

# Mandela in/and Pretoria

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## ABSTRACT

This article is a reflection on how Pretoria as a political, social and cultural space could be re-envisioned post-apartheid. The angle of approach is critical, general jurisprudence as advocated by Douzinas and Gearey (2005), with an emphasis on law's consciousness, its conscience, and its justice. The reflection takes place against the framework of spatiality, spatial justice and the notion of *genius loci*, spirit or sense of place. Using John Hyslop's discussion on the Afro-modern Mandela in Johannesburg as point of departure, a discussion on Mandela in/and Pretoria follows, with specific reference to the Treason Trial staged in the Old Synagogue between 1958 and 1961 and the Rivonia Trial played out in the Palace of Justice on Church Square in 1964. The question is asked how the influence of Johannesburg as metropolis differs from the influence of Pretoria as centre of nationalism, bureaucracy and governmentality. Another, more recent, Pretoria trial, on the Schubart Park evictions, is invoked. Linking up with Sarah Nuttall's musing on the 'Johannesburg text', it is stated that, in the same vein, the Pretoria text, as a certain instantiation of the lawscape, is still finding its form.

**Keywords:** Mandela; Johannesburg; Pretoria; Rivonia Trial; Treason Trial; Old Synagogue; Palace of Justice; Church Square; general jurisprudence; lawscape; spatial justice.

## Introduction

The main aim of this article, as suggested by the title, is to reflect on Mandela in Pretoria, but also on Mandela and Pretoria. Both of these names, Mandela and Pretoria, bring forth and 'represent' a certain history, a certain vision of modernity, a certain politics, and invoke a multitude of memories, feelings and thoughts. Both of these names, Mandela and Pretoria, represent and symbolise various and often opposing perspectives. Both of these names are also associated with the law.<sup>1</sup>

My purpose is to reflect on how Pretoria as a political, social, and cultural space could evolve from the bureaucratic centre of apartheid and nationalism to something else. But within this broad focus I consider events or moments of Mandela in Pretoria:

<sup>1</sup> The article is but a tentative exploration that, to an extent, merges what is at present the beginning of two larger projects: firstly an in-depth reflection on Mandela and his relation to modernity and sovereignty, and ultimately his contribution to a radical jurisprudence; and secondly a possible re-visioning of the city of Pretoria.

the two trials in which Mandela was brought to court in Pretoria, the Treason Trial and later the Rivonia Trial. I am interested in how Pretoria was perceived and viewed at the time of the trials and thereafter and recall some of the writings or comments made on Pretoria by authors writing on these trials and Mandela.

My angle of approach is a jurisprudential one, more pertinently critical jurisprudence and its primary concerns. I follow Douzinas and Gearey's (2005:10) search for a return to what they call a 'general jurisprudence'. They lament the shift from general jurisprudence to restricted jurisprudence, a process by which jurisprudence has been preoccupied with the question 'What is law?', 'an endless interrogation of the essence or substance of law' (Douzinas & Gearey 2005:10). For them the result of such a restricted jurisprudence was that in the enquiry of jurisprudence, what is considered relevant is limited to a small number of institutions, practices and actors, with many excluded. A general jurisprudence encompasses a wider concern, examines a greater number of aspects; it is 'concerned not just with posited law, but also with what can be called the law of the law' (Douzinas & Gearey 2005:10). Douzinas and Gearey (2005:13) emphasise the double meaning of jurisprudence, which simultaneously refers to law's consciousness, the prudence, wisdom and phronesis of law, and its conscience, the explorations of law's justice, the ideal law. Post-apartheid jurisprudence, the jurisprudence in the aftermath of an authoritarian and violent past, cannot only be the consciousness of law, but must also involve a deep and continuous exploration of law's conscience.

My reflection in this article stands in the guise of a general jurisprudence and takes place against the framework of spatiality, spatial justice and in particular the notion of *genius loci*, spirit or sense of place (Tally 2013:81). As someone who grew up and has been living in Pretoria for most of my life, I am intrigued by thinking about Pretoria as lived space also within a trajectory from apartheid to post-apartheid. How do we think about public spaces such as Church Square, the Palace of Justice and the Old Synagogue (Figures 1, 2 and 3) through a politics of memory? How was Pretoria affected by the trials of the 1960s, but also, how was Mandela as the first accused in the Rivonia Trial affected by being on trial in Pretoria and not in Johannesburg? To what extent did we, marching on Church Square in the late 1980s and early 1990s, as part of the Mass Democratic Movement's protests, connect that space with the 1964 trial that played out on that very same square?<sup>2</sup> How might this influence future engagements with the city and more pertinently a re-visioning of the city?

2. In the same vein the spatiality of the TRC's hearings in the mid-1990s could be sources for further investigation and analyses – Churches, schools and town halls of white conservative communities filled with quite often the very same people who were previously excluded from those spaces.





FIGURE **Nº 3**



The Old Synagogue (Meiring 1980:44).

My questions are inspired by work that has been done on Johannesburg, in particular placing Johannesburg within the realm of a certain kind of modernity. John Hyslop's (2008:119-136) interesting take on the influence of Johannesburg on Mandela's political vision is significant for my reflection. Nelson Mandela's performances at the two Pretoria trials could tentatively be read as 'founding moments' of a new era – the writing on the wall as it were. Following Hyslop's argument on Mandela and the influence of Johannesburg on Mandela – and thus an argument on modernity, Johannesburg as metropolis, and Mandela as embracing



FIGURE **Nº 4**



'It's literally just the skeletons that are left'. Post apocalyptic Schubartpark. A photo series by Herman Verwey, 2014

what could be called an Afro-modernity – I want to think about Mandela in/and Pretoria.<sup>3</sup> How did the influence of Johannesburg as metropolis differ from the influence of Pretoria as centre of nationalism, bureaucracy and governmentality?

While thinking about the possibility of a re-visioning of Pretoria, I invoke another trial, a more recent one where the court was confronted with events that took place in Pretoria, not far from the spaces where the Treason Trial and Rivonia Trial played out. In what has been called the 'battle of Schubart Park', 700 families were evicted from their homes in this apartment block (Figure 4). Instead of challenging Pretoria's political past, this event re-affirms its stance as a city of bureaucrats and underscores a continuance of injustice rather than the promises made of a caring city in some of the City of Tshwane's plans for the future.

The article unfolds as follows: I start with situating Mandela in Johannesburg, after which follows a brief engagement with some of the ideas and concepts central to theories on spatiality and spatial justice. Finally, I reflect on Mandela in/and Pretoria with specific reference to the two trials. My reflections and the questions raised are speculative; my aim is not to provide any answers.

3. Further reflection on Mandela's modernity is of central importance to the question of his jurisprudence, as well as his understanding of sovereignty and violence. These questions are part of the project referred to above.

## Tracing Mandela

Hyslop, by situating Mandela within the Afro-modern that Johannesburg offered, highlights the problem of the tension between the metropolis and nationalism. His argument is that Mandela's approach of inclusive nationalism founded on universalist values can be traced to his experience with the metropolitanism and cosmopolitanism of Johannesburg. In his reflection on Mandela and Ghandi, Hyslop (2008:119) starts by recalling a bookshop known as Vanguard Booksellers, owned by the Russian immigrant, Fanny Klennerman. Klennerman, according to Hyslop, perceived herself as part of a cultural avant-garde and a certain modernist movement. She was the first person to import James Joyce's *Ulysses* to South Africa, a book exemplary of a certain modernism that at the time was banned in the English world. Hyslop is interested in how Johannesburg is part of the story of modernity and modernist culture and discusses the politics of Johannesburg and its influence on Ghandi and Mandela against the background of Joyce's *Ulysses*.

For Hyslop (2008:12), Johannesburg is an instantiation of a form of modernity, it is a place of simultaneously 'uncertainty and disintegration' and a place that allowed the 'search for the possibilities of freedom', 'a city of ideas'. The image of Johannesburg invoked by Hyslop is one quite different from Pretoria at the time. He highlights Johannesburg's capability to go 'beyond its immediate confines' as a prominent feature of the city at the time (Hyslop 2008:12). Another feature was that it hosted a plurality of people and perspectives that were manifested also in the architectural style of the buildings. There were also extreme social inequalities amongst the inhabitants that often gave rise to conflict and uncertainty. However, for Hyslop (2008:122), 'this very extremity ... made its experience of modernity productive of modernist cultural and political creativity.' He sees Johannesburg of the 1930s as a space that produced new forms of intellectuality and generated new ideas (Hyslop 2008:122-23).

It is exactly within the context of such a modernist project that Hyslop situates the development of the political thought of Ghandi and Mandela. He notes that to situate Ghandi and Mandela within the Afro-modern that Johannesburg offered highlights the problem of the tension between the metropolis and nationalism. Hyslop (2008:123) contends that both Ghandi and Mandela, although they started out from narrow nationalism, famously managed to transcend this to approaches that were inclusive, that embraced humanistic values and that had international relevance. His argument is that their approaches of inclusive nationalism founded on universalist values can be traced to their experience with the metropolitanism and cosmopolitanism of Johannesburg.

Hyslop (2008:131) recalls how Mandela, although starting out as a dedicated follower of Anton Lembede's firm African nationalism ended up putting forward a vision for a unified and reconciled country that includes a plurality of perspectives. For him, it was Mandela's 'metropolitan experience' that nurtured his striving for personal freedom of the metropolis. I have engaged elsewhere with Mandela's modernity and tentatively juxtaposed his relation to modernity with that of Winnie Madikizela Mandela.<sup>4</sup> Rita Barnard (2014:5), like Hyslop, describes Mandela as modern: 'Mandela ... is a man of the twentieth century, viewed in its global complexity as an era of a radically incomplete and uneven modernity.' Daniel Roux (2014:205) similarly views him in light of modernity and reads his life story along the lines of the literary device of the *Bildungsroman*. Mabogo More's (2004:207) reflection on Mandela and other activists differs from the former readings in the sense that he wants to unearth the radical Mandela, the pre-Robben island Mandela and hold onto an image of Mandela that differs from the palatable, cosmopolitan, modern Mandela.

For my brief and tentative contemplation on Mandela in Pretoria both of these Mandelas are important. But more than that, the complex and nuanced Mandela, the Mandela who was on trial in Pretoria stands in the guise of the defiant, radical, revolutionary Mandela. The Mandela who was inaugurated as President of the country was the Mandela who negotiated, reconciled and supported peace. Who was the Mandela who was hospitalised in Pretoria at the end of his life? Do these accounts allow for the fragile and mortal Mandela? (see Nuttal & Mbembe 2014:267).

Tracing Mandela from Qunu to Johannesburg to Pretoria could be seen as representing different moments in his life story. However, although Mandela's struggle is linked to a particular community it is also linked to something beyond that – 'to a particularly deterritorialized modernist ideal' (Roux 2014:221). Roux (2014:221) argues that Mandela constructed his life story in a way that allows for 'disjuncture, contradiction, multiplicity and paradoxes.' This view opens different aspects when thinking about Mandela as African nationalist and as cosmopolitan; as radical and revolutionary and as supporting negotiation and reconciliation; as in Johannesburg and in Pretoria.

We have a certain vision of Mandela in Johannesburg – he portrayed the image of a world citizen, dressed in elegant suits, embracing the cultural life offered by the city. Mandela's performance at the Treason Trial, giving the 'Black man in a white court' speech, dressed in traditional attire troubles Hyslop's description of Mandela, at least momentarily. We could ask if Mandela was prompted to return to or underscore his own nationalism by being in Pretoria, bastion of nationalism, bureaucracy and conservatism. In light of Roux's careful discussion of Mandela's self-representation as consciously ambiguous and multiple, his performance at this trial is consistent in troubling any uni-dimensional reading of himself.

4. 'Post-1994 jurisprudence and South African coming of age stories' *No foundations* 2015.

# Spatiality and spatial justice within the Pretoria lawscape

In his book *Spatial justice* (2014), Andreas Philippopoulos-Mihalopoulos engages with the notion of law's spatial turn. The notion of spatiality and the spatial turn have been used widely for a few decades in other humanities disciplines and beyond. Tally (2013:11), in contemplating the spatial turn invokes Foucault's (1986:22) observation that '[t]he great obsession of the nineteenth century was, as we know, history: with its themes of the ever-accumulating past, with its great preponderance of the ever-accumulating past, with its great world. ... The present epoch will perhaps above all be the epoch of space.' For Tally (2013:14), the implications of this turn brings a greater 'consciousness of one's place', which could mean how one perceives of one's situatedness, spatial divisions, partitions and borders. He describes it further as a 'turn towards the world itself, towards an understanding of our lives as situated in a mobile array of social and spatial relations that, in one way or another, need to be mapped' (Tally 2013:16-17). How could the spatial turn influence our readings of Pretoria, how could Pretoria as an apartheid city and now as one in the aftermath of official apartheid be mapped?

The law by nature is slow to adopt new ways of looking and Philippopoulos-Mihalopoulos (2014:15) rightly asks to what extent law is able to make such a radical turn and raises three 'caveats': whether law can indeed turn; whether the space that law turned to is significantly spatialised; and what this could mean not only for legal theory but for law's relations to space in material and embodied ways. In a critical engagement with current literature on law and geography and arguing for a theoretical notion of spatial justice, he also invokes Foucault and his formulation of 'the relations of proximity between points' in his famous 1960s lecture 'Of other spaces' (Philippopoulos-Mihalopoulos 2010:187; see also 2014). I find this phrase suggestive for my own attempt here to relate a notion of spatial justice with a revisioning of the city, and a focus on how the city is represented in various ways.

Below I recall how Pretoria was viewed by activists and their loved ones at the time of the two trials more than 50 years ago. But let's briefly revisit a more recent trial on events that took place more or less around the corner from where these trials took place. The Schubart Park case (*Schubart Park Residents' Association and others v City of Tshwane Metropolitan Municipality and others* 2013 (1) BCLR 68 (CC)) was heard in the Constitutional Court on 23 August 2012 and decided on 9 October 2012, more than a year after 700 families were forcibly removed from their homes. The applicants approached the Constitutional Court to seek leave to appeal

an order by the High Court in Pretoria. Both the High Court and the Supreme Court of Appeal refused to grant leave to appeal. The Constitutional Court granted leave because it considered the matter to raise a constitutional issue ‘of major importance’ (*Schubart Park* at para 17), namely the right not to be evicted from one’s home unless all the relevant circumstances are considered and a court order issued.<sup>5</sup> The building and its inhabitants tell a story that stretches from the building’s initial construction in the 1970s to the tragic events that occurred from 2010 to 2011 when 700 families were evicted by the city council. What is interesting about the story for my purposes here is how it also tells a story of resistance, how residents by inhabiting the building, by everyday activities resisted bureaucratic governance. One more interesting aspect is the extent to which the building reflects certain modernist ideals, in particular reconstruction, progress and functionalism.

Let us turn to Phillippopoulos-Mihalopoulos again for a moment – he is concerned about what he perceives as a lack of theoretical engagement with spatiality in law’s engagement with space. He sees three patterns: firstly law and space are put together in a ‘narrow, legalistic way as jurisdiction’ (Phillippopoulos-Mihalopoulos 2010:190). Secondly, space is constructed as a process – in contrast to the former, space here is ‘fluid, dynamic, ever-changing’ but maybe over-idealised as a ‘panacea for social justice’ (Phillippopoulos-Mihalopoulos 2010:191). A third pattern is one of adding space and stirring. He draws on Lefebvre to counter this pattern: ‘[S]pace is not a thing among other things, nor a product among other products: rather, it subsumes things produced and encompasses their interrelationships in their coexistence and simultaneity – their (relative) order and/or (relative) disorder’ (Phillippopoulos-Mihalopoulos 2010:192). He recalls also Massey’s description of space as a ‘product of interrelations and embedded practices, a sphere of multiple possibilities, a ground of chance and undecidability, and as such always becoming, always open to the future’ (Phillippopoulos-Mihalopoulos 2010:194; Massey 2005).

It might be of use to address a term that is central to law’s engagement with spatiality, namely the lawscape. Phillippopoulos-Mihalopoulos (2007:7), in an earlier edited work, *Law and the city*, explains the lawscape by unpacking the phrase ‘law and the city’. He asks: ‘[I]s law and city just a transdisciplinary coincidence, or a crucial ontological continuum?’ Supporting the latter he argues that law and city ‘have always-already been co-extensive and indeed tautological’ (Phillippopoulos-Mihalopoulos 2007:7). However, he continues by explaining that this view, in strengthening the notion of ‘law is everywhere’, could support a certain totalising view of law. This view leads to some of law’s ‘self-misdescriptions: that one could rely on law to solve societal problems; and that law holds a monopoly on normativity that justifies the notion of blanket-applicability’ (Phillippopoulos-Mihalopoulos 2007:8). For him, totalisation could

5. This right is granted in terms of section 26(3) of the Constitution of the Republic of South Africa, which provides: ‘No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.’

be avoided by exposing difference between law and other disciplines. The difference could place a limit on law's 'colonising presence' and on its 'perceived societal relevance', and it could challenge the idea that we need a uniform, homogenous and universalising normativity as well as the idea that law could achieve it (Phillippopoulos-Mihalopoulos 2007:8). However, it should be noted that law simultaneously limits increased urban colonialisation in material terms as well as in discourses on spatiality and the city. He describes the coming together of law and city as 'an exercise in anxiety' where both serve as 'checking on each other's limits and limitations' (Phillippopoulos-Mihalopoulos 2007:8). The lawscape is thus 'neither a tautology nor a simple disciplinary coincidence; lawscape is the ever-receding horizon of prior invitation by the one (the law/the city) to be conditioned by the others (the city/the law)' (Phillippopoulos-Mihalopoulos 2007:10).

How does the case of Schubart Park reflect the lawscape, the coming together of law and city? Everyday lived experiences are strikingly absent from the Constitutional Court's decision in the Schubart Park case. The Court relied on the existing records of the High Court for its construction of time and social space and denied the introduction of new evidence. The court had a limited view on the stories of the inhabitants, but also on how spatiality is about relations and interdependence. In this sense the law failed to respond to Pretoria's spirit of place.

Phillippopoulos-Mihalopoulos (2010:194) contends that space is of particular significance for law: 'space embodies the violence of being lost, of being uncertain about one's direction, orientation, decision, judgement, crisis.' Law's engagement with space could and should result in a 'law that keeps on questioning itself ... Spatiality is an ethical position. ... space is a demand for a radical conception of justice, a spatial justice' (Phillippopoulos-Mihalopoulos 2010:195-196). He describes the radical call for spatial justice as 'the demand for a plural, emplaced oneness, the firm position of the body in space and the consequent thematization of the world, including the disorientation, the multiplicity of directions, the simultaneity of movement' (Phillippopoulos-Mihalopoulos 2010:199). In a later work, Phillippopoulos-Mihalopoulos (2014:175) puts forward an understanding of spatial justice that derives from the lawscape, which differs significantly from more traditional concepts like distributive or social justice. Unlike distributive or social justice, spatial justice does not involve processes of consensus, rational dialogue, renegotiation of territory, demos, agency, or even identity formation' (Phillippopoulos-Mihalopoulos 2014:175). Spatial justice as a re-articulation of justice relies on the concepts of lawscape and atmosphere. It 'opens-up' the space of conflict between various bodies finding themselves in the lawscape. Spatial justice comes into play when a body withdraws from the atmosphere and returns to the lawscape:

This is the only way in which a body can question the emplacement of itself as well as other bodies: by withdrawing from an atmosphere of fixed positions. At the same time this is the only way in which a body can question the emplacement of itself as well as other bodies: by withdrawing from an atmosphere of fixed positions. At the same time, this is the only way in which law can generate justice: by withdrawing before the demands of justice while retaining its position as the main means in which justice can be achieved (Phillippopoulos-Mihalopoulos 2014:175).

I have recalled the Schubart Park case above and noted the courts' and really the law's failure to heed the call of spatial justice. However, we should be aware of the resistance that remains even after the court has given its verdict. How does this affect Pretoria's spirit of place? Could a reflection on Mandela and/in Pretoria stand in the guise of a questioning, of a withdrawal from fixed positions? Could it assist in a re-visioning of a city burdened by a past and a present of bureaucracy, authoritarianism, and absence of justice?

## Visions of Pretoria

We can recall one specific performance of Mandela in Pretoria, namely his 'Black man in a white man's court' speech of 1962 during the Treason Trial – a speech given while dressed in traditional attire. What was the spatial politics at play? Would Mandela have given that same speech, dressed as he was if the case were heard in Johannesburg? Did something about Pretoria as the heart of nationalism and apartheid power play a role? These questions are speculative and not raised in order to be answered but rather to beckon more questions, interrogations and ideas on relations between politics, memory, space, and justice. Behind these questions lies the notion of re-visioning the city of Pretoria/Tshwane.

Tally (2013:81), as part of his description of the writer as geographer and literary geography invokes the term 'spirit of place', derived from the Latin *genius loci*, which means 'a guardian spirit that watches over a particular locale'. He refers to British novelist DH Lawrence's use of the term that for him meant the spirit that 'informs ... the ideas of the people who live in that place' (Tally 2013:81). Tally explains that for Lawrence, the term meant to say something of the character of a people, which could tell us something about why writers wrote as they did. However for Tally, the term spirit of place should be seen rather in how it affects readers. In the context of this reflection I am interested in the spirit of place concerning Pretoria – how the spirit of place affected Mandela and co-accused

and their families coming from places other than Pretoria, how it affected those who were from Pretoria then and who are from Pretoria now.

Sarah Nuttal (2008:195), in a chapter titled 'Literary city' within the context of a reflection on Johannesburg asks: 'What might a Johannesburg text be?' She recalls the work of Michel de Certeau (1984) and Walter Benjamin (2002) that inspired an international scholarship on the city. De Certeau has shown how cities are spaces that produce stories, 'a narrative identity' and that one experiences the city by walking, not by obtaining a general overview (Nuttal 2008:198). For Benjamin, the flâneur is similarly encountering the city 'as lived complexity' (Nuttal 2008:198). Nuttal (2008:199), however, also refers to alternative views, for example Michael Titlestad's observation that less than flânerie, the main features of Johannesburg are rather how it is regulated by law, surveillance and threat. She quotes Amin and Thrift's warning that we should go about with space carefully: 'The city allows for juxtapositions at all kinds of levels ... All kinds of forces may conspire to nullify these juxtapositions ... the fact remains that the city, through these juxtapositions, is also a great generator of novelty' (Nuttal 2008:199).

As indicated above, two of the most prominent trials of the apartheid era took place in Pretoria's inner city and both of these involved Mandela. The Treason Trial was staged in the Old Synagogue between March 1958 and August 1961. In 1964, after arrests at Lily's Leaf farm, the Rivonia Trial played out in the Palace of Justice, situated on Church Square. Mandela was inaugurated as president in Pretoria many years later and had his office as head of state in Pretoria. Towards the end of his life he was hospitalised in Pretoria (Figure 5) and most recently his body lay in state in Pretoria (Figure 6). A statue of the late activist, president and much loved public figure now overlooks Pretoria (Figure 7). How could these events create or contribute to the capital city's spirit of place?



FIGURE N° 5



Flowers, card and gifts of well wishers in front of the Pretoria Heart Hospital where Mandela was treated.



FIGURE N° 6



Mandela in state at the Union Buildings, December 2014.



FIGURE N<sup>o</sup> 7



The statute of Nelson Mandela erected after in front of the Union Buildings his death overlooking Pretoria.

As mentioned above, both the Treason and the Rivonia Trials were staged in Pretoria and not in Johannesburg even though the accused and the state's legal team were from Johannesburg. In his autobiography, Mandela (1994:179; emphasis added) remembers travelling from Johannesburg to Pretoria for the Treason Trial as follows:

Shortly before the case resumed, the state played another unpleasant trick on us. They announced that the venue of the trial was to be shifted from Johannesburg to Pretoria, thirty-six miles away. The trial would be conducted in an ornate former synagogue that had been converted into a court of law. All of the accused as well as our defence team resided in Johannesburg, so we would be forced to travel each day to Pretoria. *The trial would now take up even more of our time and money – neither of which we had in abundance.* Those who had managed to keep their jobs had been able to do so because the court had been near their work. *Changing the venue was also an attempt to crush our spirits by separating us from our natural supporters. Pretoria was the home of the National Party, and the ANC barely had a presence there.* Nearly all the ninety-two accused commuted to Pretoria in a lumbering, uncomfortable bus, with stiff wooden slats for seats, which left every day at six in the

morning and took two hours to reach the Old Synagogue. The round-trip took us nearly five hours – time far better spent earning money to pay for food, rent and clothes for the children.

Joel Joffe (2009:21-22; emphasis added), defence attorney of those on trial in the Rivonia case, reflects as follows:

Bram was busy on another case that day, so Arthur, George and I drove off to Pretoria, thirty miles away. During the drive we discussed the fact that the trial was not being held in Johannesburg. After all, Rivonia lay in the magisterial area of Johannesburg. All the accused were resident either in Johannesburg or in the Cape Province. None of them came from Pretoria. The decision to hold the trial in Pretoria could not have been dictated by convenience either of the accused or the State, since the prosecutor and all the Security Police involved in the Rivonia raid were stationed in Johannesburg. We had been told by Yutar that all the documents and other evidence removed from Rivonia were kept in Johannesburg. *There could be only one reason to hold the trial in Pretoria, and that was political. Pretoria was a civil servant's town. It was the headquarters of the South African bureaucracy where all the government offices of the country are stationed. Its white population was overwhelmingly made up of people on the government pay-roll, its black population also considerably dependent on the government. It was, accordingly, an extremely strong pro-government, pro-Verwoerd area, a centre of the most rabid and extreme Afrikaner nationalism.* Some years before, the Treason Trial of 156 anti-government whites and non-whites had also been shifted from Johannesburg to Pretoria because of the tremendous crowds of supporters of the accused who had gathered at the courts and staged anti-government demonstrations. *In Pretoria, with its atmosphere hostile to everything progressive, radical or anti-government, the control of crowds and the subduing of demonstrations would be easier. ...* There seemed to be little doubt than the decision to hold the trial in Pretoria was to ensure that it was held *in an atmosphere where public opinion would weigh heavily against the accused.*

The Old Synagogue in which the Treason Trial played out today stands neglected and almost forgotten. The High Court or Palace of Justice functions as a normal court. During a 2013 conference on the Rivonia Trial, a small group of international visitors went to the court and asked to see the court and the dock from where Mandela made his statement at the opening of the defence case – when I arrived with another visitor a while later a friendly security guard asked as we entered whether we also wanted to see the court and also the cell below the court where Mandela was held. It is almost as if the significant events that played off in the space of the inner city of old Pretoria have been forgotten or at least pushed aside

so that business as usual can continue. This is in contrast to, for example, the Constitutional Court and other buildings on Constitutional Hill that beckon remembrance of the past as many local and international visitors come there. Lily's Leaf farm, where a number of the Rivonia trialists were arrested, has been constructed as a state of the art museum. Two recent films have shown Church Square and the Palace of Justice: an Afrikaans film focussing on 'Boere verraaiers', traitors who refused to continue fighting in the South African War (1899-1902), and the Hollywood film on the life of Mandela.

While I was doing some preliminary reading for this article I looked at a journal that was published from more or less 1954 to 2000 on spaces, buildings and events in Pretoria, named *Pretoriana*. Hoping to find some interesting reflections on the two trials that played out in the city centre of Pretoria, I turned to the journal. I was disappointed to find nothing.<sup>6</sup> I did not find a single reference to these events: all the issues are electronically available and using search words like Mandela; Rivonia Trial; treason trial; treason; *hoogverraad*; Place of Justice; Old Synagogue did not lead to anything. In 1964, the year of the Rivonia Trial, there was an article published in the journal on the future of Church Square and a debate about the historical significance of the square and surrounding buildings. Strong views were voiced concerning suggestions to replace most of the square with a parking area. But there was no reference to the political events that played out in front of and inside the court. This may be a minor point and archival research will probably reveal writings on the historical significance of these spaces, but these silences in a journal focused on architecture, buildings and public spaces in Pretoria could be seen to reflect something about Pretoria and those living in Pretoria and the extent to which they were (are) unaware – whether deliberately or not – of the political significance of the city they live in. The silence about the political trial that took place in the city centre of Pretoria could be seen as a reflection and continuance of Pretoria as a city of civil servants, of bureaucrats and more recently technocrats. But more than that, it is a city of obedience in which the space for radical questioning, a radical politics and rupture are absent or at least limited. I have referred to the case of Schubart Park, the evictions of 700 families almost on the doorstep of the court, underscoring the lack of justice in the city. Could greater engagement with the city's historical spaces invoke a sense of spatial justice, entice its inhabitants to take up the right to the city, to resist? Could greater attention to the lawscape and a possible withdrawal from fixed positions assist in transforming the city, in re-visioning the city?

6. I did not pursue the search and it might be that a more sophisticated search or skilled researcher could find something that I did not.

In optimistic vein, Mandela (1994:613; emphasis added) recalls the day of his inauguration as president:

The ceremonies took place in the lovely sandstone amphitheatre formed by the Union Buildings in Pretoria. For decades this had been the seat of white supremacy, and *now it was the site of a rainbow gathering of different colours and nations* for the installation of South Africa's first, democratic, non-racial government.

Nuttall (2008:215), in response to her question, 'what ... is the Johannesburg text for now?' answers: 'For the moment it is still a text finding its form.' In the same vein the Pretoria text, but also Pretoria as city, as a certain instantiation of spatiality, of the lawscape is still finding its form.

For now I end with Hilda Bernstein's (2004:122-127; emphasis added) memory of travelling to Pretoria and visiting her husband, Leonard (Rusty) Bernstein, one of the trialists, in Pretoria jail during the Rivonia Trial:

And I am back again on the Pretoria road, heading towards Johannesburg. From now on for nearly a year I will travel to Pretoria and back at least once a week, usually more, sometimes every day, and come to know every inch of it; outwards from Johannesburg with intense anticipation; back again with flat resignation. It will seem sometimes that a great portion of my life is consumed with the petrol along those forty miles of the road to Pretoria. ... This is the longest stretch of open road, and the most beautiful. There is one place here, at the summit of a hill, from which the Highveld rolls away in orange earth, tawny grass and muted olive-green trees to the far-distant Magaliesberg mountains, a breath taking glimpse of space and Africa, where nothing intervenes between hills and sky. Almost of its own volition the car slows down each time for a quick greedy gasp at those open spaces. The last long hill ends in a small bridge where there is always a traffic jam ... The road winds down and down; up on a hill are the sharp angles of the new Air Force memorial; *severe and impersonal*; and on the crest of the last hill a huge office block stands by itself – Iscor, the iron and steel work's administrative block, *turns its modern blue façade towards Pretoria* – while on the other side of the road is *the heavy stone lump which is the Afrikanerdom*, said to be a replica of a Chicago synagogue, where the master race gather each year to give praise to God for their bloody triumph at arms over the black savages – the Voortrekker Memorial. The road drops so swiftly that your ears become blocked; suddenly and without any preliminary statement of straggling houses and garages, the road emerges from between rows of trees right into Pretoria. The first, the very first, building is a red brick wall that runs along on the left and rises to old-fashioned brick towers with crenelated edges – Pretoria jail. ... *Afrikaans is the language of the civil service in South Africa* ... Cold in that jail. *Outside the blue, blue sky and the hot enclosed sun of Pretoria. But always cold inside Pretoria Local Prison.*

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