may have limited value when it comes to trying to understand how toilets and shit became 'political' in South Africa in 2011. So how can we begin to understand how the open toilet emerged as such a powerful legal, political and symbolic spectacle?

### **HUMAN RIGHTS, HUMAN WASTE AND THE SPECTACLE OF THE 'ANTI-DIGNITY TOILET'**

During 2010, in response to public protests and statements from ANC community activists that people had to use open toilets and cover themselves with blankets in full view of the public, the City of Cape Town Municipality (hereafter 'the City') made a number of attempts to enclose the toilets with corrugated iron and timber. However, each of these attempts encountered severe resistance from Khayelitsha residents and ANCYL activists who demanded that the City build pillbox concrete structures to enclose the toilets. When the City did not comply with these demands, a group of ANCYL activists and residents set about destroying the open toilets and the corrugated iron and timber enclosures.<sup>7</sup> This resulted in the City laying criminal charges for the structures destroyed. Meanwhile the ANCYL approached the South African Human Rights Commission (SAHRC) which, after investigating the case, concluded that these open toilets constituted a violation of human dignity. In September 2010, Mrs Beja, a seventy-six year-old woman who had been attacked and stabbed while going to an unenclosed toilet in Makhaza informal settlement in Khayelitsha, filed an application against the City,<sup>8</sup> and on 29 April 2011, Judge Erasmus of the Western Cape High Court handed down judgement against the City and the Province. This series of events, from the ANCYL protests to the SAHRC and High Court applications, came to be known as the 'Makhaza toilet wars'.

Judge Erasmus's judgement in the Beja case ordered the DA-controlled City of Cape Town and the DA Premier of the Western Cape Province to enclose 1,316 toilets in the Silvertown Project, an area that included Makhaza informal settlement in Khayelitsha, a predominantly Xhosa-speaking township on the outskirts of Cape Town. The judgement, which focused on housing legislation and rights to dignity and privacy, declared that by

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7. Andrew Spiegel alerted me to the graffiti in Khayelitsha in the early 1990s that stated 'Give us houses not toilets'. The meaning behind this graffiti was that, at a time when apartheid was coming to an end, people rejected the state's pillbox structures that enclosed toilets on serviced sites, and instead demanded dwellings that included toilets inside the houses (Spiegel, personal communication).

8. Beja was the first applicant, and Western Cape ANCYL leader, Andile Lili, was the second applicant in a case that was widely seen to be spearheaded by the ANCYL. The Premier of the Western Cape, the Mayor of the City of Cape Town, the MEC for Human Settlements, Western Cape, and the South African Human Rights Commission were the respondents in the case.

erecting 225 unenclosed toilets in Makhaza in 2009, the City had violated the constitutional rights of citizens of this settlement. This landmark judgement had followed local mobilization in Makhaza, led by the ANCYL's Andile Lili, against these open toilets. The City had responded by claiming that it had entered into a prior agreement with residents that they would enclose the toilets themselves in order to stretch the available budget, and thereby enable each household to have its own toilet rather than having to rely on existing communal toilets. In fact, the City claimed that Andile Lili, the ANCYL's applicant in the Beja High Court case, had been employed by the City of Cape Town to facilitate the agreement with the residents. However, Lili had then turned against the City's scheme and began to play the leading role in the challenge to the City's open toilets in Makhaza.

The ruling given by Judge Erasmus revealed the centrality of questions of dignity and privacy in constitutional law and the democratic culture of the post-apartheid state. The ruling also revealed the pervasive ways in which historical remembrance of the violations of the apartheid past continued to animate both public political discourses and the legalistic language and jurisprudence on dignity and privacy. For the Judge, in his public performance as custodian of the rights of the citizen — and in particular the rights and dignity of the poor and historically marginalized — these matters of indignity and sanitation were related to, and resonated with, the historical memory of the struggle against apartheid: 'The Constitution asserts dignity to contradict our past in which human dignity for black South Africans was routinely and cruelly denied'.<sup>9</sup> The language of the Beja judgement was easily assimilated into an official public script that re-enacted the commitment of the caring, post-revolutionary state, a state that claimed to protect the dignity of all South Africans and affirm their equal worth. The open toilet was intolerable given these constitutionally mandated commitments and imperatives of social justice. Here transitional justice was no longer confined to dealing with apartheid's political violence and gross human rights violations, but also included a wide range of human rights to dignity and 'a better life'.

In his description of the *in loco* inspection of the open toilets at Makhaza, Judge Erasmus reinforced these concerns with questions of human dignity and privacy. Here the Judge expressed disquiet at the poor sanitation conditions throughout the informal settlement, and wrote that even the existing communal toilets, the lack of adequate ablution facilities for disabled people, and the self-enclosed toilets that were part of the agreement between residents and the City of Cape Town, 'were unsatisfactory to satisfy dignity and privacy':

At the inspection *in loco* the court was accompanied by the legal representatives of all the parties. We observed [that] *most of the self enclosed toilets were unsatisfactory to satisfy dignity and privacy*. E.g. I observed a toilet, pointed out by a woman occupier that had no

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9. 'Beja vs. Premier of the Western Cape and Others', Western Cape High Court Records, p. 21.

door. The opening faced a public thoroughfare. She indicated she could not afford a door . . . The communal toilets that were visited were in a bad state and it can hardly be said that it satisfied *the minimum requirement to promote dignity*.<sup>10</sup>

While the Western Cape ANCYL's involvement in the toilet wars and its High Court application were interpreted by many journalists, political commentators and DA politicians and supporters as opportunistic politicking in the run-up to the highly contested Western Cape local government elections of May 2011, few could have anticipated the degree to which toilets and sanitation would come to dominate election campaigns in South Africa. Only a couple of weeks after the April 2011 High Court judgement in the Beja case, which was given considerable national media attention and celebrated by the ANCYL, the ANC found itself in a similar predicament to the DA. Journalists had exposed the unflattering story of 1,600 unenclosed toilets in Rammulotsi township near Viljoenskroon in the ANC-controlled Free State Province. These open toilets, which had been erected in 2003, were a massive embarrassment to the ANC which immediately dispatched a high profile delegation to Rammulotsi which included ANCYL President Julius Malema and Sports Minister Fikile Mbalula.

From the statements and perspectives of the media, the courts, activists and politicians, it would seem that by 2011, toilets and sanitation had indeed become 'properly' political matters involving questions of dignity, privacy and human rights. Alongside these technical, legalistic and human rights concerns related to juridical interpretations of dignity and privacy, the open toilets also made it very difficult for politicians, state officials and citizens to reconcile their vision of a progressive, rights-based constitutional democracy and transitional social justice with the idea of citizens having to defecate in public. But there were still other twists and turns to this tale of toilets.

## THE TOILET WARS GO VIRTUAL AND VIRAL

For the ANCYL in the Western Cape, the open toilets in Makhaza were a gift from the gods, and they quickly became the core theme of the ANC's campaign speeches in the run-up to the 2011 local government elections. For the ANCYL in particular, the High Court judgement seemed to confirm its assertions that the open toilets were clear evidence of the inherent racism of the DA-controlled Municipality and its refusal to recognize the dignity of black people. Responding to the open toilets in Makhaza, the ANCYL called for the youth to vandalize Cape Town to protest against the DA's 'poor service delivery' record. As ANCYL leader Loyiso Nkhole put it, 'We are going to destroy everything and make the city ungovernable . . . We are calling on all youth to do this, especially those living in informal settlements'

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10. 'Beja vs. Premier of the Western Cape and Others', Western Cape High Court Records, p. 14 (emphasis added).

(*Mail & Guardian*, 2010). Nkhole's deputy Chumile Sali stated that the ANCYL was embarking on these actions to expose what was happening in parts of Cape Town where the DA had failed to deliver services: 'The African people's dignity has been undermined by the DA. It is time to take action' (ibid.). In a press statement in May 2011, ANCYL regional treasurer Andile Lili acknowledged being at the forefront of the protests against the open toilets: 'I led all those protests and I will continue to do so until the issue is resolved. Our people are suffering and definitely the city is racist to leave us living like this with no toilets... What do they think of us if they can leave us here like this, with many residents having to go into the bush?' (Underhill, 2011). In 2010, Lili's ANCYL branch had written an open letter to Human Settlements Minister Tokyo Sexwale calling on him to intervene: 'Our complaint is based on the reality that African people residing in Makhaza, Khayelitsha, are forced to shit in full view of the public... This satanic action by the [Democratic Alliance] city council is tantamount to gross human rights violations and undermines the people's right for their dignity to be protected as stipulated in Section 10 of the Constitution' (*Mail & Guardian*, 2010). Although this ANCYL polemic against the DA Municipality imploded when journalists uncovered the 1,600 open toilets in the ANC-controlled Free State Province, this did not stop Lili and Nkhole from becoming the lead figures in the June 2013 protests against portable toilets.

Social movements such as SJC and Abahlali baseMjondolo had spent a number of years attempting to place issues such as toilets and poor sanitation in informal settlements on the national agenda, but it was the dramatic media image of the open toilet that was the catalyst for political parties and the state to claim that they too were now taking sanitation matters seriously. The political elite and ordinary South Africans citizens, including the middle classes who tend to be indifferent towards or ignorant of the daily conditions of poor sanitation in informal settlements, expressed shock and outrage that citizens had to carry out their ablutions in the open in full view of passers-by. During an interview a month before the May 2011 local government elections, Mandla Majola, a veteran activist of the Treatment Action Campaign (TAC) who had recently joined the SJC, told me that even residents of the formal housing sections of Khayelitsha expressed shock when they found out about the condition of toilets and sanitation in the adjacent informal settlements in their township. Majola referred to the SJC's decision to hold a 'toilet queue protest' in Khayelitsha on 26 April 2011, on the day before Freedom Day,<sup>11</sup> in order to 'educate' residents about the

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11. Freedom Day is a national holiday that celebrates the day in April 1994 when South Africans voted in the first post-apartheid democratic elections. The toilet queue protest scheduled for this symbolically important holiday resulted in hundreds of SJC activists converging on government buildings and facilities and queuing to use the toilets. This form of protest is part of the repertoire of activist strategies for drawing attention to sanitation conditions in

dismal sanitation conditions in the township's informal settlements: 'On the 27<sup>th</sup> April [1994] there was a long queue for votes and we got the freedom, and we got the so called democracy. *Now we are queuing for sanitation, for toilets*, and there are many people without access to toilets and they are really struggling. We need to open people's eyes to see' (interview, Mandla Majola, April 2011).

There are of course many possible reasons why the images of the open toilets were able to trigger such powerful shock effects. One of the many sites for the public expression of shock and outrage was the blogosphere. In July 2010, 'Thomas Mjiva', a *Mail & Guardian* blogger, attacked DA-supporting bloggers for making excuses for the DA-controlled City of Cape Town's open toilets 'blunder'. He also pointed out that open defecation along the N2 highway was a routine practice for people living in informal settlements such as Makhaza:

Please visit the area [Makhaza] for at least 2 days and nights and you will realise that when you say people are not forced to defecate in public you are insulting many. By the way don't you see these people doing the act next to the fences by the N2. If not just go there and you will see for yourself the leftovers (Evidence).<sup>12</sup>

Most of the expressions of public outrage failed to acknowledge that many informal settlement residents endure even greater indignities on a daily basis by having to relieve themselves in the open. Whereas the modern toilet without walls shocked most bloggers because of assumptions about the inherent privacy of defecation, 'Thomas Mjiva' noted in his blog contribution on the *Mail & Guardian* website that open defecation was an everyday practice in many informal settlements in Cape Town. Although open defecation is indeed very widespread in many poor communities throughout South Africa, it was the open toilets that profoundly unsettled the understandings of politicians and citizens regarding the democratic transition and basic rights to dignity in a modern state. These developments raised the troubling question: what kind of democracy are we talking about when these kinds of injustices and indignities still occur?

In response to this growing public outrage, the City drew on technicist arguments that its provision of toilets in the area met the national norms and standards of one toilet per five households. However, the City's problems escalated once the media began reporting on the fact that 55 of the 225 toilets erected in Makhaza remained unenclosed, either because residents refused or could not afford to enclose the toilets, or because they were too ill or infirm to do so. Even the Office of the City Manager's own Forensic Report

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the global South. In 2010, over 300 SJC activists converged on toilets in Sea Point in the shadow of the nearby World Cup Soccer Stadium in order to convey the a sense of outrage at the massive disparities between local government spending on toilets and sanitation in middle class areas compared to informal settlements.

12. See comments section below the article at: <http://mg.co.za/article/2010--07--05-zille-anc-youth-league-behind-toilets-saga>

on ‘alleged irregular construction of toilets’ — referred to in the document as the ‘loo with a view’ — questioned the basis of the City’s claim that a binding agreement had been reached between the City and the residents about self-enclosing the toilets:

The community accepted the offer of a ‘loo with a view’ as they had made use of the ‘bucket system’ for the past twenty years and they were concerned that should they not agree with the ‘loo with a view’ they would be left with the ‘bucket system’ of sanitation. Our view is that the community was given a ‘Hobson’s choice’ in this regard.<sup>13</sup>

### **THE SOCIAL JUSTICE COALITION AND ITS GRASSROOTS POLITICS OF JUSTICE AND TRANSITION**

While walking through RR Section, an informal settlement in Khayelitsha, ‘AP’, a Social Justice Coalition activist and resident from a nearby township, talked of the difficulties she encountered when trying to convince residents that allowing children to play in water contaminated by raw sewage was abnormal and unacceptable. She told me that these conditions were so much part of everyday life in places like RR Section that residents could not imagine anything different. She also spoke of residents whose children are sick with diarrhoea on a weekly basis. For AP the task was to create community-based forms of ‘sanitation literacy’ whereby residents could begin to question the normalization of these conditions. She also spoke of how residents, especially those who worked outside of RR Section, claimed that they only came home to eat and sleep, and that they had gotten used to the conditions. AP also spoke about the normalization of everyday violence, the high rates of child rape in the settlement, and how women and children were routinely attacked at night when they went outside to relieve themselves. Young girls from RR Section had told her that they entered into sexual relationships with local gangsters in order to secure protection from sexual assault. She herself had been attacked at gunpoint when she returned from taking her child to an outside toilet. It was these experiences and testimonies of residents of RR Section that alerted SJC activists to the salience of the intersection between sanitation and safety in informal settlements. It also alerted them to the need to develop ways to ‘conscientize’ residents about the intolerable nature of the situation. Rather than simply relying on the authority of scientific studies and statistics on sanitation conditions in informal settlements, SJC activists routinely drew on dramatic personal testimonies in meetings with officials as well as at public gatherings in Khayelitsha where SJC activists sought to convince local residents of the gravity of the sanitation crisis.

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13. Office of the City Manager, Forensic Services Department Forensic Report, Forensic Investigation into Alleged Irregular Construction of Toilets in the Silvertown Housing Project, 30 July 2010. Case No: FSD167/09–10.



The SJC's aim — to address these inextricably intertwined sanitation and safety issues — required strategic engagement with questions of technical expertise as well as the 'politics of the spectacle'. For instance, in an effort to render the conditions legible to the state and the wider public, as well as those who suffer them on a daily basis, the SJC commissioned, translated and disseminated scientific research that documented *E.coli* levels in RR Section and demonstrated the high risk of disease from exposure to water contaminated by raw sewage.<sup>14</sup> The SJC employed a repertoire of tactics that included the use of statistics, litigation, the media, personal testimonies and protests. Mass petitions and media spectacles such as toilet queue protests outside government buildings in Khayelitsha, as well as outside public toilets in affluent neighbourhoods, sought to blame and shame government for not providing adequate budgets for the monitoring and maintenance of toilets and sanitation in informal settlements. For example, on 27 April 2011, an estimated 2,500 Khayelitsha residents queued behind a toilet outside the Mayor's office to hand over a petition signed by 10,000 residents. The media played a central role in these 'Queue for Clean & Safe Sanitation' campaigns. In a series of articles for the *Cape Times*, the well-known health journalist, Anso Thom, drew on the personal testimonies of residents living in Khayelitsha to dramatize their daily experiences.

Her shack and yard is [sic] regularly flooded with raw sewage from a nearby pipe which blocks and then floods its contents into her surroundings. [Nozakhe] Thethafuthi claims that sewage first started flowing out from two manholes around her home in the winter of 2006. She has been forced to build a moat around her house in an attempt to relay the sewage to the swamp behind her shack. The effluent in the swamp is channeled to the ocean. The stench is sickening, her living conditions inhumane. Thethafuthi nods her head when asked if the stinking sewage flows into the shack. 'Yes, it often happens right throughout the year', she says, pushing the black beanie away from her forehead. 'My daughter is at the clinic right now with one of my grandchildren because he has diarrhoea. The babies have had diarrhoea episodes every week since their birth (a year ago)', says Thethafuthi. (Thom, 2010)

Thom also writes about Makhosandile 'Scarre' Qezo, a resident of RR Section who was viciously attacked when he crossed Landsdowne Road to relieve himself in the early hours of the morning. He was attacked in the open veld adjacent to the N2 highway, a place that is used daily by hundreds of community members who do not have access to toilets. These testimonies are repeated at SJC gatherings and disseminated in press releases, and these accounts have become part of the emerging historical narrative of SJC. In a *Cape Times* feature article published in November 2011, Gavin Silber, the Coordinator of SJC, narrated Zanele's story; a few days earlier he had told the same story to a Khayelitsha audience of about 100 local residents:

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14. Memorandum on the results of the water sampling in RR Section taken on 8 September 2010 and sent to SJC by Dr J.M. Barnes, Division of Community Health on 30 September 2010.



On a dark, wintry evening in June 2009, Zanele [Xaki] undertook her usual walk to an empty clearing alongside the N2 — a waste-ridden desolate expanse where criminals frequently attack vulnerable residents attempting to relieve themselves. The stench is unbearable, and those who make use of it often complain of contracting worms, gastroenteritis or diarrhea. While attempting to cross Landsdowne Road, Zanele was hit by a car. She was hospitalized for three weeks with a broken pelvis and missed several months of school. Today she is too scared to make this trip, and instead uses a toilet belonging to a shopkeeper five minutes away. (Silber, 2011)<sup>15</sup>

These dramatic narratives and testimonies feature in the SJC's engagement with officials and policy makers as well as grassroots pedagogical campaigns that seek to 'visibilize' and politicize structurally determined sanitation conditions and practices, such as open defecation, for those residents of informal settlements who have normalized the daily realities of chronic poverty. Newspaper articles on RR Section by journalists such as Anso Thom also draw on the SJC's archive of personal testimonies which are often performed at public meetings in Khayelitsha. These testimonies graphically capture and render legible the conditions of structural violence that characterize informal settlements in Cape Town and other South African cities. Thom's accounts of health problems and structural inequality, which she writes about in close collaboration with SJC activists, make connections between a variety of actors and institutions, brought together in these stories of toilets, sanitation, violence, indignity and social suffering. In the *Cape Times* article referred to above, she writes about the scientists and medical researchers who measure E.coli levels and infant mortality rates; a public health official who acknowledges that poor sanitation is responsible for the 'extremely high incidences of diarrhoea and death rates' in RR Section; the City and Provincial officials who blame the problem on 'vandalism'; and the hypothetical middle class Rondebosch family who, unlike RR Section residents, would never agree to share a toilet with twelve other families (Thom, 2010). It is through these kinds of media representations of daily life in places like RR Section that SJC has been able to render sanitation matters politically legible.

SJC's engagement with scientific expertise, statistical data, testimonies, journalists and researchers<sup>16</sup> to lobby and pressure the state for resources, mirrors the tactics of TAC's particular brand of AIDS activism (see Robins, 2008). This approach has also shaped SJC's attempts to make the City of Cape Town more accountable and transparent in its delivery of policing services in these poorer communities. Just as TAC has engaged with health professionals, medical scientists and researchers from a variety of disciplines, SJC has mobilized technical expertise to analyse crime statistics in order to

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15. The article is an edited version of Silber's contribution to the 2011 Irene Grootboom Memorial Lecture Series dialogues in Khayelitsha.

16. A number of medical researchers and professors of public health and medicine, as well as social scientists such as the author, have written feature articles in the local and national press on SJC and on conditions in Cape Town's informal settlements.

identify the distribution of different forms of crime in Khayelitsha. For instance, an analysis of statistics from RR Section revealed that crime figures relating to gender-based violence were being dramatically underreported. This was attributed to the fact that courts and police were overburdened, and only homicide was being routinely reported to the police. This structural invisibility with respect to gender-based violence was identified as a serious problem that SJC activists decided to prioritize. The statistics also revealed that the number of road accidents and fires in RR Section were the highest in Cape Town. SJC members began using aerial photographs and satellite maps to show the overlay and concentration of all these problems in particular areas in Khayelitsha.<sup>17</sup> In other words, SJC's tactical use of data collection sought to render visible the extent of social and economic problems, state service delivery inefficiencies, and 'structural violence' in Khayelitsha, and in RR Section in particular. This 'politics of legibility' was strategically deployed by SJC to name, blame and shame the state into responding to specific sanitation and crime related problems. Through these activist practices, the SJC has expanded public understandings of what I refer to in this article as 'transitional social justice'. In 2014, the SJC and its civil society partners succeeded in their efforts to lobby for the establishment of the Pikoli-O'Regan Commission of Inquiry into Policing in Khayelitsha. This official state investigation into the conditions of everyday violence, crime, policing and the workings of the criminal justice system in Khayelitsha took place despite concerted opposition from the national Minister of Police, who had applied unsuccessfully to the Constitutional Court to prevent the DA Premier Helen Zille from setting up the Commission.

### **SLOW VIOLENCE, 'SLOW ACTIVISM' AND TRANSITIONAL SOCIAL JUSTICE**

In 2011 the SJC released a press statement expressing concern that the open toilet scandal had deteriorated into political point scoring between the ANC and the DA. The SJC statement called for an end to the 'battle of brinkmanship' between the ANC and DA. Rather than fixating on the open toilet saga, the SJC statement drew attention to the more mundane realities of everyday life for the '10.5 million people in South Africa [who] continue to live without access to basic sanitation'. From the perspective of SJC, the spectacle of the open toilet obscured these daily conditions of racialized

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17. The interpretation of these data also led the SJC leadership to conclude that deploying more police to the area would not necessarily be the answer, and neither would more ambulances solve the problems. This was due to the fact that RR Section had no roads but only paths, making vehicle accessibility a serious problem. These kinds of analyses sought to influence the ways in which local government intervened in the area.

poverty and structural violence.<sup>18</sup> For the SJC, these were the real challenges for transitional social justice. The SJC attempted to render these everyday realities visible to the state and the wider public by organizing ‘walks of witness’ whereby religious leaders and journalists were taken to some of the poorest informal settlements in Khayelitsha. In July 2011, Muslim, Jewish and Christian religious leaders, including the Anglican Archbishop of Cape Town, Thabo Makgoba, joined SJC activists on a walk of witness to RR Section in order to get firsthand experience of the daily conditions in these shantytowns. *Cape Times* journalist Zara Nicholson (2011) reported on how shocked and devastated the religious leaders were to find ‘unhygienic toilets, no running water, refuse in pathways and exposed electricity lines’.

By the end of 2011 it appeared that the Cape Town Mayor’s Office was finally starting to respond to the SJC’s persistent demands for a budget for the maintenance, cleaning and repair of communal toilets in the city’s informal settlements. It is not clear to what degree these SJC campaigns were aided by the media coverage of the open toilets scandal and the court ruling. SJC activists pointed out that behind the open toilet spectacle lay the daily realities of raw sewage, sanitation-related illnesses, and practices of open defecation. To address the kinds of systemic problems associated with chronic poverty required slow, sustained modes of activism rather than relying on hyper-transient mass mediated spectacles such as the Toilet Wars. These SJC activists seemed acutely aware that practices such as open defecation were concealed beneath layers of stigma and shame. Activists such as AP also encountered the normalization of these abject conditions by residents themselves. It would seem that the Toilet Wars of 2011 only partially succeeded in rendering the sanitation crisis in poor communities more visible to the state and the wider public.

## CONCLUDING REFLECTIONS

The open toilet scandal was not only a catalyst for talk and debate about privacy and dignity, issues that featured centrally in the mainstream media, blogs, the High Court and Human Rights Commission findings, and party political rhetoric. The controversy can also be understood as a lens onto the specific character of South Africa’s modernist state and its particular brand of developmentalism and liberal democracy. The representatives of the South African state routinely proclaim its accomplishments in terms of ‘rolling out’ massive programmes involving welfare grants, housing, electricity, water and sanitation — including modern, porcelain toilets — in

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18. Social Justice Coalition memorandum in response to the Toilet Wars of 2010 and 2011; <http://www.sjc.org.za/>.

order to create 'a better life for all'. This high modernist vision is very evident, for instance, in the posters that line Cape Town's N2 highway boldly proclaiming that 'Slums shall be abolished' and that shacks will be replaced by dignified 'proper housing'. It is also visible in the legal charters of the post-apartheid state. For instance, the Constitution promises the 'progressive realization' of socio-economic rights for all its citizens. However, these expressions of constitutional utopianism and state commitment to transitional justice and modernist development routinely run up against limits and barriers that result from a lack of financial resources and institutional capacity. In the light of this, it is tempting to interpret the image of the modern toilet without walls as yet another dispiriting indicator of the limits and unfulfilled promises of national liberation, state service delivery and modern citizenship. For state officials and politicians, the unenclosed, 'anti-dignity' toilets brought into sharp relief the elusiveness of these modernist visions and aspirations.

It is precisely in this gap between 'the modern' and the 'not quite modern' that a proliferation of new social movements has emerged to pressure the state to meet its obligations with regard to health, housing, land, sanitation and so on (see Robins, 2008). Responding to the limitations and failures of the democratic transition, social movements of the urban poor such as Abahlali baseMjondodo and Social Justice Coalition have sought to create the conditions for the emergence of new understandings of transitional social justice and what it means to be a citizen in a democratic state with much unfinished business.

There are of course other ways of interpreting why the open toilet acquired such potent symbolic currency, why it came to be seen as such an affront to black dignity, and how it became *the* key campaign issue in the run-up to the 2011 elections. One possible explanation already mentioned is that there was obvious party political mileage to be gained by drawing attention to this open toilet scandal in the hotly contested Western Cape Province. For the ANCYL, the open toilets saga was framed as a direct attack on black dignity and a clear sign of the DA's historically embedded racism. But this alone does not account for the symbolic and political impact of the open toilets. A historically produced association of the spectacular imagery of the open toilets with apartheid's assault on the dignity of black South Africans is surely one compelling reason why this image 'went viral' and why it provided such potent political capital for the ANCYL. This association was evident in the Beja High Court ruling cited above. From this perspective, the open toilets could be read as the spectre of a disturbing return of the racism, injustices and indignities of the apartheid past; a condensation of the fear that post-apartheid democracy had failed to significantly transform structural inequality, racism, and the everyday conditions of chronic poverty. In summary, the open toilets could be seen as an indictment of the serious limits of post-apartheid transitional justice mechanisms, and the democratic transition in general. This reading suggests that the open toilets of 2011

came to signify the stark limits of the democratic transition as manifested through the persistence of massive unemployment, racialized inequalities, deep poverty, the AIDS pandemic, crime, everyday violence, corruption and so on (Marais, 2011; Robins, 2005). Images of open toilets seventeen years after the arrival of democracy clearly troubled and unsettled the post-revolutionary state's linear and progressive narrative of transitional justice: the progressive realization of 'a better life for all'. Matters of dignity and privacy, so central to South Africa's Constitution and its post-apartheid political culture, seemed to be rendered meaningless by these images of toilets without walls.

Finally, this case study has suggested that the politicization of issues such as sanitation in the post-apartheid period reveals that narrowly conceived transitional justice mechanisms such as the TRC are no longer at the centre of political life in South Africa. In fact, the TRC had a relatively short shelf life as a national political programme of action. Its mandate was to facilitate a smooth democratic transition and once this was more or less achieved, in 1994, it lost its rationale. The dwindling significance of the TRC was inevitable given that its conception of transitional justice was narrowly confined in terms of 'gross human rights violations'. With this mandate, it could not address the more systemic problems of structural violence, chronic poverty and racialized inequality. But it is precisely these issues that have continued to animate popular politics in the post-TRC period. The escalation of service delivery protests and labour strikes in recent years is testimony to this political reality. It would seem that as early as the late 1990s, the TRC had already run its course, and was increasingly being overshadowed by a vibrant, and at times violent, popular politics that honed in on economic injustices and the politics of everyday life in poor communities. Issues such as service delivery, housing, sanitation, public health and labour conditions have become matters of transitional social justice that go well beyond the parameters of the TRC's brief. The TRC and other conventional transitional justice mechanisms have generally been unable to capture the imagination of the wider population, largely because they have tended to be confined to narrowly circumscribed conceptions of transitional justice and human rights. The Toilet Wars and the SJC's style of slow activism draw attention to the limits of this transitional justice model as well as signalling new possibilities for imagining social justice activism that resonates with everyday experiences in poor and working class communities. This case study of the Toilet Wars has shown how the political logic of the exception underlying both 'transitional justice' concepts and mechanisms and the politics of the spectacle, took on forms that contrasted starkly with the logic of 'the ordinary' which characterized the structural violence of everyday life that SJC activists challenged through their practices of slow activism and transitional social justice.

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