

Grassroots Literacy and the Written Record

STUDIES IN KNOWLEDGE PRODUCTION AND PARTICIPATION

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STUDIES IN KNOWLEDGE PRODUCTION AND PARTICIPATION: 2

Grassroots Literacy and the Written Record

A Textual History of Asbestos
Activism in South Africa

John Trimbur

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Abbreviations

AC	Asbestos Collaborative
AIG	Asbestos Interest Group
AKC	Asbestos Kgatelopele Community
ANC	African National Congress
ARD	Asbestos-related disease
ART	Asbestos Relief Trust
AZAPO	Azanian People's Organization
BAMCWU	Black Allied Mining and Construction Workers Union
BC	Black consciousness
BMRD	Batlaharo Mmogo Reka Dira
CAWU	Construction and Allied Workers Union
CCS	Conservation Support Services
CCOD	Compensation Commissioner of Occupational Disease
COIDA	Compensation for Occupational Injuries and Diseases Act
COSATU	Congress of South African Trade Unions
CPAA	Concerned People Against Asbestos
EKSCPA	Ekuiphileni Kwesive Songimvelo Community Property Association
GEAR	Growth, Employment and Redistribution
IHRG	Industrial Health Research Group
KMMT	Kuruman Moffat Mission Trust
KRT	Kgalagadi Relief Trust
MAA	Moffat Asbestos Alliance
MACH	Moffat Asbestos Claims Handlers
MBOD	Medical Bureau for Occupational Disease
MOSA	Machinery and Occupational Safety Act
NGO	Non-governmental organization
NNS	Ntuli, Noble & Spoor
NRC	Native Recruiting Corporation
NUM	National Union of Mineworkers
ODMWA	Occupational Diseases in Mines and Works Act
PRA	Participatory Rural Appraisal
PRU	Pneumoconiosis Research Unit
SAAPAC	South African Asbestos Producers Advisory Committee
SADF	South African Defense Force

SALB	<i>South African Labour Bulletin</i>
SALDRU	Southern African Labour and Development Research Unit
SAMWU	South African Municipal Workers Union
TLV	Threshold limit value
UCC	United Church of Christ
UCT	University of Cape Town

Preface

In the global north, late 20th century campaigns to ban asbestos recreated the personality of the mineral, changing it from the ‘miracle fiber’ of the post-war asbestos boom into ‘killer dust,’ a deadly pathogen that causes asbestosis (a scarring or fibrosis of the lungs), mesothelioma (a rare cancer of the lung’s lining or the peritoneal cavity) and lung cancer. Starting in the 1970s and early 1980s, a powerful ban-asbestos movement formed in the Euro-American metropolis, consisting of activist scientists, physicians, public health workers, trade unionists, engaged journalists, public interest groups and concerned citizens. Megawatt legal cases bankrupted asbestos giants Johns-Manville in the United States and Turner & Newall in Great Britain, dooming the industry as a viable business venture in the north.

By the early 21st century, the European Union and over 50 countries had banned asbestos. In 2012, national and international pressure finally persuaded Canada, the world’s leading exporter of asbestos for most of the 20th century, to stop the revival of asbestos mining in Quebec and disband its powerful asbestos lobby, the Chrysotile Institute.¹ In 2017, Brazil, the world’s third-largest producer at the time, banned asbestos.

One unanticipated result of banning asbestos was that the felt sense of the mineral’s presence began to diminish. As a banned pathogen whose market value had fallen to less than zero, asbestos seemed to recede from the public consciousness, eliminated as an active threat by enlightened public policy and decontamination campaigns that removed or contained the toxic fibers in the built environment. In effect, an abatement of attention to asbestos came about by the actual abatement of risk in the global north. The prohibition of asbestos recalibrated the temporal standing of the mineral, detaching it from the present and banishing it to the past. When the industry closed in the north, asbestos was reclassified as a tragic error, like thalidomide or DDT, and former asbestos mining communities like Libby, Montana or Wittenoom, Australia were turned, in the popular imagination, into ghost towns, faint reminders of the terrible blunders of the past, now rectified, which can safely fade from active attention.

The problem, however, is that once relegated to historical memory, asbestos becomes all the more difficult to see in its myriad manifestations in the present. The combined effect of banning-from-use and banishing-to-the-past has pushed to the margins of public awareness the active

multi-sited persistence of asbestos and its deadly consequences: in Russia, Kazakhstan, China, and other countries where asbestos mines are still operating legally; in small, largely unregulated factories in Latin America, India, the Middle East and South East Asia, where asbestos manufacturing continues; and in abandoned places like the Kuruman district in South Africa – the site of this book – where the last asbestos mines shut down in the 1990s and the retrenched mining communities left behind face continuing exposure to asbestos and an epidemic of the asbestos-related diseases.

The point is that although asbestos has been refigured in the north as a dreadful mistake of the past, the mineral itself has not vanished. In fact, asbestos *cannot* vanish, since the mineral is an indestructible geological substance that does not break down or decay. To put it another way, as an imperishable mineral asbestos has an enduring semiotic persistence. Long after mining has stopped, its lethal meanings continue to unfold in variable, uneven measures of time – geological, historical, cellular. The silent, slowly developing risks of asbestos are based on intertwined periodicities: the geological permanence of asbestos fibers, the historical distribution of exposure through work and residence, and the bio-mechanisms at the molecular level of the asbestos-related diseases. Compared, say, to headline-grabbing diseases such as HIV/AIDS, Ebola or the Zika virus, the delayed tempo of asbestosis and mesothelioma is easy to overlook, since the incubation time between exposure and the onset of disease can be as long as 40 years or more.

So the problem of attention to asbestos, as Rob Nixon suggests more generally about the prolonged duration of environmental change, is one of *attention span* and how the velocity of a turbo-charged media of spectacular events overwhelms other temporalities. According to Nixon (2014), what remains at the margins of public awareness is the ‘slow violence’ of environmental disasters such as climate change, industrial pollution, oil spills, radiation leaks, species extinction and deforestation. Likewise, the ‘slow violence’ of asbestos-related disease, with its extended incubation time, makes it difficult to bear in mind, as public attention is pulled to more dramatic and higher profile diseases that appear to be more immediately urgent.

One of the central motives of this book is to make sure that asbestos is not assigned irrevocably to the past but to show instead how grassroots activists in the former asbestos mining districts of South Africa have grasped its active temporalities in the present, in the slowly unfolding violence of contamination, exposure and disease. The book examines how the Asbestos Interest Group (AIG) in Kuruman, a network of village-based affiliates, sought to make the risks of asbestos visible and to give voice to villagers’ quest for justice – to hold the asbestos companies and the state accountable for the fatal contamination of the environment and the prolonged epidemic of asbestos-related disease.

We will see how, in the post-liberation period of the early 2000s in South Africa, less than a decade after the fall of apartheid and the first majority-rule government being elected in 1994, the AIG mobilized the paperwork of the metropolis for grassroots purposes. The new South Africa opened new prospects and new resources for representing villagers in the former asbestos mining districts. Through the AIG's participation in village-based and state-funded research on asbestos contamination, through the mass registration drives in which AIG community legal workers signed up villagers as claimants in court cases against the asbestos companies, and through many years of providing villagers with information about the paperwork of the compensation systems for asbestos-related disease, the AIG found itself, in the course of its activism, drawn into a range of documentary fields, textual spheres and rhetorical situations.

Overview of the Book

This book is intended to provide a textual history of the AIG's encounters with the modalities of mainstream literacy in rural villages on the margins of metropolitan modernity. The book traces the back-and-forth movement of written documents – work records, medical examinations, compensation claims, power of attorney mandate forms, consent forms, legal affidavits, academic research reports, monthly facilitators reports, household surveys, maps of secondary asbestos contamination and more – across social locations and spheres of influence in order to see how the AIG transferred metropolitan resources of representation to the grassroots level, for villagers to gain access to formerly inaccessible modes of writing and forums of deliberation and decision making.

The Introduction does three things: it explains the circumstances in which the book came to be written; it provides an overview of the AIG's history; and it outlines the conceptual frameworks and methods of analysis that I draw on to make sense of the AIG's grassroots literacy in its relationship with the official written record of mainstream modernity.

Chapter 1, 'On the Periphery: Life and Literacy in the Kuruman District', locates the town and villages in the Kuruman district geohistorically, as sites of peripheral modernity at the far edge of empire, world markets and global communication systems, where the AIG and the villages it represents are partially plugged into and partially bypassed by the knowledge economies and information flows of elite sectors in the metropolis.

Chapter 2, 'Asbestos Mining and the Written Record: A Brief History', examines how the asbestos industry managed its presence in the written record – in the bureaucratic paperwork of state regulatory agencies, in the advertising and public relations wing of the industry, and in the knowledge economies that determined the meaning and exchange value of asbestos.

Chapter 3, ‘The Emergence of Asbestos Activism: From the “Period of Non-awareness” to the National Asbestos Summit of 1998’, traces the emergence in the 1980s of a trade union-based occupational health movement and how participatory shop-floor research and demands for workers’ control of health and safety provided a model for the AIG’s village-based grassroots activism.

Chapter 4, ‘Grassroots Activism and the Mobility of Documents: The Formation of the Asbestos Interest Group’, looks at documents that shaped the AIG’s early history, with a focus on how texts mediate the relationship between grassroots and elite sectors in the AIG’s constitution, in its pamphlet ‘Asbestos and Asbestos-related Disease: What Do People Need to Know?’ and in its grassroots research of mapping sites of asbestos contamination.

Chapter 5, ‘Insurgent Lawfare and the Gencor Case: From Asbestos-related Disease Sufferers to Plaintiffs’, examines the AIG’s immersion in the paperwork of a ground-breaking legal case against the multinational Gencor and the complex legal and rhetorical transformations of ex-mine-workers and surviving family members into clients and claimants.

Chapter 6, “‘The Lawyer Stole the Money’: The Political Economy of Certifiable Asbestos-related Disease’, is set in the aftermath of the out-of-court settlement with Gencor, when the AIG’s textual labor shifted from registering claimants to explaining the uses and limits of the Asbestos Relief Trust and the state compensation system. This chapter examines the tensions and challenges to its credibility that the AIG encountered, as popular dissatisfaction with the settlement, rumors and political intrigue spread in the villages.

The Conclusion, ‘Grassroots Activism, Popular Participation and Contextual Spaces’, steps back from the events in the AIG’s history to consider how relations between grassroots activists on the periphery and elite metropolitan spheres of influence enable and constrain popular participation in addressing the catastrophic legacy of the asbestos industry.

In November 2010 I attended a prayer meeting in Maruping, a village not far from the town of Kuruman, for Edward Mathlabane, who was a founder of the Ncweng community group and a member of the AIG executive committee. He had just died of mesothelioma at the age of 56. Stephen Kotoloane led the ceremony, the people sang hymns and family members and friends gave testimonials. Most of it was in Setswana but I could hear the word ‘asbestos’ occur repeatedly, in a beat of anger at the sacrifice of life and the sorrow of not being able to stop it. Towards the end of the prayer meeting, Mathlabane’s sister closed her memorial by turning to me and saying to go back and tell people ‘we are dying and suffering. The men don’t live to 60, and they leave us widows and orphans.’ What I heard, in the anguish of a too-early death, was the fear and anger

that *we're invisible and abandoned, no one sees us, no one knows we are suffering and dying, no one is helping us*. I hold this book a failure unless it conveys the full seriousness of these words and their desperate call to recognize the disastrous plight the asbestos industry has brought so brutally to fellow humans.

Note

- (1) There is currently no comprehensive history of the international ban asbestos movement. For a brief overview, see Allen (2011). In addition, there are useful studies on local and national asbestos activism, including van Horssen (2016), Cremers and Gehring (2013), Waldman (2007, 2011) and Schwartz (2007). An account of the Johns-Manville case can be found in Brodeur (1985). The Turner and Newall case is treated in Tweedale (2000). The International Ban Asbestos Secretariat (IBAS), under the direction of Laurie Kazan Allen, provides a rich source of information on the status of asbestos activism and legislation worldwide (see, for example, IBAS, 2014).

Introduction



Photograph by David Goldblatt

A meeting of the Asbestos Interest Group at Moffat Mission

It was 22 June 2002, and villagers were gathering at Moffat Mission in Kuruman for the launch of a legal case against the multinational corporation Gencor and its former asbestos mining operations Gefco, African Chrysotile and Msauli. As people arrived, it was hard to miss the sense of anticipation in the air. Villagers and township dwellers came from as far away as Heuningvlei and Morokweng to hear about the possibility of compensation money for desperately poor people suffering from asbestos-related diseases. The crowd was made up of ex-mineworkers, surviving family members, some clergy, several civic types, a few concerned citizens from town and assorted others from near and far. Almost everyone resided in the former asbestos mining districts, in a landscape of retrenched

villages, derelict tailing dumps and unrehabilitated mine shafts, where asbestos is ubiquitous as a construction material and the slow violence of asbestos-related disease's long incubation span unfolds.

The recently formed Asbestos Interest Group (AIG), with its network of village-based affiliates, and Richard Aitken, the director at Moffat and a close ally of the AIG, jointly sponsored the launch. The event marked a culminating moment in the ongoing work of the AIG/Moffat alliance with the South African law firm Ntuli, Noble & Spoor (NNS) which, through the efforts of Richard Spoor, had initiated the Gencor case. Together, the AIG, Moffat and NNS planned what they hoped would be a mass gathering. Several hundred flyers were distributed advertising the meeting, but mostly the news spread through the villages by text messages, phone calls and word of mouth. The AIG assured Aitken and James Sutherland, the attorney representing NNS in Kuruman, that the people would come.

Over 900 showed up. Maphakela Centre was packed. The event started with a prayer and a greeting from Stephen Kotoloane, the AIG coordinator. It was a long meeting, as AIG interpreters tirelessly translated the words of English speakers to the audience of Setswana speakers. The main part of the meeting consisted of two presentations. The first provided medical background on the incidence of asbestos-related disease. The American academic activist Lundy Braun, who had worked with the AIG since its inception, presented findings from an AIG household survey that showed the alarming incidence of villagers who suffered 'chest ailments,' some of which were almost certainly one of the three main asbestos-related diseases – asbestosis, lung cancer and mesothelioma.

Then James Sutherland, the NNS attorney, explained the legal strategy of the case, which villagers were being asked to endorse, to sue Gencor in civil court, under the common law, for wrongful neglect by callously ignoring workplace exposures to deadly asbestos fibers when the companies were well aware of the risks of asbestos-related disease. The principle in the case was that of a duty of care, a legal tenet that held employers responsible for their conduct concerning the health and safety of their employees. Sutherland went on to describe the details of the legal procedures and the medical forms, legal documents and work records villagers needed to register as claimants in the case.

Sutherland's description of the forms, documents and other written records anticipates the paperwork that was about to become a major pre-occupation in the AIG's organizational life, as the Gencor case drew it deeper and deeper into the textual world of legal proceedings, with records to assemble, documents to sign and forms to fill out. The AIG's encounters with paperwork make up the central theme in this book. This is a study of how asbestos activists living in remote rural villages activated metropolitan resources of representation in a quest for justice: for compensation for asbestos-related diseases, better medical care and the rehabilitation of a lethally contaminated environment.

The book follows the AIG over a 15-year period, 2001–2015, from its inception in the year before the launch at Moffat through the mass registration drive of the Gencor case to the out-of-court settlement in 2003 which established the Asbestos Relief Trust (ART) and shifted the AIG's textual labor from registering claimants to explaining the paperwork of the ART and the state compensation systems, in order to help ex-mine-workers and surviving family members assemble the records and fill out the forms needed to file a claim. The book closes in 2015, as the ART was winding down its operations in Kuruman. At this punctuation point, the era of the grassroots activists who founded the AIG was, through retirement and death, drawing to a close. The year 2015 looms as a fitting moment to examine the hopes and disappointments that played out in the paperwork of the Gencor case and its aftermath, in the organizational fate of the AIG and in the lives of villagers.

In 2002, however, the launch at Maphakela Centre was just the beginning of the AIG's immersion in the legal paperwork of the Gencor case and its deepening involvement, at the grassroots level, with professionals from metropolitan spheres of influence. What emerged in the Gencor case, as the presence of Aitken, Braun and Sutherland makes evident, was a convergence of grassroots and elite forces that formed linkages across social locations, intertwining the grassroots knowledge of villagers with the efforts of professionals to rearticulate the expertise of the metropolis to popular aspirations released in the struggle against apartheid and the transition to a democratic majority state. In 2002, in the still early years of the post-liberation period, the hope of restitution for the catastrophe caused by the asbestos industry seemed realistic, and the solidarity of elite and grassroots sectors at the Gencor launch seemed to signify a way forward in the new South Africa.

As we will see in more detail in the next chapter, the unequal distribution of semiotic resources and the curtailed circulation of information located the AIG and the villagers it represented geohistorically on the periphery of mainstream modernity, at a semiotic remove from the means of representation and the organized bodies of knowledge that animate metropolitan contexts. And yet, as AIG activists participated in grassroots research and in the mass registration drive to sign up villagers as claimants in the Gencor case, this semiotic distance was recalibrated, not removed but realigned as an enabling grounds of knowledge production with two main goals: (1) to localize at the grassroots level metropolitan modes of making meaning that had formerly been denied to the black rural working class in South Africa; and (2) through this redistribution of semiotic resources, to establish the rhetorical footing for grassroots voices from the distant villages of the former asbestos-mining districts to speak and be heard in formerly inaccessible metropolitan forums of deliberation and decision making.

The AIG became, in effect, grassroots technicians of translocal paperwork, moving texts back and forth between periphery and center, across

social locations and spheres of influence, appropriating metropolitan modalities for local purposes, disseminating popular understandings of documents designed in elite sectors and pushing paperwork along through the textual mazes of the courts, medical institutions, the compensation system, various government agencies and so forth. This book is an attempt to understand the AIG's textual labor – its production and use of various types of writing – and its geohistorical positionality as a relay point in the circulation of texts (or their failure to circulate) between metropolitan and peripheral locations.

Circumstances

This study is located in the Kuruman district, a former mining center on the Cape Asbestos Belt, a 250-mile long, 4–25 mile wide mineral vein containing asbestos that runs from Prieska on the Orange River in the south past Kuruman along the Asbestos Hills to Pomfret in the north near the Botswana border. For over 100 years, the Cape Asbestos Belt was the world center of crocidolite or blue asbestos mining, at its peak in 1977 producing a 97% share of the world market. By 2001, however, when I first went to Kuruman, the asbestos mines and mills in the area and the office Gencor affiliate Gefco had kept in town were all closed. Unemployment, poverty, poor health and a deep sense of social abandonment haunted the retrenched villages left in the wake of blue asbestos mining.

On this first trip to Kuruman, I accompanied the Asbestos Collaborative, a research project on asbestos and asbestos-related disease by a transnational team of faculty and students from the University of Cape Town (UCT), Peninsula Technikon in Cape Town (now Cape Peninsula University of Technology) and Brown University in the United States. The Asbestos Collaborative was designed as a follow-up to the 1998 National Asbestos Summit called by the new South African government to assess the devastating consequences of the asbestos industry and to set the direction for public policy in the post-apartheid era.

When participants in the Asbestos Collaborative visited the former asbestos mining districts on the Cape Asbestos Belt in 2001, they intersected – and quickly became involved in – the upswing of asbestos awareness and activism in the region. The village meetings that the Asbestos Collaborative held in the Kuruman district tapped into the heightened attention to asbestos prompted by the 1998 National Asbestos Summit and the local energies that united in the AIG later in 2001. A year after its founding in early 2002, the AIG had organized a network of over 80 affiliated villages.

The AIG's village-based activism can be seen as an instance of what Ramachandra Guha and Joan Martinez-Allier (1997) call the 'environmentalism of the poor,' the activism of people at the periphery of the world system who face environmental dangers to their lives and livelihoods. This

grassroots, community-based activism is a matter of self-defense, a response at the local level to environmental catastrophes such as the Bhopal chemical plant disaster, the devastating effects of mining in New Guinea and oil drilling in the Niger delta, and the threat to local economies of the deforestation of mangrove swamps and rain forests in the global tropics of South Asia and the Amazon basin. The environmentalism of the poor comes from peripheral places like the impoverished villages in the Kuruman district, from favelas and rural townships in the global south, indigenous land movements and grassroots struggles against corporate plunder. The environmentalism of the poor is distinct from the cult of wilderness and the doctrine of sustainable development which have shaped the conservation movement and green politics in the north. Rather, it links environmentalism to the fate of the world's poor, to speak for the multitudes of empire, dispossessed and largely erased from memory, whose lives and futures are put at risk by environmental disaster in remote places.

Since the first visit in 2001, I have returned to Kuruman 13 times, usually with Lundy Braun (who, in addition to having been a leader of the Asbestos Collaborative, is my wife), to work with the AIG as academic activists. The first four years we stayed at Moffat Mission – originally founded by the London Missionary Society in 1821. The first Bible translated into an African language was printed at Moffat in 1857, in Setswana, the language of the local southern Tswana. Moffat Mission was the base for David Livingstone's expeditions into the interior of Africa. In the colonial period, the mission became a center for training 'Bantu evangelists.'

By the early 2000s, however, with the arrival of Richard Aitken as the first non-cleric to hold the post of director, Moffat Mission was experiencing a renaissance in the new democracy, becoming a center of community action, including a local prison project based on restorative justice and a grassroots domestic violence program. Moffat's library of historic books and records was transformed into a community literacy center that promoted a reading and book culture among children and parents.¹ At least briefly, for the three years that Aitken was director, Moffat shifted its mission from the ecclesiastical domain to civil society – from the old Christian education to post-liberation grassroots activism.

Nowhere was this more evident than in Moffat Mission's close relationship to the AIG, as its institutional home and political ally. The AIG/Moffat alliance was based on a bond of trust between Stephen Kotoloane and Richard Aitken, a shared commitment to investigate the full scope of the only partially documented disaster to life caused by the asbestos industry and to represent the unheard voices and unrecorded perspectives of villagers living in a fatally contaminated environment. As the Gencor launch at the opening of the chapter indicates, Moffat functioned as the community base of the Gencor case and as the staging ground for the mass registration drive of claimants. The challenge the AIG/Moffat alliance faced was to maintain independent, locally grounded oversight of the

integrity of the Gencor case, while at the same time working as part of the legal team to hold the asbestos companies accountable and then, after the out-of-court settlement established the ART, to explain how the trust's compensation system operated and its uses and limits.

During visits to the mission in 2003 and 2004 we watched the AIG/Moffat alliance unravel. Aitken resigned as Moffat director in 2003, after the grassroots initiatives he represented were for all practical purposes forced off the mission by the wavering support of Moffat's interdenominational board of directors. The board's suspicions of Aitken's post-liberation activism no doubt reveal residual connections to the missionary era, producing uneasiness with Aitken's secular direction. As Aitken noted in retrospect, every time he reported on asbestos activities to the board, there were no questions or responses, 'just an unnerving silence.'² This dissonance came to a head on the part of the board members in their discomfort and equivocation when Aitken documented longstanding patterns of corruption among the staff at the mission. It was clear that the time of experimental energies at Moffat was over. Aitken's leaving also meant a change of leadership at Moffat, and this did not turn out well for the AIG – at least at first.

For the AIG, the turmoil with the new leadership at Moffat was caught up in the settlement of the Gencor case and the opening of the ART office in Kuruman. The R460 million (approximately US\$67 million or £39 million by 2004 currency exchange rates) made available to compensate asbestos-related disease sufferers brought about a new economy of certifiable asbestos-related disease and new market opportunities in medical examinations and claims handling. In the entrepreneurial spirit of the time, set by a neoliberal turn on the part of the ANC government, the leadership that replaced Aitken at Moffat attempted to turn the AIG into a department of the mission – rather than an independent village-based organization in an alliance with Moffat – by commercializing the AIG's activities, to use its standing in the community to make money from claims handling. As leverage, in 2005, the new director Reverend Larry Colvin filed charges of insubordination against AIG coordinator Stephen Kotoloane.

This put the AIG in a difficult situation, and it was a tense time at the mission. As it turned out, the AIG survived the crisis. Kotoloane was absolved of the charges of insubordination. The AIG left Moffat Mission in 2005 and moved to an office in town, registering as a nonprofit organization to continue its work on behalf of villagers. In the ensuing years when we visited the AIG office in Kuruman, there was always a constant stream of villagers who relied on the AIG for trustworthy information about the paperwork needed to file a claim with the ART or the Medical Bureau of Occupational Disease (MBOD), the government compensation system.

We also saw the heady sense of expectation created by the establishment of the ART in 2003 undergo a tonal shift, as many claimants were

denied benefits for not meeting the criteria for compensation set by the trust and rumors began to circulate in the villages that people were not being paid for asbestos-related disease because Richard Spoor had stolen the money. By 2008, an opposition, the Asbestos Kgatelopele Community (AKC), had formed in Maruping, a village near Kuruman. The AKC marched on ART and AIG offices and made legal and physical threats. It secured the support of Sylvia Lucas, premier of North West province, in bringing charges against the ART to the North Gauteng High Court in Johannesburg.

Petty jealousies and petty motives of personal gain compromised the AKC. But the rise of an opposition also gave voice to a clash of epistemic registers that pitted the professional management of the trust against grassroots calls for popular justice and social reparations. The operation of the ART, in accordance with its deed of trust, was based on the expertise of actuarial and medical professionals who determined the likely number of claims, how many would be successful and the size of payments, as well as the categories and diagnostic criteria of certifiable asbestos-related disease. Villagers, on the other hand, called compensation *puna kaledi*, or ‘sorry money,’ a form of restitution to provide relief for the suffering of all who live with the threat and actuality of asbestos-related disease, not just the one-third of claimants – the number predicted by the trust’s actuarial experts – who qualified for compensation under the terms of the out-of-court settlement.

Part of the AIG’s mission, it came to realize, was managing the friction caused by this epistemic clash and to explain why only one-third of claimants received compensation when so many people were sick and received nothing. One of the AIG’s greatest tests following the settlement of the Gencor case was to come to terms with the inescapable fact that two-thirds of claimants were turned down, their hopes and needs disqualified by the medical and legal criteria of the trust, filed away in the paperwork of official inaction.³

The AKC charges against the ART were eventually thrown out at the North Gauteng High Court in 2015 for lack of evidence, and the matter appeared to be dismissed at the metropolitan level. But things were different in the villages at the grassroots level. As this book closes in 2015, the anger mobilized by the AKC over dashed hopes and a deep sense of abandonment – sentiments that AIG activists understood all too well – remained unresolved.

Motives and Methods

In 2007, I was going through AIG records and consulting with Stephen Kotoloane and Addison Oepeng to put together a timeline of the AIG’s activities to include in grant applications and other documents. This is the type of activity we were accustomed to doing with the AIG, and I was not

aware at the time that had I already started on a path leading to this book. In 2010, after discussions with Kotoloane and Oepeng, my activist involvement with the AIG changed course, turning into the project of filling out the timeline and bringing it up to date in the form of a book on grassroots asbestos activism in South Africa.

This shift in orientation is worth comment because, in certain key respects, it has shaped the design of the book, in terms of its possibilities, based on years of direct experience with the AIG, but also in terms of its constraints. In the first 10 years of involvement with the AIG my work was that of an academic activist, attempting, in the spirit of transnational solidarity, to connect my professional expertise in writing studies to the mission of the AIG and the villagers it represented. Much of this work was done with Lundy Braun. We ran grassroots research workshops with the AIG and helped its office develop forms of organizational record keeping. In collaboration with the AIG/Moffat alliance and Sophia Kisting, a South African physician and occupational health activist who was a co-leader of the Asbestos Collaborative, we wrote a pamphlet in 2002 'Asbestos and Asbestos-Related Disease: What People Need to Know' (Asbestos Interest Group, 2002) which was translated into Setswana and Afrikaans and later revised in 2009 and 2014. We worked with Kisting and AIG activists on a presentation and a poster session for the 2014 International Mesothelioma Interest Group meeting in Cape Town, the AIG's first appearance at an international scientific conference.

Once my role shifted to research, I could draw on a kind of participant observation recalled after the fact. I had notebooks with scattered accounts of meetings I had attended or conversations with Stephen Kotoloane, and these helped to get events straight and prompt my memory about details. But I have no proper field notes, only fugitive comments on literacy practices. The point is that, by circumstance, the main data available to me from the first ten years of the AIG are the written documents I haphazardly but routinely gathered from the AIG office and elsewhere, bolstered by material others have kindly made available to me since: (1) the papers Lundy amassed for her research on asbestos-related disease and on the spirometer and the racialization of lung function testing (see, for example, Braun, 2014; Braun & Kisting, 2006); (2) several boxes of invaluable documents collected by Richard Aitken from the early days of the AIG, which included unpublished papers by Richard Spoor that developed the legal strategy in the Gencor case; and (3) my daughter Lucia Trimburs's 2001 field notes on her work, as part of the Asbestos Collaborative, with Richard Spoor, which contain samples of the verbal testimony of ex-mineworkers and widows who were among the first claimants in the Gencor case.

With the shift to research, I collected documents at an accelerated pace. Visits to archives in Cape Town and Johannesburg turned up further documents, including correspondence by mineworkers, labor recruiters and government officials from the 1940s and 1950s, pamphlets and

brochures from the asbestos industry's public relations wing in the 1960s and news stories about the asbestos industry and asbestos activism from the 1980s. Even when I interviewed people, I often ended up with more documents – or leads about where more important documents might be found. In many of the conversations I had with Stephen Kotoloane and Addison Oepeng, a particular document would, in the telling of events, gradually come to light – a recent letter, say, from the AKC's attorney threatening legal action against the AIG or the memorandum of concern the AIG submitted to the Premier's office in Kimberley during a march it organized in 2010. It was not unusual for an hour or more of talk to lead to the identification of a pertinent document I had not seen or had only heard about.

The reliance in this book on textual sources rather than, say, first-hand inquiry into literacy practices can be explained, as I say, in part by circumstance and the availability of evidence. But there was also a predisposition on my part to write in a historical rather than an ethnographic style, to write as a cultural historian of literacy, inferring the conditions of the production, circulation and use of written documents through rhetorical analysis, historicized interpretation and what can be pieced together about the regimes of paperwork and knowledge economies texts function within, across, and sometimes against. Thus, by a combination of circumstance and predisposition, the aim that emerged with my shift to research was to write a textual history of the AIG, to use what I had collected as documentary evidence to set up the necessary historical background and tell the story of the AIG as a sequence of rhetorical situations and encounters with the genres and registers of mainstream literacy.⁴

What the book might claim is an ethnographic sensibility, for there are certainly moments where ethnographic techniques appear, such as the interviews with occupational health activists from the 1980s and 1990s which figure in accounts of worker-generated knowledge in Chapter 3, the direct observation of AIG office work in Chapter 6 or, for that matter, the vignette, based on recalled participant observation, of the Gencor launch that opens this chapter. Still, the main methodological questions I have faced in writing this book involve understanding the historical meaning of texts: where they come from, what forms and registers they draw on, what gives them rhetorical agency or the lack of it, how texts enact identifications and divisions within groups and across social locations, why some texts are more mobile than others. These, and a host of associated questions, have been an inescapable presence in the research presented here.

What this means, in any case, is that the book often reads like a history, with extensive background on the AIG's geohistorical location (in Chapter 1), the shifting position of the asbestos industry in the written record (in Chapter 2), and the emergence of trade union-based occupational health activism in the 1980s, which laid the groundwork for the AIG's village-based activism in the 2000s (in Chapter 3). The three central

chapters on the AIG (Chapters 4, 5 and 6) are themselves arranged chronologically rather than topically, relying on narrative as a mode of attention that embeds texts in the flow of unfolding events, where their potentialities are shaped by the pressures and limits of a time and place. As readers will see, the Gencor case and its aftermath provide the through line, or narrative spine, to capture the mundane uniqueness of how texts happen, their trajectories and their fates.

Theories

When I started to visit Kuruman in the early 2000s, the AIG's grassroots encounters with mainstream literacy brought to mind questions I had come across earlier in the study of popular literacy in British cultural studies and elsewhere. How do ordinary people make literacy popular? How do they divert official resources of representation to popular ends that resist or accommodate or consent to the hegemonic order? How do the articulations of ordinary people – in Stuart Hall's double sense of 'putting into words' and 'linking together' – invest reading and writing practices with the capacity to produce socially useful knowledge, form new social solidarities and invent new social futures? What roles do 'organic' and 'traditional' intellectuals, writers and literary circles play? How can elite literacies be rearticulated to popular aspirations?⁵

The intentions of this book are to enter the history of the AIG into the written record, where the significance of its work between 2001 and 2015 can be examined. The conceptual framework of the book still draws on questions taken from British cultural studies about popular literacy, the reading and writing of ordinary people, the relation between experts and lay people and the workings of official and popular consciousness. These issues shaped an initial understanding of my work with the AIG as an academic activist. And these concerns remain at the core of the book, but in many ways they have been revoiced, their vocabulary and epistemic register augmented and amplified by conceptual frameworks from new literacy studies, sociolinguistics (especially of writing and of globalization), social semiotics, paperwork studies and the translingual wing of US writing studies.⁶

To put it more directly, the historical study of literacy in this book is rooted in a shift in linguistic theory from what Mary Louise Pratt calls the *linguistics of community* to the *linguistics of contact*. For Pratt, this shift begins by abandoning such notions as speech communities, idealized native speakers and competence/performance distinctions that picture language as a homogeneous, fixed and territorially bounded system. By contrast, as Pratt says, a 'linguistics of contact' places 'at its center the operation of language *across* lines of social differentiation, a linguistics that focused on modes and zones of contact between dominant and dominated groups, between persons of different and multiple identities,

speakers of different languages, that focused on how speakers constitute each other relationally and in difference' (Pratt, 1987: 60).

Such a perspective enabled theorists and researchers to go beyond the analysis of how, for example, home literacies and school literacies clash or mesh in Shirley Brice Heath's (1983) *Ways with Words* or how academic disciplines produce monopolies of specialized knowledge through field-specific rhetorical means in Charles Bazerman's (1988) *Shaping Written Knowledge*. Instead, Suresh Canagarajah, Theresa Lillis, Mary Jane Curry and others have drawn attention not only to the linguistic and rhetorical differences between discourse communities but also to how the variable allotment of semiotic resources creates a geopolitics of academic writing which enables and constrains the capacity of texts to circulate and take on exchange value translocally (see, for example, Canagarajah, 2002; Lillis & Curry, 2010). Jan Blommaert's use of Immanuel Wallerstein's world system theory to conceptualize the uneven distribution of representational resources within a stratified global literacy regime center has been a key influence on my understanding of the semiotic inequalities between periphery and center.⁷

This book seeks to bring together the two main terms of its title – *grassroots literacy* and the *written record* – to see how documents moved (or did not move) across social locations, back and forth from non-elite grassroots sectors to metropolitan centers and from the elite institutions of the metropolis to remote villages. My interest is in understanding what has made it possible, in either direction, for texts to become salient – for their affordances to become available and to take on worldly force.

The notion of *grassroots literacy* is essential to understanding the AIG's position in relation to the elite literacies of the metropolis. The term appears in Johannes Fabian's (1990) *History from Below*, a study of a 33-page locally written history of Belgian colonization (the *Vocabulaire de Ville de Elisabethville*) in what is now the city of Lubumbashi in the Democratic Republic of the Congo, commissioned by an association of former domestic servants and authored in a regional variety of Swahili by a former houseboy André Yav. For Fabian, *grassroots* refers to – and revalues – types of non-elite literacy like the *Vocabulaire* that are widespread in Africa (and elsewhere) but are often stigmatized for their non-standard grapholects, vernacular language varieties and unstable textual repertoires. *Grassroots*, in this sense, signifies the geohistorical location of forms of literacy that operate on the periphery with relative autonomy from official channels, within subaltern counterpublics where popular practices of textual production, circulation and reception take place for local purposes.

At the same time, however, as Blommaert makes clear, grassroots texts cannot be understood one-dimensionally as the authentic and uncontaminated 'voice of the people' – 'relatively "free,"' in Fabian's view, 'from the ideological and technical constraints' of mainstream literacy

(Fabian, 1993).⁸ Instead, grassroots literacy figures for Blommaert as complexly mediated localizations of unevenly distributed semiotic resources, constrained and restricted by their heterographic features, partially realized appropriations of metropolitan modalities and lack of access to organized bodies of knowledge. Grassroots texts may well be fully functional, valued and meaningful in local environments, according to Blommaert's principle of 'peripheral normativity,' but unable to gain traction translocally, where their uptake and reception become problematic across social locations (see Blommaert *et al.*, 2005).

As we will see at many points in this book, for the AIG the term *grassroots* amounts to a geohistorically constructed 'locus of enunciation' on the periphery, not *outside* but *at the edge of* metropolitan modernity, partially plugged into elite conventions, registers and genres of writing and partially bypassed by official mainstream literate resources. This is the position of inequality that defined the AIG's encounters with official paperwork, that posed the question of how, given such asymmetry, the AIG could nonetheless move villagers' interests from remote rural areas to institutions of power and influence in the metropolis, closing the semiotic distance between center and periphery.

In US writing studies, mobility often refers to the horizontal movement of linguistic repertoires across borders and how new linguistic landscapes are negotiated. By contrast, this book examines the vertical as well as the horizontal mobility of texts, in order to understand how texts are able (or not) to move up and down and across the linguistic hierarchies, what Blommaert calls 'orders of indexicality' – 'large stratified complexes in which some forms of semiosis are systematically perceived as valuable, others less valuable and some are not taken into account at all' (Blommaert, 2010; see also Blommaert, 2005, especially Chapter 4 on 'Language and inequality,' pp. 68–97). As Blommaert (2008: 8) points out, in the era of globalization, the 'description of texts ... must have two sides: one, a description of the *local* economies in which they are produced, and two, analysis of what happens to them when they become *translocal* documents.' To see texts in this two-fold manner raises questions that are central to this book – to see how local economies of writing, whether grassroots or elite, influence the variable uptake and rhetorical effects of texts as they move across spheres of influence, from the periphery to the center and from the center to the periphery.

Compared to the notion of grassroots literacy, the second term in the title of the book, the *written record*, has a more circuitous intellectual genealogy that must be assembled from a number of academic fields, including literacy studies, book history, paperwork studies and the ethnography of documents (see Hull, 2012; Kafka, 2009). The term itself comes into scholarly use with Michael Clanchy's (1979) landmark study *From Memory to the Written Record*, about the unprecedented explosion of charters, writs and forgeries in England following the Norman

Conquest in 1066 and the gradual acceptance and investment of trust in written documents. In *Imagined Communities*, what Benedict Anderson (1991) calls ‘print capitalism’ extended the written record into the modern era by tying it to the emergence of national consciousness in North and South American colonies based on the sense of simultaneity and mutual recognition of others in the virtual space of print-language.

More recently, and more in line with a ‘linguistics of contact,’ Michael Warner has reframed this attention to the circulation of print language in terms that disaggregate the ‘imagined community’ into publics and counterpublics (the hegemonic and subaltern formations whose contradictions Anderson’s ‘imagined community’ suppresses), bringing to the foreground formerly unacknowledged divisions between dominant and popular reading publics and practices (Warner, 2005). As Robert Darnton shows, for example, beneath the official Enlightenment public sphere of *philosophes*, salons and coffee houses, there was, in the years leading up to the French Revolution, a popular Enlightenment of demotic force, a ‘low-life of literature’ that created the readership for its constant stream of *libelles* – slanderous, pornographic and sensationalistic novels and other forms of writing that attacked every aspect of respectable society, greeting the final crisis of the Old Regime with ‘their greatest barrage of antisocial smut’ (Darnton, 1982: 29). It was, moreover, precisely this literary milieu of hack writers, seething with class hatred for the *grands* and *gens de lettres* of French society, that produced the revolutionary pamphleteers and journalists, such as Jean-Paul Marat, Camille Desmoulins and Jacques Hébert, and their unreconciled readers – the *sans-culottes* who turned the political and cultural world of France upside down.

According to Lisa Gitelman (2014), this well-known attention to public and counterpublic reading spheres and the dissemination of periodical literature, pamphlets, broadsides and popular novels has overshadowed a second important but hitherto neglected aspect of literate life under print capitalism, namely the extensive use of paperwork and record keeping in the world of bureaucracies. Paperwork refers to the textual labor of filling in blanks, checking boxes, tallying results, compiling data, writing memos, taking minutes, gathering transcripts, stamping receipts, making copies, filing reports and otherwise participating in the circulation and storage of documents in the bureaucratic mazes of public agencies, private enterprises and popular organizations.

Paperwork, that is, points to a field of literate activity, a mundane world of files and documents, where clerks, sub-officials and mid-level managers fill out the forms that animate state and corporate bureaucracies, educational, legal and medical systems, and voluntary associations, civic organizations and grassroots groups. The unsuspected scope of paperwork may be seen, for example, as Gitelman notes, in the 1904 Census of Manufactures in the United States, which reported that blank forms of various sorts produced by job printers for bureaucratic uses in

the private and public sectors accounted for fully 30% of the printing trade, with only newspapers and periodicals accounting for a greater share at 52%, while books and pamphlets lagged behind at 11% (Gitelman, 2014: 25–26).

If anything, AIG activists grasped spontaneously what recent scholars in paperwork studies and the ethnography of documents have found, namely that paperwork is intimately involved in governing and being governed, that its record-keeping systems are instrumental in dividing citizens from foreigners, the worthy from the unworthy poor, and those with certifiable asbestos-related disease from those who do not qualify for compensation. AIG activists understood very well that a person's 'papers' – the birth and death certificates, work records, identification cards, medical charts and the myriad of other documents that issue forth from bureaucracies – are the semiotic devices through which the state came to know its subjects and individuals learned to recognize themselves, their identities, affiliations and social situations. The AIG knew the written record had the power to count people in or leave them out.

As a medium of communication, paperwork has been described as *refractive* and as *constitutive*. According to Ben Kafka, scholars have traditionally looked *through* documents, assuming the written record is a transparent medium that conveys unproblematically the workings of institutions and the making of history, leaving the actual practices of paperwork undertheorized. The task of paperwork studies, accordingly, is to look *at* rather than *through* bureaucratic documents, to see them as a *refractive* medium 'in that power and knowledge inevitably change their speed and shape when they enter it.' As Kafka puts it, paperwork is a medium 'through which need is refracted' (Kafka, 2012: 117; see also Kafka, 2009).

At the same time, scholars in the ethnography of documents have described paperwork as *constitutive* of institutions and identities. As Matthew S. Hull (2012: 251) writes, files, forms and written documents of all sorts 'are not simply instruments of bureaucratic organizations, but rather are constitutive of bureaucratic rules, ideologies, knowledge, practices, subjectivities, objects, outcomes, even the organizations themselves.' As Gitelman (2014: 30) puts it, the production and use of blank forms in effect 'make bureaucracy, directing and delimiting fill-in entries that form the incremental expressions of the modern, bureaucratic self.' Paperwork, in other words, calls into being not only modern bureaucracies of record keepers but also the identities and social status of those kept in the records, those whom Marie-Andrée Jacob (2007) calls 'form-made' persons.

The refractive and constitutive properties of paperwork are not mutually exclusive. But they are not exactly complementary either. Rather, they stand in conceptual tension, each term testing the limits and uses of the other. On the one hand, the constitutive function of paperwork calls to mind Foucauldian regimes of classification and surveillance, the invention

of populations as a knowable object of examination and control, and the making of social facts in the matrix of biopower. On the other hand, as a refractive medium, paperwork is shifty, filled with mistakes, omissions, Freudian slips, lost and stolen files, botched or ill intentions, faulty or incomplete data entering. The point is that paperwork deflects human aims as much as it enacts them. It makes people wait, it stymies purposes, it misdirects intentions. It is filled with frustrations. To say that paperwork is a refractive medium means that needs are bent or blocked as much as constituted under its pressures. This is why, as Ben Kafka (2012: 118) says, ‘paperwork always seems to be either overdue or underdone.’ Paperwork simultaneously feels all-powerful and useless, both the means and the obstacle to the motives of the record keepers and the kept.

For its part, the AIG was acutely aware of the power of paperwork to constitute individuals and populations as knowable subjects of state bureaucracies. But the AIG was also aware of the gaps, silences and dead ends in paperwork – the textual vacuums and blockages where people are unrecorded or their records are lost or buried in forgotten files. In the annals of the asbestos industry, as the AIG well knew, many mineworkers past and present have gone missing, whether because they worked on unregistered mines or because state-mandated inspections and medical examinations never happened or because they were repatriated to native locations with their chest complaints misdiagnosed as tuberculosis, keeping the physical evidence of asbestos-related disease out of the medical records.

These are the suppressed histories and unrecorded people the AIG has sought to make present, to imprint, across spheres of influence, in the paperwork of officialdom, in organized bodies of knowledge and in the deliberative forums of the metropolis. This is the textual labor the AIG took on and the story this book sets out to tell.

Notes

- (1) An account of activities at Moffat Mission can be found in Trimbur (2002).
- (2) Richard Aitken, interview with author, 6 November 2010. Aitken had allies on the board, particularly on the Anglican side, who supported (or at least tolerated) the activist civil society orientation he brought to Moffat. On the other hand, representatives from the United Church of Christ (UCC), the successor to the London Missionary Society at Moffat which had long directed the mission’s training of ‘Bantu evangelists’ and had just recently overseen a major renovation of mission buildings, felt uneasy about Aitken’s involvement in grassroots asbestos activism. This silence, Aitken conjectures, resulted in part from the UCC’s close ties to Lucas Mangope’s regime in the patchwork homeland Bophuthatswana, at the receiving end of populations relocated by apartheid policy to the north of Kuruman as a labor reserve, in a deal with the asbestos mines that contracted labor through local chiefs who were paid levies by individual mineworkers. Aitken believes UCC board members wanted to keep this shameful history – and the uncomfortable implication of prominent figures still active in the community – out of public sight.

- (3) The epidemiological studies that the actuarial experts drew on showed that approximately one-third had asbestos-related diseases. The Asbestos Relief Trust wanted to screen as many former mineworkers as possible in order to identify that third. This screening strategy, however, was not well understood at the grassroots level, and many former mineworkers felt they had been deprived of compensation they deserved. See Chapter 5 for a more detailed account of the Asbestos Relief Trust and the AIG's work with it.
- (4) Theresa Lillis and Mary Jane Curry use the term 'textual histories' to trace the drafting and redrafting of written texts and the input of 'literacy brokers' in their composition (see Lillis & Curry, 2010). In this book, 'textual history' is a way to tell the story of the AIG through analysis of a wide range of written documents.
- (5) My investigations of these questions can be found in Trimbур (2001, 2011).
- (6) This book might be seen, in terms of its spirit, as an attempt to carry through on Gunther Kress's efforts during the several months he spent at the Birmingham Centre for Contemporary Culture to draw connections between language studies and cultural studies (see Johnson, 1986–1987: 78).
- (7) This theme runs across Blommaert's work, but see especially Blommaert (2010).
- (8) Blommaert explains both his indebtedness to and his differences with Fabian in Blommaert (2008: 7–10).

1 On the Periphery: Life and Literacy in the Kuruman District



Figure 1.1 Map of the Northern Cape, South Africa

The Kuruman district lies in an out-of-the-way part of South Africa, distant from major cities, at the edge of the global systems that connect the far south to the rest of the world. The Northern Cape, where Kuruman is situated, is the largest of the South African provinces, a vast territory about the size of Germany. The Kuruman district (itself as large as Belgium) is located in the northeast corner of the province, close to the Botswana border (Figure 1.1). In the colonial era it took eight days to reach Kuruman by ox-wagon from Kimberley, the boomtown of the 1870s diamond rush and now the provincial capital. It's faster today, of course, by automobile on paved roads, but the Kuruman district remains a remote place, predominantly rural in character and sparsely populated, with a regional economy based on farming and mining.

The town of Kuruman was built on an oasis in the thornveld, around a natural spring or 'eye' which supplies water to the most favorable farming and grazing land in the district. At 3710 feet above sea level, Kuruman sits on the Ghaap plateau, which rises from an escarpment on the Harts River in the east and slopes north and west to merge into the semi-arid savannah of the Kalahari. The Ghaap plateau contains major mineral deposits, including diamonds, limestone, manganese, iron ore and – central to the focus of this book – the Cape Asbestos Belt, a 250-mile long vein of banded ironstone that holds the largest known commercial source of crocidolite, or blue asbestos, in the world. At the end of the 19th century, about 100 miles south of Kuruman, mining interests began prospecting in the Asbestos Mountains near Prieska. By the early 20th century, the asbestos industry had spread north to the Kuruman district, extending the central impulse of the South African mining industry to extract the untold mineral wealth in the interior of southern Africa. Residents rightly say that 'asbestos built Kuruman' (AC, 2001: 20).

The fate of the Kuruman district has always been entangled with historical forces emanating from the metropolis. Rather than being cut off from the modern world by geographical isolation – an 'outside' in a binary world order divorced from the 'inside' of the metropolitan center and mainstream modernity – the Kuruman district is positioned on the perimeter as a localized version of modernity. To put it another way, the periphery, as it is inhabited in the Kuruman district, is more than an accident of geography; it is also a state of affairs, something that happens in historical time, resulting from the prevailing asymmetrical distribution of resources and risks in the global systems that connect center and periphery.

The Kuruman district is, in Charles Piot's (1999) memorable phrase, 'remotely global,' a geohistorical location *produced within modernity* as a fraught and unequal position in transnational networks, exchanges and divisions of labor. Everyday life in the town and the surrounding villages is unevenly plugged into urban economies of attention, and the feeling of being at a remove is simultaneously geographical and semiotic, experienced as a measure of distance from the prevailing compressions of time

and space and the full-tilt connectivity that make up metropolitan experience in late mainstream modernity.¹ For the village-based activists in the Asbestos Interest Group (AIG), the available means of representation on the periphery are partially inserted into the modalities of the metropolitan center and partially bypassed by the transnational connections that link premium places in South Africa to the wider world. Half in, half out of this global circuitry, villagers are positioned at the edge of the paperwork, archives of knowledge and channels of communication that animate the internal workings of metropolitan modernity.

This chapter examines how the peripheral modernity of the Kuruman district was shaped by intersecting historical forces that linked center and periphery in unequal relations through a political economy of extraction, the dispossession of indigenous polities, and the geo-racial separation of white towns and native locations. These are the geohistorical circumstances in which the AIG's grassroots activism operates, the grounds upon which villagers encountered the skewed circulation of knowledge and metropolitan means of representation that divide elite and grassroots literacies. The peripheral modernity of remotely global villages in the Kuruman district is the AIG's 'locus of enunciation,' the term Walter D. Mignolo (2000: 114–116) uses to designate how rhetorical agency and representational power are distributed unequally in the world system.

The Periphery and the Political Economy of Extraction

Before Europeans arrived, the southern Tswana who inhabited the western high *veld* that is now the Kuruman district built towns of 10,000 or more based on political wards and complex client relations. They incorporated multiple ethnicities into their polities, manufactured iron implements and developed a surplus-producing stratified political economy of wealth in cattle which, along with extensive horticulture adapted to arid conditions and hunting and gathering, constituted the indigenous means of livelihood in the Northern Cape. Kuruman appears in the written record with the founding in the 1820s of Moffat Mission by the London Missionary Society. In its earliest days, Kuruman was an outpost of empire, a trading depot for hides, fur, ivory, feathers, guns and ammunition, brandy and the illicit capture and sale of slaves. Located north of the mixed-ancestry proto-state Griqualand, Kuruman was the last settlement on the northern frontier, at the edge of imperial rule and the supply chains that linked the local hunting, cattle-raiding and slaving expeditions of frontier commandos to legitimate and non-legitimate markets in Cape Town and beyond.²

From its earliest days, Kuruman has been tied into world circuits as a remote transfer station of raw materials for export, on trade routes that lead inescapably to the northern metropolis. This is the political economy of extraction in the far south. The situation is well known: the value added, the profits realized and the capital accumulated increase as the

sources of wealth move from the site of extraction on the periphery to financial and manufacturing centers in the metropolis. The unidirectional movement of wealth production and its resulting inequalities are familiar features of a global system of exploitation and accumulation that keeps the relation of periphery and center in a persistent state of 'friction' and grievance.³

In the political economy of extraction, moreover, the human burden of production falls disproportionately on the periphery and its residents, concentrating the social costs of wealth creation in towns and villages far from metropolitan centers. This asymmetric distribution of the risks and social costs of production appears at an early date in the Kuruman district, in the mid-19th century when the impact of commercial hunting was absorbed locally, as the southern Tswana means of livelihood by hunting game were diminished and, in some areas, depleted entirely.

The introduction of guns to supply world markets with furs, hides, ostrich feathers and ivory intensified the game hunting that the southern Tswana had long established as a sustainable source of food in the Northern Cape. As Kevin Shillington (1985: 24) notes, however, 'the traffic in firearms upset [this] delicate ecological balance of the Southern Tswana economy' beyond the capacity of game populations to reproduce. By the 1860s, as a local observer in Kuruman wrote, 'hundreds of natives were employed by storekeepers to hunt every season and many closely packed wagonloads of this costly product of the desert [ostrich feathers] annually arrived at the Cape' for shipment to world markets (quoted in Shillington, 1985: 24). In 1866, a magazine was built in Kuruman to provision white hunters with guns and ammunition for long-distance hunting expeditions into the far interior (Shillington, 1985: 24).

Just before the mineral revolution began on the Kimberley diamond fields in the 1870s, the hunting trade was extensive and unregulated in the Northern Cape, leaving the western high *veld* littered with the carcasses of game whose hides, feathers and tusks had been removed and shipped away and whose meat was wasted. By the late 1870s, game had largely disappeared as a source of food in Tlhaping territory east of the Kuruman hills and in the upper Molopo and Setagoli valleys occupied by the Rolong, while hunting for food was still possible north and west of Kuruman (Shillington, 1985: 195).

The reduction or depletion of game on the northern frontier through the incursion of transnational trade looms as a fateful premonition of the maelstrom about to be unleashed by the mineral revolution. As diamond mining began in the late 1860s, what initially had the strongest impact on southern Tswana economic and social life was the market to provision the rapidly industrializing mines and the fast-growing boomtown at Kimberley. In the early days at the alluvial diggings on the Harts and Vaal rivers, Tlhaping in the region sold to miners what Shillington (1985: 66) calls 'the natural surplus of the rural economy,' such as fresh milk, game,

firewood, and reeds and grasses for thatching. With the shift to dry diggings at the Great Hole and the growth of Kimberley domestic markets, however, demand quickly outstripped reproductive capacity. The use of firewood to fuel the mechanization of mining and to meet domestic needs led to widespread deforestation, while hunting for meat to feed the growing population in Kimberley further depleted the stock of game.

The upshot is that the provision trade amplified the effects of the hunting trade, extending market forces from the metropolis to the mining boomtown and its outlying territories. Some Tswana sold their cattle, the traditional source of wealth and social distinction, in order to buy wagons to haul wood, while others turned to the plough to grow grain commercially for the Kimberley market. The wood trade and commercial farming may have produced short-term profits, new wealth and self sufficiency for a few, but this orientation to the market also heightened the risks of economic activity, destabilized Tswana social life, and weakened the authority of those chiefs who were trying to resist British encroachment on Tswana land and sovereignty.⁴

The mineral revolution in Kimberley served, in effect, as the gateway to modernity for the southern Tswana by overstimulating economic life. In the political economy of extraction, where wealth is transferred to the center and the social costs of production are absorbed on the periphery, the southern Tswanas' traditional economic resources – cattle, game, wood, pastures and arable land – were commercialized and consumed in order to supply the Kimberley markets and fuel the mineral revolution. In this sense, peripheral modernity in the Kuruman district begins at a moment that depleted what were once sustainable patterns of subsistence, asset stripping the southern Tswana economy and throwing local sources of life into permanent crisis. For the southern Tswana, peripheral modernity takes shape as flows of trade, transnational divisions of labor and unequal distributions of risks put into place the fatal links between center and periphery.

Town and Village: A Geohistory of Dispossession

The creation of a disposable black labor force was a by-product of the political economy of extraction, quickly becoming the dominant means by which the risks of the South African mineral revolution fell disproportionately on the periphery and its residents. In the migrant labor system that began at Kimberley and, with the discovery of gold, extended to the Rand, black mineworkers were recruited as contract labor, housed in company compounds and then repatriated to native locations. Denied legal residence on the mines, black labor was considered transient, to be disposed of when contracts expired or when an injury, the sign of disease or other unfitness for work was detected by the mine operators. The disposability of black labor meant that the risks of work and the costs of the

social welfare needed to recuperate and reproduce labor power – to deal with injury, disease, periods of unemployment and the diminished vitality of older workers – all fell on the families and communities of mineworkers.

As we will see in more detail in the next chapter, this outsourcing of the social costs of extraction appeared as well in non-migratory settings, such as the branch of the mineral revolution just starting on the Cape Asbestos Belt in the late 19th century. The point I wish to emphasize here is that the disposability of human life, as Athena Athanasiou notes, is closely linked to dispossession – of land, political sovereignty and control of the means of livelihood.⁵ Events in the Kuruman district and across the Northern Cape show how the creation of a disposable black labor force was enabled by the dispossession of the southern Tswana through military conquest, occupation, annexation and white settlement on formerly Tswana land.

Historian Leonard Thompson notes that the ‘southernmost Tswana societies had the misfortune to occupy land in the vicinity of Kimberley,’ where the South African mineral revolution began. ‘Step by step,’ Thompson (2001: 127) says, southern Tswana polities ‘were subjected and impoverished.’ In the late 19th century, driven by the need to secure the perimeter of the mineral revolution, manage border conflicts with Afrikaner republics and appease the land hunger of white settler colonists, Kuruman became a staging area in the wars of pacification waged against the southern Tswana. After British military victory in 1878, the southernmost Tswana territories were incorporated into Cape Colony in 1880 as part of the annexation of Griqualand West. In 1884, Sir Charles Warren’s troops occupied the Northern Cape, leading to the collapse of the short-lived Afrikaner republics Stellaland and Goshen east of Kuruman and the annexation of the territory north of Griqualand West as the crown colony British Bechuanaland, which itself was absorbed into Cape Colony in 1895. The government land commission that followed Warren’s military occupation allotted 8% of the land to serve as native locations where the southern Tswana were resettled, while the remaining land was opened to white settlers and speculators, such as the De Beers mining house which acquired over 400,000 acres. In 1897, British military forces crushed the Langeberg Rebellion, the final resistance of the southern Tswana (Shillington, 1985: 174–180).⁶

Even before the Native Land Act of 1913, generally considered the watershed in the dispossession of African polities and the end to the prospect of an independent African peasantry (see Bundy, 1979), the southern Tswana had lost their autonomy and most of their land. The rinderpest epidemic reached the western high *veld* in 1896, sweeping away herds of cattle. At the turn of the century, locust invasions and five years of drought devastated agricultural production, resulting in years with no harvest. Hut taxes established in 1879 made the southern Tswana increasingly

dependent on the cash economy. This convergence of natural and social disaster left villagers in the Northern Cape with meager resources and diminishing conditions of life, driving them to look for work on farms in the Free State, on the mines at Kimberley and Johannesburg and in the new asbestos mining that was just taking hold on the Cape Asbestos Belt. Although the southern Tswana were initially able to resist wage labor on the mines, in part because of the economic opportunity provided by the provision trade (and much to the dismay of labor recruiters in Kimberley), this independence was not to last. By 1907, three-quarters of southern Tswana men were working at least half the year on the mines (Jacobs, 2003: 134).

The forces of South African history had reduced the southern Tswana to living on native locations in destitute villages as a rural working class struggling for survival with some limited measure of independence from wage labor by raising livestock and farming on inhospitable land. The villages in the Northern Cape at the turn of the 20th century were not remnants of the past – the tribal homelands of the colonial imaginary. Rather they were part of a modern reconfiguration of social space, positioned by a new political geography that restricted rural black South Africans to native reserves with sparse means of livelihood, at a distance from the town of Kuruman, which became a political and commercial center of the white settler colony in the Northern Cape.

As Mahmood Mamdani notes, this ‘containerization’ of black land and life in South Africa was unprecedented in the annals of European colonial administration, limiting the dispossessed black rural working class to fixed locations, governed by the indirect rule (or what Mamdani calls the ‘decentralized despotism’) of local headmen and chiefs (Mamdani, 1996). These newly formed tribal authorities, with the power to allot land for farming and grazing and to enforce customary law in the villages, served as intermediaries to the colonial administrative system and the native labor recruiters located in the towns. Even chiefs and headmen from traditional lineages were not so much vestiges of a pre-colonial order as agents of the modern tribalization of the black rural working class in the geo-racial orders of the segregation and apartheid eras.

The peripheral modernity of village life in the Kuruman district was shaped decisively by the separation of rural native locations under the indirect rule of tribal authorities from the towns inhabited by white settlers. As Keith Breckenridge (2012: 376) puts it, ‘Indirect rule in rural South Africa ... placed administrative processes in the hands of chiefs who were charged to substitute for a developing public sphere and political economy of literacy that was occurring in the towns.’ The geo-racial separation of village and town blocked transnational flows of ideas and styles of expression that had reached black urban South Africans by the late 19th and early 20th centuries. In the villages and town of the Kuruman district, nothing compared to the intellectual and political life in

Kimberley at the time of Sol Plaatje and the founding of the African National Congress in 1912 or the urban sophistication and artistic invention of New Africans in the Johannesburg of the 1920s and 1930s (see, for example, Couzens, 1985; Willan, 1984).

In the new configuration of social space that separated town and village, Kuruman became the provincial seat following the establishment in 1910 of the Union of South Africa as a self-governing dominion of the British Empire. In 1916 Kuruman was incorporated as a municipality; in 1917 the town acquired the irrigated farmlands developed by Moffat Mission; in 1918 the municipality removed the Gasegonyane community of Tswana and Coloured inhabitants from the Eye of Kuruman, consolidating control of the major source of water and limiting its flow to downstream villages.

As Nancy Jacobs (2003: 148) notes, 'the outcome of segregation in Kuruman was environmental,' with the 'state taking from blacks well-watered parcels and sources of water and granting them to white people.' By the 1920s, prosperous white-owned farms, dairies and sheep ranches had been established on the most fertile and well-watered agricultural and grazing land in the district, while black food production stagnated. In the apartheid era, Kuruman was designated a 'white spot,' just across the border of the patchwork Tswana homeland Bophuthatswana, renaming the geo-racial lines already drawn between town and village in the segregation era. For most of the 20th century, the asbestos mining towns of Kuruman, Prieska, Postmasburg and Danielskuil resided in quiet obscurity, as provincial *dorps* administering the native reserves of disposable black labor and serving the commercial and cultural needs of the local white population of merchants, farmers, provincial officials, labor recruiters and mine managers.

We can catch a glimpse of the geo-racial separation – and asymmetric linkages – of town and village in two 1949 letters sent by the labor-contracting firm Native Recruiting Corporation (NRC) to the office of the Native Commissioner in Kuruman (Figure 1.2).⁷ The first letter from the NRC official J.P. Proudfoot to M.C.S. Backer in the Native Commissioner's office asks permission to meet with 'chiefs' and 'headmen' in Bathlaros, a major village not far from Kuruman, in order to arrange a labor recruitment event with 'meat' and 'carefully selected' films (Letter One). These were standard inducements on the part of labor contractors, but the letter is particularly revealing when it closes on a personal note of cordiality: 'I should be pleased if you and your wife would come to a cocktail party to be held at the Savoy Hotel, Kuruman, at 6:30 p.m. on the 6th September.'

White conviviality and the social distinction of cocktail parties at hotels with iconic British names (the Savoy) in Letter 1 contrast with the request in Letter 2, which was also written in the polite style of professional communication then dominant among the managerial classes in South Africa: 'I shall be glad if you will kindly authorize me to have

Letter One

Vryburg, June 28, 1949
 To MCS Backer, Esq
 c/o Native Commissioner's Office
 Kuruman

Dear Mr. Backer,

Mr. G.O. Lovett, our General Manager, is paying an official visit to my area in August/September, and he would like to arrange a meeting of Chiefs, Headmen and people at Batloros in the Kuruman District on the 6th September, 1949 at 1 p.m. for the purpose of introducing Mr. Lovett to them and at the same time pertaining to the Gold Mines, and I shall be glad to have your permission to do so.

It is proposed to provide meat for the audience and to put on a cinema show of carefully selected films. A senior official of the staff of the Director of Native Labour is a member of the N.R.C. Mines Cinema Circuit which will have censored the programme selected.

If you are able to attend this meeting you will be very welcome.

Any assistance you are able to give me, which will ensure a good attendance at the meeting, will be greatly appreciated.

I should be pleased if you and your wife would come to a cocktail party to be held at the Savoy Hotel, Kuruman, at 6:30 p.m. on the 6th September to meet Mr. and Mrs. Lovett. I have requested our Representative, Vryburg, to call on you in this connection.

Yours sincerely,
 J.P. Proudfoot

Letter Two

Dear Sir,

GENERAL MANAGER'S VISIT TO BATLAROS
 Brewing and Free Issue of Kaffir-Beer

With reference to our conversation concerning the forthcoming visit of my General Manager to Batlaros on the 6th September next, when it is hoped that approximately 2,000 natives will be gathered together from the whole district of Kuruman. I shall be glad if you will kindly authorize me to have sufficient kaffir-beer or "utywala" brewed at Batlaros by Chief Robonyabe Toto and his followers, for each person present to have a little.

The issue will be under European supervision and no unpleasantness will be allowed, in fact there will not be enough for anyone to be under the influence, as you will readily appreciate, it takes a large quantity of make one inebriated. I intend to have this beer made of malted kaffir-corn with not adulterants whatsoever.

As my District Supervisor has advised you, there will also be an issue of meat, a bioscope and music throughout the day, except for the actual meeting, which I trust will meet with your approval.

I shall be in Kuruman on the 5th proximo, when I shall call on you to discuss these matters if you have no objection.

Yours faithfully,
 [signature illegible]

Figure 1.2 Letters from Native Recruiting Corporation Ltd to Native Commissioner's Office in Kuruman

sufficient kaffir-beer or "utywala" brewed at Batlharos by Chief Robonyabe Toto and his followers, for each person present to have a little,' followed quickly by reassurances of 'European supervision' and that 'no unpleasantness will be allowed.'

There can be little doubt the NRC officials and Native Commissioner's office missed the irony in the management of the two drinking rituals

– the cocktail party of white professionals in town and the beer-brewing labor recruitment event in the village of Bathlaros. Rather, what the labor recruiters' letters unwittingly left behind is a geo-racial understanding of sociability in provincial life and a deeply rooted, taken-for-granted sense of the division between town and village. This is evident in the courteous style that addresses the letters to a social equal, in a register of politeness that indexes the privileged status of the respectable middle classes in South Africa, bound by the affability of white life and an ethos of hospitality. Even when government officials and labor recruiters are organizing beer-brewing events in the villages, the cocktail party at the Savoy casts a metropolitan aura over the conduct of business, drawing on the social conventions of the metropolitan mainstream to elevate life in a provincial town above the outlying villages. In the assurance of 'European supervision,' the second letter enacts a ritual of native administration, conveying the well-understood sense of the legitimacy and responsibility of white rule in the Northern Cape.

Being Peripheral and the Circulation of Knowledge

Until very recently, being peripheral in the Kuruman district meant living at the local level in the global south, in a geographically distant town or village, without an understanding of the dangers of asbestos exposure known in metropolitan centers in the global north. As early as the late 19th century, factory inspectors in Great Britain and insurance companies in the United States identified asbestos as a health risk. By the mid-20th century, researchers had established the connection of asbestos to three diseases – asbestosis in 1928, lung cancer in 1955 and mesothelioma in 1960. In the 1970s these findings were entering the biomedical literature, medical training, clinical practice and legal cases ruinous to asbestos companies in the north. However, this biomedical knowledge was delayed in reaching Kuruman, not because of its distant location but because of an imbalance between center and periphery in the circulation of information about the dangers of asbestos.

'Nobody in his right mind could possibly want to go to Kuruman,' Father Cosmas Desmond wrote in 1971, about Tswana villagers forced to move to native reserves north of Kuruman, where they were resettled, under apartheid-era relocation, on barren ground in the Bophuthatswana homeland, with limited water supplies and scant grazing land for their cattle, donkeys and goats (Desmond, 1971: 114). Father Desmond might have found another reason why 'Nobody in his right mind could possibly want to go to Kuruman' had he known about the environmental contamination and disease produced by asbestos mining. In fact, he quite likely encountered people with asbestos-related diseases.

Desmond remarks on the high incidence of tuberculosis in the Kuruman district, noting that annual reports of the Batlharos Mission

Hospital stated in 1968 that ‘this disease flourishes as never before’, and in 1969 that ‘the more one looks for TB here the more one finds it’ (Desmond, 1971: 109). It is nearly certain that some of these cases were asbestos-related disease. Widely misdiagnosed as tuberculosis, asbestos-related disease remained clinically inapparent in the apartheid-era hospital at Batlharos, keeping the health ravages of asbestos mining unreported and out of the medical record. The problem was that no-one knew what they were seeing – neither Father Desmond nor the medical staff at the Batlharos Mission Hospital. In the late 1960s, the clinical knowledge of diagnosing asbestos-related disease had not reached the Kuruman district. Father Desmond appears to have stumbled across an unrecognized materialization of the mineral revolution, played out in respiratory disease cases that express at the biological level the distribution of risk by the asbestos mining industry in historical time.

As we will see in more detail in the next chapter, this lack of awareness of the dangers of asbestos is linked to the asbestos industry actively impeding transnational flows of information, suppressing scientific studies, evading state inspections and ignoring in southern Africa the standards for asbestos exposure that regulated the industry’s own manufacturing plants in the global north. The disposability of black labor enabled the asbestos industry in South Africa to banish the physical evidence of disease. Life-sustaining resources such as the medical care, occupational health and safety measures and workers’ compensation systems that had been won by labor in the Euro-American metropolis bypassed the Kuruman district. The relation of center to periphery was, in a quite specific way, skewed by an asymmetric circulation of biomedical knowledge and occupational health practices. The asbestos industry was able for years to operate lethally dangerous workplaces as textual vacuums, produced by blockages that prevented socially useful knowledge from getting through to peripheral locations where it was needed.

The Periphery and the Distribution of Representational Resources

We take up the story of asbestos activism in the post-liberation period of the early 21st century, after the fall of apartheid in 1994 and the establishment of the first democratically elected majority-rule government in South African history. This section completes the examination of peripheral modernity in the Kuruman district by considering the AIG’s access to mainstream resources of representation and its variable capacity to fashion and decode texts across social locations. We have seen how the distribution of the risks and social costs of extractive economies, the racialized political geography of town and village and the skewed circulation of biomedical knowledge shaped life on the Cape Asbestos Belt. It remains to identify the distribution of representational resources in the retrenched

villages of the former asbestos mining districts and the possibilities of rhetorical mobility, of grassroots activists on the periphery gaining the footing to influence events and the making of meaning in the metropole.

It is difficult to determine the exact level of literacy in the villages around Kuruman that form the social base of the AIG's grassroots activism. For instance, the 2011 South African national census reported a 74% literacy level in the Kuruman district, although the rate of literacy is likely to be higher in the town of Kuruman than in the villages, reflecting the uneven geo-racial development of town and village (Statistics South Africa, 2012a: 39). A more detailed study of the villages around Kuruman found that the literacy rate was closer to 50% and as low as 20% in some villages (Stewart & Jennings, 2007). The same is true of digital connectivity. The 2011 census estimated that about 26% of households in the Northern Cape and the adjacent North West province have internet connections, while the numbers are surely higher in towns such as Kuruman, Prieska, Vryburg and Mahikeng than in the villages (Statistics South Africa, 2012b: 30).

In any case, estimating literacy and connectivity rates gives only a very general picture of the semiotic capacities of the people who live in the Kuruman district. Literacy rates do not capture the presence of the long-standing if uneven experience of AIG activists and other villagers with the artifacts of print culture. Nor does it take into account the way English circulates as the prestige print language in the paperwork of post-liberation South Africa. To understand the literate capacities of villagers, it is better to start with the point Jan Blommaert (2008: 190) makes, namely that 'societies are literate as soon as people write. It does not matter whether many or few people write: as soon as there are literate people, the sociolinguistic patterns and hierarchies of that society have quite drastically been transformed.' From this perspective, the issue is not so much the measurement of reading and writing but rather the nature of people's encounters with literacy and how the presence of literacy has made itself felt in the Kuruman district.

From an early date, for example, southern Tswana chiefs employed scribes to communicate in writing with colonial authorities. Initially, chiefs often relied on missionaries, but by the early 20th century it was not unusual for the scribe to be an official position in the tribal authority (see Schapera, 1970: 14–16, 72). Other individuals wrote personal and business letters for pay for ordinary villagers. When asbestos mining was included in the state compensation system in the 1950s, enterprising individuals set up informal businesses to assist ex-mineworkers in filling out the paperwork to file a claim, and unscrupulous village 'sharks' arose, who defrauded their clients with false promises.

For villagers who are old enough to remember, the paperwork of the apartheid regime made the presence of written documents an unavoidable reality – the racial classification papers, passes, tax forms, labor contracts,

work records and official maps that drew the boundary between the town of Kuruman and the nearby villages assigned to the homeland Bophuthatswana. Written records were a ubiquitous part of apartheid's drive for order and a constant if selective presence in villagers' lived experience, whether they could read or write and no matter what languages they knew.

The uses of literacy in the workplace and in civil society reveal that the uneven distribution of semiotic resources occurs not only between town and village but also within the villages. A number of AIG activists who registered villagers in the legal case against Gencor, as well as Addison Oepeng who handled the day-to-day paperwork on individual compensation cases in the AIG office before his retirement in 2011, acquired familiarity with the written documents of print culture and rudimentary forms of organizational literacy by working in clerical jobs on the asbestos mines, keeping records and filling out forms. For others, such as AIG founding coordinator Stephen Kotoloane, familiarity with print culture beyond schooling occurred through both church activities as a lay minister and civic affairs as a concerned citizen and local activist.

On one level, the AIG's literate repertoire appears limited when compared to the scope of metropolitan modalities. It does not, for example, have a website, Facebook page or newsletter, it does not issue press releases or fundraising appeals, it does not use Twitter, and it was only in the 2010s that the AIG started to use email on a regular basis. But the point is that if AIG activists are *partially bypassed* by mainstream means of representation, they are also *partially plugged in*. Life on the periphery, as I have been emphasizing, is never totally disconnected from the modernity of late capitalism but rather is situated at its edges. This may be seen, for example, in the AIG's use of text messaging as a key mode of communication, purchasing minutes on a 'pay-as-you-go' basis in the mobile wireless markets that have replaced the old modernist ideal of a nation-linking telecommunications grid.

Likewise, familiarity with popular forms of literacy is evident in an AIG poster that was designed to explain how women's domestic work exposed them to asbestos fibers and the risk of asbestos-related disease (Figure 1.3). While there are no words on the poster, the composition draws on the print genre of comics to position villagers as readers who can decode the four panels, in the words of comic theorist Scott McCloud, as 'juxtaposed images ... in deliberate sequence' (McCloud, 1993: 20). In the first panel, a mineworker comes home; in the second, a woman washes his work clothes, thereby exposing herself to asbestos fibers; and then in the third row of two panels, the woman gets sick and dies. The poster assumes a top-to-bottom, left-to-right reading path that connects the panels in a cause-and-effect relationship that explains visually the etiology of asbestos-related disease. It assumes, in other words, a familiarity with the reading patterns of the print page and the convention of comics that calls on



Figure 1.3 AIG poster

readers to connect the panels in an act of ‘closure’ that allows readers ‘to mentally construct a continuous unified reality’ (McCloud, 1993: 67).

This uneven but very real familiarity with print culture at the grassroots level in the Kuruman district is underscored by recent studies that have brought ‘hidden histories’ of African literacy to light, uncovering the everyday literate practices of ordinary Africans and their encounters with the written record since the colonial era.⁸ Importantly, the ubiquity of writing in popular experience flies in the face of the representation of villagers as traditional rural people, living in territorially bounded, linguistically homogeneous, tribally defined oral cultures. The varied presence of literacy that scholars have documented – and that is evident in the villages around Kuruman – indicates that the experience of print culture in globally remote places cannot be understood in terms of old oral/literate dichotomies. The binary is part of a colonial imaginary that pictures the *traditional* and the *modern* as bifurcated states of consciousness, where European settlers and native residents are supposedly living, at the same time, in different historical stages, separated by cognitive and cultural divides (Fabian, 1983). To understand literacy in the context of peripheral modernity, we must replace this notion of simultaneously existing but

mutually exclusive historical epochs with spatial relations that locate villagers' familiarity with print culture at a semiotic distance from the familiarity with print culture characteristic of elite metropolitan literacies. For AIG activists, the modernity of print culture is not a matter of how it differs as a mode of consciousness from the traditionalism of oral culture but rather how it is divided into center and periphery by differently distributed means of representation and how such distributions affect the capacity of texts to take on consequence and worldly force.

This unequal distribution of semiotic resources is evident, furthermore, in the circulation of English in post-liberation South Africa. To extend the point James Ferguson makes about capital and labor, English is '*globe-hopping*, not *globe-covering*' (Ferguson, 2006: 43). English does not flow across the smooth surfaces of the world as the inevitable lingua franca of globalization, as David Crystal (2003) and others have postulated. Instead, high-prestige varieties of metropolitan English link premium places in South Africa, such as financial centers, universities, government agencies, gated communities and tourist destinations to global networks, information economies and organized bodies of knowledge, while bypassing the switched-off places on the periphery, such as the 80 villages the AIG represents.

English, in other words, does not flow so much as it splinters into local enactments, on and off the grid and in between, where the grassroots literacy of townships and villages interacts with elite literacies (see Trimbur, 2009). It is as though, in the era of neoliberalism, the English that was once heralded in the struggle years of the 1980s to be the public language of national liberation has, like other public utilities, been unbundled and privatized, a signifier not of democratic access but of social and economic inequality. The resulting linguistic stratification ascribes degrees of social prestige, epistemic authority and cultural value hierarchically to the ever-changing forms, performances and niches of English that appear in the globalized world of late modernity.

Consider, for example, shop signs that appear in the African market section of Kuruman, localizing English through the creation of linguistic landscapes on the periphery (Figures 1.4–1.6).⁹ The store names – Crazy Price, No Jokes and Supa Sale – borrow the linguistic prestige value of English to enunciate peripheral identities that contrast with (and perhaps parody) the mainstream identities of grocery chains such as Checkers, Woolworths and Spar. As is evident in the off-kilter letters of Crazy Price, the shop signs in the African market amount to a grassroots stylization of corporate branding, an appropriation of elite representational devices that simultaneously encodes the local in its graphic design as different from the national chains.

In other places, shards of a splintered English mesh with a range of other languages in hybridic combination in the inventive stylization of township vernaculars such as Iscamtho, Flaaitaal and Tsotsitaal.¹⁰ In the



Figures 1.4–1.6 Shop signs in Kuruman

case of the AIG, however, given its rhetorical motives to enter and influence the written record of metropolitan institutions, the organization's literate activity attempts to deploy mainstream resources of representation – the standard English and the standard genres and registers of the dominant print culture – for local purposes, to link the powers of official paperwork to local needs. Typically, AIG activities at the village level take place in Setswana, the first language of most AIG leaders and villagers in the Kuruman district. The paperwork the AIG encounters in its dealings with state agencies and medical and legal bureaucracies is in English, as is true of the organizational documents the AIG has produced, such as its constitution, forms to incorporate as a nonprofit, grant proposals, letters of petition, meeting minutes, facilitators' reports, monthly reports to funders, and so on.

The AIG's Monthly Reports and the Question of Mobility

The AIG's position on the periphery as partially inserted into the genres, registers and conventions of mainstream literacy and partially bypassed can be seen in the production and reception of a mundane document – the AIG's monthly report to its main funding source, the Asbestos Relief Trust (ART). A familiar genre in the paperwork of print culture, the monthly (or quarterly, semi-annual or annual) reports of community organizations such as the 'Asbestos Interest Group. February Report 2011' are normal bureaucratic documents that define the group's objectives, detail its activities and demonstrate its accountability.

In its early days, soon after the AIG left Moffat Mission and set up an office in Kuruman, it developed forms of organizational literacy that localized at the grassroots level the ordinary paperwork typical of the nonprofit sector of civil society, which the AIG had officially entered by registering as an NGO with the state. AIG leaders quickly grasped the significance of *paper trails* as organizational devices to archive activity and keep its affiliated villages linked to the main office in Kuruman. The AIG developed monthly report forms for its 18 village facilitators to summarize local activity. The monthly facilitator report forms (Figure 1.7), often remediated as handwritten notes (Figure 1.8), moved along a textual chain that stretched from village to town, where Addison Oepeng compiled them in the AIG's monthly report to its main donor, the ART. This paper trail provided the textual infrastructure that situated village facilitators within the AIG's relations of textual production, as active participants in writing the monthly reports.

For the AIG, the rhetorical performance of record keeping, as enacted along the paper trails it set up to the villages, was meant to invest its monthly reports with an aura of accountability, transparency and credibility, as evidence of the AIG's efficient operation, with actively reporting local branches. The February 2011 AIG monthly report (Figure 1.9)

**Asbestos Interest Group Facilitators
Monthly Report**

Facilitator's name: _____

Month and year: _____

1. Number of people contacted this month

‡ Number of individual and door-to-door contacts. Please indicate village or villaes where you made the contacts and when.

‡ Number of village gatherings or other meetings you organized or attended as AIG facilitator. Please indicate when and where the meetings were held, what their purpose was, and how many people were present.

Total contacts: _____

2. Community Awareness/Education

‡ Community awareness about compensation claims, ART and MBOD. Please describe the educational work you did on these issues, when and where.

‡ Community awareness about the dangers of asbestos. Please describe the educational work you did, when and where.

Figure 1.7 AIG facilitators' monthly report forms

invokes the ethos of responsible organizational functioning ('The monthly reports brought in time by facilitators'), the authority of numbers and precise calculation (counting the village meetings and home visits the past month) and executive control (especially in the office visits section which includes 'Success,' 'Challenges' and 'Remedial' measures).

The composition of the monthly report relies on conventionalized written and graphic resources. There is, for example, the use of institutional boilerplate, passages of text that Oepeng cut and pasted from one monthly report to the next, such as the AIG's mission statement in the 'Introduction' and 'The Main Objective of the AIG' sections. The use of standard readability devices in the visual design of the document – the subheadings, bulleted points, lettered lists and rules – signifies professionalism and efficiency. The prose style of the AIG's monthly report emulates the brevity and impersonal tone that, as JoAnne Yates (1993) notes, distinguish the modern memorandum and business report of 'systematic management' from the older polite style of the business letter, with its loquaciousness and emphasis on courtesy and cordiality.¹¹

At the same time, the February 2011 report also reveals a semiotic distance between the document and the conventions of mainstream literacy, with features that Blommaert describes as 'heterography,' or differences in relation to the dominant print code that result from the AIG's partial realization of the genre of the monthly report (see Blommaert, 2008: 7). Standard features of reports such as bulleted points are incompletely

Lokaleng Asbestos Interest Group

Progress

SUBJECT: REPORT MARCH 2002

1. Meetings

THREE GROUP MEETING WAS HELD SINCE RETURNED FROM MOFFAT on the 22 FEBRUARY, FIRST MEETING WAS HELD AT GA-MOREBI on 20th MARCH 2002 WITH WAS AG JOHANNES AS REPS FROM GA-LOLO AND KENENS WERE PRESENT

2.1. Community Meeting

COMMUNITY MEETING WAS HELD ON 27 FEBRUARY TO REPORT BACK FROM MOFFAT MEETING. THE COMMUNITY TURNED IN NUMBERS RESPONSES POSITIVELY, SHOWN INTEREST AND SUPPORT, AGREED TO DONATE AS. 2 PER HOUSEHOLD TO TRANSPORT REPS TO MEETING HELP IN GIVING INFORMATION

2.1.2. MA KOTLOANE ALSO ASKED FOR A COMMUNITY MEETING ON 20 MARCH 2002 TO EVALUATE IF COMMUNITY ARE GIVEN REPORT BACKS. HE WITNESSED THE SAME TURN-OUT AND POSITIVE RESPONSE

3. Summary:

3.1. Surveying Is Continuing AS WE MANAGED TO FIND FOUR HOUSES BUILD WITH ASBESTOS BRICKS, ONE HOUSE AND TOILET ROOFED AND TWO PEOPLE HAVING BRICKS AND ROOFS IN YARDS AND SAMPLES FROM OPEN CASIS, SHAFES, DUMPS, QUARTS DUMPS AND STREETS HAVE BEEN COLLECTED WITH HELP FROM OLD COMMUNITY MEMBERS AS SAID ABOVE

3.2. A MAP IS DRAWN TO IDENTIFY HOUSES, BRICKS, ROOFING EXMINES SURROUNDING THE VILLAGE, HILLS WITH DUMPS OPEN CASIS, QUARTS AND STREETS WITH LOT OF ASBESTOS OPEN WATER DAMS AND CLOSED HAND-PUMP AT SCHOOL. NO REASON

Figure 1.8 Lokaleng AIG, facilitators' monthly report, March 2002

executed in terms of parallelism and patterns of information. There is irregular use of capitalization (e.g. 'Cancer' and 'Environmental justice') and spelling ('ex-rays'), imperfect control of tense ('we are not bind') and subject-verb relations ('some of them still needs'), eccentric idiomatic phrasing ('Our interest is more than, but does not include, compensation') and seemingly unrevised sentences ('Than the office applied for their R.O.S. were send to the Dr's for their medical tests'). At times, the voice in the document wavers, moving away from the impersonal measured tones of the business report to strike a more urgent note, accented by sincerity and the investment of the AIG in its work, as in the beginning of the final line: 'We have helped all that come to our office with their needs.'

ASBESTOS INTEREST GROUP
FEBRUARY REPORT 2011

INTRODUCTION

According to Asbestos Interest Group strategic planning, A.I.G. is a concerned group on asbestos and the dangers as a result of exposure to the product through secondary pollution and asbestos processes. Further the A.I.G. is concerned of asbestos sufferers and lack of interest from government in this regard. The A.I.G. was part of the Trust Deed of the Asbestos Relief Trust which made compensation possible for victims who were employed by mining companies mentioned in the trust deed. Although mining companies left Kuruman they left a legacy of asbestos disaster to the area and as a result many communities are still without compensation what so ever.

THE MAIN OBJECTIVE OF THE AIG

- a) To recruit claimants.
- b) To build awareness of asbestos, HIV/Aids, TB, and Cancer.
- c) To educate communities on lung and related diseases including TB and HIV/Aids.
- d) To ensure rehabilitation of the environment.
- e) To advocate against secondary pollution specifically in public buildings and private housing.
- f) To research and provide information on all aspects of pollution
- g) To network and liaise with other organisations, departments, etc.

The AIG will not be used only to meet the objectives of the ART. We will also fight this Environmental injustice caused by ignorant mining companies and government departments lacking the will to interfere where needed. For this reason we welcome every institution, government and proper compensation where needed. We are not bind to any specific organisation and will not be used by any organisation to meet their objectives unless of mutual interest.

The AIG is there for communities who live in the greater Kuruman area, even after the ART and relevant institution dissolved. Our interest is more than, but does not include, compensation.

OBJECTIVE OF THIS REPORT

Our objective is to give a report on the activities and outcomes of the Asbestos Interest Group (A.I.G.) for the period of February month 2011.

ACTIVITY

- Monthly report were brought in time by facilitators.

SUCCESES

They managed to do the following from different villages

- 53 house visits
- 2 school visits
- 12 community general meetings
- 12 HIV meetings
- 7 TB

When doing their work they managed to get 3 potential claimants and they are;

1. [Names and ID numbers removed]
- 2.
- 3.

Than the office applied for their R.O.S. were send to the Dr's for their medical tests.

School visits were done at Bothitong and they are;

- Tirisano day care centre.
- Ipolokeng pre school

ACTIVITY

- Office visits.

SUCCESS

The office have been visited by 353 people needed to be helped with the

- Information 65 people
- R.O.S. [records of service] we had 138 people
- Asking about their results from the medical panels 62 people
- Others wanted to know about the MBOD ex-rays 88, all were helped by the A.I.G. office.

CHALLENGES

- Our main challenge are those people who come from Kgatelopele group at Maruping asking for their R.O.S.
- Some wanted to know if the office of A.I.G. and Kgatelopele are not the same.

REMEDIAL

We have helped all that come to our office with their needs, as well as those from Kgatelopele although some of them still needs more information about the claim with ART, KRT, and KCB

Figure 1.9 AIG, Monthly Report, February 2011

In no way do these textual features impede communication of the AIG's identity and purposes, its relation to other organizations or the monthly activity documented. The report affirms the AIG's independence from the state, the ART, the lawyers and other organizations and its commitment to represent the local villages and to fight 'Environmental injustice' even after the ART is gone, while at the same time declaring its willingness to work with like-minded organizations and state agencies. This is the rhetorical stance the AIG developed in 2002–2003 during the Gencor case, as a watchdog for the local community, a plaintiff in the legal proceedings and an independent signatory on the final out-of-court settlement that set up the ART. This stance established the AIG as historically prior to the ART, already mandated to speak on behalf of the villages it has organized.

And yet, when the AIG first submitted such writing, an ART official sent a monthly report back to be 'corrected.' The 'heterography' of the report activated a semiotic dissonance on the official's part, an unease that constituted the language differences in the text – the distance between the AIG's writing and the elite literacy of the metropolis – as 'errors' that should be corrected. To register error, however, is not just to discover a broken grammar rule or usage mistake. Rather, it requires a motive to convert a perceived language difference to the status of error (or accord it some other variation to mark deviance, such as 'non-standard,' 'vernacular' or 'restricted'). 'Errors,' that is, as Bruce Horner (1999: 141) notes, represent 'flawed social transactions' – the 'rejection by one party of the relationship expressed and/or offered by the other.' In this instance, the AIG's inability to replicate fully the written repertoire of elite literacy prompted the official to take the AIG's partial capacity as a sign of its lack of legitimacy as an organization, making 'correctness' or the conformity of writing to metropolitan standards a measure of the AIG's standing and its right to enter the written records of the ART.

The perceived semiotic dissonance in the AIG monthly report that the official failed or refused to negotiate amounts to what Blommaert calls a 'pretextual gap,' or the 'differences between capacity to produce function and expected or normative function.' As Blommaert (2005: 77) notes, 'Whenever the resources people possess do not match the functions they are supposed to accomplish, they risk being attributed *other* functions than the ones projected, intended, or necessary.' So the problem was not that the ART official was too 'picky' about grammar but rather that she attributed a disqualifying ungrammaticality to the AIG and its village facilitators, thereby denying them the discursive status of authors who are entitled to produce their own written records. It was never a matter of 'error' making the document incomprehensible but of social judgments on the part of the ART official that invalidated the document and its authors.

Furthermore, by sending the report back to the AIG, the official halted its circulation, blocking the document from moving beyond its grassroots origins, along the paper trails the AIG had put in place. In effect, the flow

of information from village facilitators was obstructed at its relay point in the Kuruman office, unable to move to the elite sector of its intended audience, the ART donors. It helps explain this blockage to know that the ART official was allied at that moment with the forces at Moffat Mission that replaced Aitken and were seeking to turn the AIG into a department of the mission as a profit-making claims handling operation. The issue, though, that I wish to foreground is the availability (or ‘pretextuality’) of what Theresa Lillis and Carolyn McKinney (2013: 419) call a ‘powerful default framework of error’ – ‘the strongly normative evaluative positions on language found in common sense, folk and public discourse’ that warrant the disqualification of non-elite literacies such as the AIG’s and that enabled the ART official to immobilize the AIG’s monthly report, if only temporarily.

Over time, as the AIG proved to be a valuable ally and social partner in identifying claimants and informing villagers in the Kuruman district about the workings of the ART, the semiotic gap caused by linguistic stratification began to close. The AIG’s monthly reports came to be seen as ‘good enough’ – revalued not so much by lowering the ART’s metropolitan standards but by realigning these standards to the realities and communicative capacities of the AIG’s grassroots literacy. As Horner might put it, for the ART to accept the AIG’s monthly reports was to confirm a relationship. From the standpoint of the AIG, the organization was able to accomplish what it had set out to do, namely to move the interests, needs and experiences of villagers translocally, across spheres of influence, from the periphery to the center.

Notes

- (1) The term peripheral modernity comes from Pratt (2002). On the question of modernity in Africa, see Comaroff and Comaroff (2012: 7–12) and Deutsch *et al.* (2002).
- (2) My understanding of the Northern Cape frontier relies on Martin Legassick’s work, especially his 1969 doctoral thesis, published as Legassick (2010).
- (3) Samir Amin’s work is seminal in its argument that the extraction of value, rather than any particular mode of production or delayed development, is the central feature in the global north’s relation to the global south (see, for example, Amin, 1974). On the notion of ‘friction,’ see Tsing (2005).
- (4) This analysis follows Shillington (1985: 66–70).
- (5) See the conversation between Judith Butler and Athena Athanasiou (Butler & Athanasiou, 2013).
- (6) On the Langeberg Rebellion, see Shillington (2011).
- (7) Letter from J.P. Proudfoot, Native Recruiting Corporation, Ltd., to M.C.S. Backer, Esq., Native Commissioners Office, 28 June 1949. Undated letter General Manager’s Visit to Batlaros. 2/KMN 35 No. 3/13/2. Cape Archives, Cape Town, South Africa.
- (8) There is a growing body of work on print culture and everyday literacy in Africa. See, for example, Barber (2006), van der Vlies (2012) and Davis and Johnson (2015).
- (9) My understanding of signs as localizations of English is indebted to Blommaert (2013).
- (10) On township vernaculars in South Africa, see Mesthrie and Hurst (2013), Hurst (2009), Makhuda (2002) and Ntshangase (2002).
- (11) See the letter from J.P. Proudfoot above for an example of the earlier cordial style of business letters.

2 Asbestos Mining and the Written Record: A Brief History



Figure 2.1 Photograph by David Goldblatt

The mill at Pomfret Asbestos Mine. It was opened in September 1978 and closed in 1986. 20 December 2002

South Africa is the only country in the world that has significant deposits of the three major commercial forms of asbestos – crocidolite (blue), amosite (brown) and chrysotile (white) asbestos. The industry started in the late 19th century on the crocidolite mines near Prieska and then extended for 250 miles along the Cape Asbestos Belt past Kuruman to

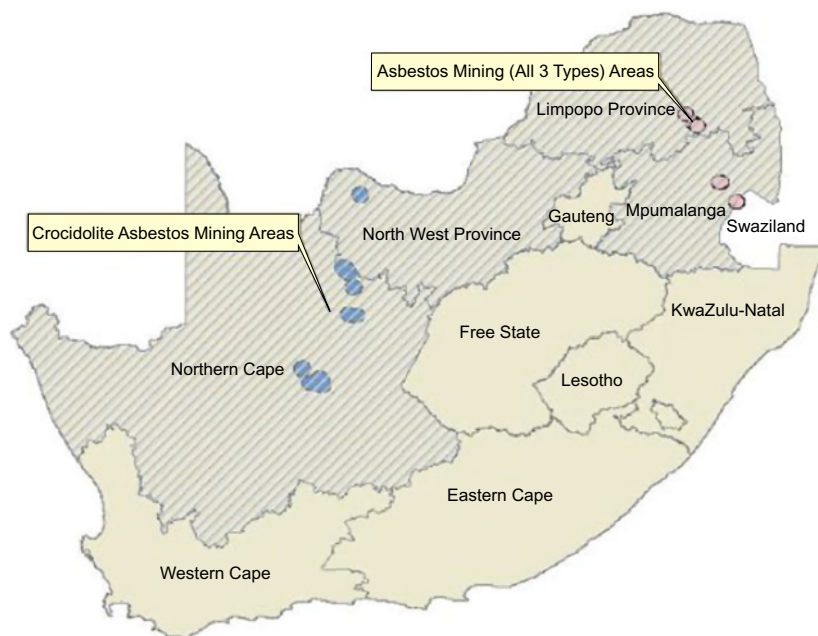


Figure 2.2 Map of the main asbestos mining areas in South Africa

Pomfret near the Botswana border (Figure 2.1). In the early 20th century, asbestos operations spread to Penge and the Pietersburg fields, where amosite or brown asbestos was mined in the mountainous regions of the northeastern Transvaal, now Limpopo province. Around the same time, chrysotile or white asbestos deposits were found in the eastern Transvaal, now Mpumalanga province, on the Barberton greenstone belt which runs into northwestern Swaziland (Figure 2.2).¹

The asbestos trade in South Africa was part of a world market created in the second half of the 19th century by northern inventor-entrepreneurs who developed manufacturing applications for asbestos in building materials such as roofing and cement products and in machine packings that insulated the ships and locomotives of the age of steam. These discoveries made South African asbestos a ubiquitous presence in the Euro-American metropolis – in manufacturing plants in the United States and western Europe, in the shipyards on the Clyde and in Baltimore, and in the construction materials of the built environment – linking the asbestos fields in the far south to the factories and corporate headquarters of the asbestos industry in the global north.

The lesson is that the asbestos industry in South Africa was made viable by linkages between periphery and center. Early attempts to mine asbestos in South Africa failed due to their unstable connections to world markets. In 1893, two directors at De Beers in Kimberley, Francis Oats

and Ludwig Breitmeyer, solved this problem when they secured the working capital to establish the Cape Asbestos Company, which they registered in London. Unlike earlier ventures, Cape Asbestos was an integrated transnational operation, mining, milling and exporting fiber from its operations at Koegas and Prieska to factories Cape owned in Britain, Italy and France (McCulloch, 2002: 42–44). This south–north division of labor set the pattern in southern Africa for other multinational asbestos companies such as Gefco and Turner & Newall in England and Eternit in Switzerland.

As an offshoot of the South African mineral revolution, the mines on the Cape Asbestos Belt and at Penge and Msauli were transfer stations in the far south, located at the start of supply chains that realized the value of asbestos fibers in distant metropolitan centers, while offloading the risks and social costs of production at the site of extraction. In other ways, however, asbestos mining held a curious place in the South African mineral revolution. There was nothing comparable, for example, to the eureka moment of discovery that set off the diamond and gold rushes in South Africa. Instead, many decades separated the first recorded observations of asbestos by travelers (Martin Lichtenstein), naturalists (William John Burchell) and missionaries (John Campbell) in the early 19th century from the onset of commercial mining for northern manufacturing markets in the 1890s (McCulloch, 2002: 18). No boom towns appeared overnight as they had at Kimberley and Johannesburg. Compared to diamond and gold mining, the asbestos industry was slow to industrialize, relying in its early years on informal, often family-based labor. Certainly, no other branch of the mineral revolution experienced a rise and fall like asbestos mining, from the heights of the postwar boom to the total shutdown of the industry. No other mineral so completely lost value or was banned.

This chapter offers a case study of the written record – the second term in the book’s title – which examines the asbestos industry’s struggle to control representations of the mineral and to set limits on its meanings and sign value. The chapter traces how the asbestos industry, against the backdrop of its rise and fall as a commercial venture, managed its position across a number of textual fields – the bureaucratic paperwork of state regulatory systems, the publicity of the industry’s advertising and public relations wing, and the knowledge economy of asbestos mining – the interlocked worlds of the state, industry and the scientific establishment – that negotiated the meanings of research on asbestos and, by implication, the mineral’s exchange value as a marketable commodity.

The First 50 Years: Keeping Asbestos out of the Written Record

Unlike other branches of the mineral revolution, the asbestos industry managed to stay out of state regulatory frameworks and government-mandated paperwork for its first 50 years. This was due in part to the

industry's contention that its workforce consisted of self-employed casual labor rather than mineworkers who fell under the surveillance of state industrial statutes. This argument reflected the relatively primitive development of asbestos mining in its earliest days as an extensive, largely unmechanized enterprise, in contrast to the industrialized operations on the gold and diamond mines. In contrast to the proletarianized gangs of labor at the Big Hole in Kimberley or the deep-shaft mines on the Rand, asbestos mining often used an informal, frequently family-based system of production, paid on a piecework basis, that grazed the most readily available asbestos deposits, following a nomadic rhythm of moving from field to field, harvesting exposed outcroppings and opening shallow adits with explosives, pick and shovel. As the South African geologist A.L. Hall wrote in 1930, the 'countless occurrences of fibre on many farms (or numerous points within one farm) provide abundant opportunities of shifting development to some other place as soon as the work ceases to be remunerative' (Hall, 1930: 92).

The informal organization of work offered a number of benefits to the early asbestos industry. Since the companies did not directly employ the miners or supply tools and explosives (which the miners had to buy on their own), capital investment and labor costs were kept low, and the risks of overproduction and shifting market conditions fell disproportionately on the workforce. In addition, asbestos miners were often paid by 'good-fors,' or vouchers that could be redeemed only in company stores to buy marked-up goods, bringing the company profits and keeping miners' earnings close to subsistence level. Finally, since black miners were allowed to blast in the Northern Cape whereas explosives were reserved for white miners on the Rand, the companies, as Hall says, could employ a 'smaller permanent staff of white men ... thus reducing the standing charges' of the mining operation (Hall, 1930: 93).

At the same time, from a very different angle, the informal organization of work was also an attraction to villagers on the Cape Asbestos Belt. For one thing, it provided a chance to resist the migrant labor system, and families were able to stay together, sometimes raising livestock and planting small gardens on the asbestos fields, where they lived in *kaias*, or rough huts, built with stone or wood found at hand. Adult males did the drilling and blasting to extract the rock that contained asbestos, while women and children crushed the rock, combed out fibers (called 'cobbing'), and sieved, weighed and bagged the fibers, which were then sold to traveling intermediaries or tributors who in turn sold the fiber to multinational companies directly or to other asbestos brokers. Without the direct supervision of company foremen on industrialized mines, the informal labor system gave villagers a limited measure of control over their work lives, an ambiguous freedom to organize their own time in what they could not have known was a deadly occupation.

As Lundy Braun and Sophia Kisting (2006) point out, asbestos-related diseases in South Africa must be understood as the biological expression of the social organization of work in the asbestos industry. The fact that entire families could escape the regimentation of industrialized labor also meant that exposure to asbestos began at a young age and affected all the generations living on the asbestos fields. One of the most troubling features of the informal labor system in asbestos mining – and one of the ways it differed from other branches of mining – was the extent to which women and children, as part of the basic work unit, were exposed to occupational hazards. Even with the postwar expansion of the asbestos industry and the mechanization of mining and milling, informal labor continued side by side with industrial operations, with women cobbling by hand and children spending their days bagging fiber, often working inside the bags to tamp down the floating fibers with their feet (Braun & Kisting, 2006: 1389).

Cape Asbestos Company was especially vociferous in maintaining that it used an informal labor system, even once its mines employed a sizable supervised workforce, as a way to limit its obligations to mineworkers and escape the paperwork of state regulation. Cape, for example, resisted the compound model of diamond and gold mining, supplying no housing, rations or medical care for mineworkers living on or near the mines (McCulloch, 2002: 99–109). To do so, Cape realized, would expose the company to the state regulation of mines that provided company housing for migrant workers. Instead, in the 1930s Cape eluded licensing fees under the Locations Act by getting its workers classified as servants or tenants hired as casual labor, not mineworkers housed in compounds by their employers.

As late as 1947, just a few years before asbestos mining came under state regulation, a Department of Native Affairs survey of conditions in the Northern Cape by O.T. Jannasch described the ‘relationship of employer and employee’ on Cape mines as ‘non-existent.’ The company had managed, for all practical purposes, to be ‘regarded’ in official records, Jannasch writes, ‘as a receiving and distribution depot, and were not mining in the strict sense of the word’ (quoted in McCulloch, 2008: 73). Cape succeeded, that is, in creating an identity in the written record that it was not a mining company, even though it operated mines, but rather a purveyor of raw materials in the asbestos trade. By the 1940s, the informal labor system of early asbestos mining had become a legal fiction that misclassified what was in fact a supervised industrial labor force working on Cape’s mines. This calculated misrecognition of its workers relieved Cape of the record keeping and regulatory paperwork faced under industrial legislation by other branches of the mineral sector.

Cape’s efforts to elude state regulation bring to light an underappreciated aspect of bureaucratic paperwork, namely the practices it engenders

of avoidance, non-compliance and other evasions of officially mandated record-keeping requirements. Cape used the bureaucratic means of the waiver or exemption to excuse itself from state-mandated paperwork – in effect, working within the textual field of official record keeping in order to avoid it. In 1935, for example, Cape appealed successfully for an exemption from filing government-mandated monthly reports on the size of its workforce and their health conditions, citing the remoteness and ‘essentially rural conditions’ of its mines as mitigating factors (McCulloch, 2008: 102). Cape, that is, was able to place its mining operations in an imagined geography at such a far remove from the normal procedures of record keeping that the company was found, under the legal principle of undue burden, to be exempt from state-required paperwork.

The point is that Cape did not seek to locate its mines *outside* the official written record. Rather, its aim was to secure a particular classification *within* it, in a state of exemption from state record-keeping requirements, to make its evasion of paperwork official, its operations sanctioned by the state according to the industry’s exempt status. Cape, in other words, did not inhabit a textual void so much as it negotiated a relationship to the written record, achieved in the official status of not-being-required-to-report, of being allowed to keep its operations out of public sight. It is not that Cape kept no records of its mines. The exemption meant that whatever record keeping Cape engaged in as part of normal business procedures was protected by privacy, in an unreported state of non-disclosure warranted by exemption.

It is too simple to say just that an industry-friendly government complied with or caved in to industry wishes. What may be seen is that struggles over paperwork between the asbestos industry and the state – the low-level intra-class struggle on the part of the industry to minimize its legal presence and regulatory record-keeping requirements – were a matter of negotiating the interdependence of economic interest and public order on the asbestos fields. Exemption from the public record enabled Cape to remain, in Colin Gordon’s (1991: 27) words, a ‘privatized micro-power structure’ that participated nonetheless, ‘from the viewpoint of government, in a coherent general policy of order,’ its unregistered operations invested with certain tacit functions of governmental infrastructure.

To put it another way, on the asbestos mines, the capillaries of power that run through the paperwork of governmentality ignored the institutional lines that are normally assumed to separate state and industry. Exemption from state regulation and record keeping, that is, allowed the asbestos industry to play its unrecorded role, operating and policing its own mines in private. The unregistered status of asbestos mines was based, in the first instance, not on a failure of state surveillance but on an alignment of purposes across private and governmental sectors, the joint recognition that mining companies, as Francois Ewald put it, were ‘as

much an enterprise of pacification, even of regional colonization, as a commercial undertaking' (quoted in Gordon, 1991: 27).

State Registration and Missing Bodies

As asbestos mining industrialized, it was no longer possible to maintain the fiction of informal labor that had helped the industry stay out of state records. When asbestos became a strategic material during World War II, 'the demand for amphiboles,' as Jock McCulloch (2003: 231) notes, became 'in effect unlimited.' In the postwar boom, crocidolite and amosite mining entered their heyday, delivering record profits. Both Cape and Gefco made major capital investments to modernize their mining and milling operations, shifting in the 1950s from surface adits to industrial mining in underground shafts. Cape's workforce increased from 2500 in 1948 to 6500 in 1963, and the number of asbestos mineworkers nationwide grew to over 25,000. In 1977, at the very peak of the market, Cape opened what was then the most modern asbestos mill in the world at Penge, as well as mechanizing mining operations and opening a new mill at Pomfret.

Asbestos mines were finally registered by the state in 1954 under the Silicosis Act, No. 47 of 1946. Two years later, the mines became controlled industries under the Mines and Works Act, No. 27 of 1956 and, for the first time, were subject to regulation and inspection by the Government Mining Engineer, who set dust control levels. Also in that year, asbestos mines were brought under the Pneumoconiosis Act of 1956, incorporating asbestos mines at last into the system of medical surveillance that had started on the Rand with the Miners' Phthisis Act of 1911.

For the asbestos industry to be registered with the state, however, did not necessarily mean that the mines actually entered the written record – that dust levels were measured or that the state monitored workers' health in anything other than a haphazard manner. As Jock McCulloch points out, 'much of the public record is missing. There are, for example, few surviving department of Mines, Health or Bantu (Native) Affairs inspectors' reports of mines covering the period from 1960 to 1980' (McCulloch, 2002: 118–119). Writing in 2002, McCulloch comments on his frustration in searching government archives for the inspection reports, which should amount to thousands of pages:

The documents should by rights be deposited in the South African National Archives in Pretoria. They are not. They are not available on request from relevant departments, and none of the officers I have spoken with knows of their whereabouts. I spent the best part of two weeks traipsing between Johannesburg, Witbank, Pretoria and Kimberley in a fruitless search. I was told about a fire at the Kimberley office of the Department of Minerals and Energy and then of papers being mislaid. (McCulloch, 2002: 119)

Although inspections were supposed to occur at least three times a year, in the case of Mafeke on the Pietersburg asbestos fields McCulloch notes, 'there were no inspections of mines between 1953 and 1964, and none of mills from 1953 to 1960' (McCulloch, 2002: 119).

It is difficult to determine whether state inspections simply failed to take place or whether the paperwork has been lost or destroyed. What we can say for certain is that the textual history of the asbestos industry illustrates the systematic selectivity and incompleteness of bureaucratic paperwork, how it produces missing and unrecorded bodies as much as subjects of surveillance. To put it another way, Foucault's sciences of governmentality map onto South Africa with a kind of epistemic selectivity, where the will to know was qualified by the will to ignore and forget.²

As Keith Breckenridge points out, for example, despite the periodic urgings of public health officials for over 50 years, starting in 1922 when a parliamentary budget-reduction measure cut funding, the state failed to record the births and deaths of rural black South Africans (Breckenridge, 2012). The result was that for half a century the paperwork of the state contains no record of the vital statistics needed to identify life expectancy and patterns of disease and mortality in rural African populations. While there is certainly a good deal of truth to the 'mania for measurement' that Deborah Posel (2000) ascribed to the apartheid state, such an obsession was itself selective, concerned above all with policing through identification cards, pass books, fingerprinting and other measures of influx control, the management of migrant labor and the relocation of black populations to homelands, while letting other kinds of information go missing. The state's paperwork, in its normal functioning, overlooked as much as counted rural Africans.

In the asbestos industry, even once the mines were registered, many who worked informally in asbestos mining, including the women and children who worked at the edges of industrialized mining, never had any work records and thereby remained outside the state system of employment, medical monitoring and compensation altogether. State paperwork recorded people differently depending on the racial classifications of apartheid. This is evident, for example, in the way that the Pneumoconiosis Act of 1956 divided mineworkers into racialized categories: white mineworkers, on the one hand, were entitled to yearly clinical examinations and x-rays by government doctors; while, on the other hand, black mineworkers were examined by company doctors whose independence was questionable and who used x-ray machines of inferior quality that often produced unreadable or barely readable results. The outcome was, in effect, that black and white mineworkers entered the state's regulatory records through differently technicized scopic regimes, resulting in different visual presences and, accordingly, different medical diagnoses.

Finally, the state system of medical surveillance routinely misdiagnosed the 'chest complaints' of asbestos mineworkers as tuberculosis,

thereby wittingly or unwittingly keeping asbestos-related disease out of the medical record. Whenever possible, under the doctrine of disposable labor, the asbestos companies repatriated black mineworkers who showed signs of disease, dispersing a workforce that had become increasingly migratory during the postwar industrialization, from the eastern Cape, Lesotho, Mozambique, Malawi and other labor-sending areas. The effect was that the physical evidence of asbestos-related diseases was removed from the medical gaze of the state system and asbestos-related disease remained underdiagnosed or misdiagnosed as tuberculosis, staying in its usual place outside the medical record.

The Postwar Boom and the Asbestos Industry's Dual Strategy

In the postwar boom, asbestos became popularly known as the 'miracle fiber' or 'magic mineral' – impervious to fire, heat, water, corrosion, friction, acids and electricity – as advertising tapped into a long history that had endowed the mineral with magical properties and mythological meanings. As early as 4000 BCE, for example, wicks made of asbestos were used in perpetually burning votive lights. In ancient Rome, Vestal virgins guarded the eternal flame, with its inextinguishable asbestos wick, at the shrine of Vesta, goddess of the hearth. In the Middle Ages, according to legend, Charlemagne amazed dinner guests when he threw a tablecloth woven from asbestos fibers into the fireplace to clean it, while asbestos appears in medieval lore as the miraculous fireproof fur that grows on salamanders – supposedly fire-resistant creatures whose name derives from the Persian term, 'fire within.'

Asbestos also has a long history as a marvel of science, appearing, for example, in *On Stones* by Theophrastus, a student of Aristotle, around 300 BCE, and in Pliny the Elder's 1st century *Natural History*. Early observations of the dangers of asbestos also date to the 1st century, as the Greek geographer Strabo noted the 'sickness of the lungs' of slaves who wove asbestos cloth, and Pliny observed the use of rudimentary respirators made from the bladders of lambs or goats. In the early modern era, asbestos was often treated as a scientific curiosity suitable for natural history cabinets. In 1725, Benjamin Franklin sold a purse made of asbestos to Sir Hans Sloane, whose collection became the basis of the British Museum. Starting in the late 17th century, the fascination of the scientific community with asbestos is evident in letters published in the Royal Society of London's *Philosophical Transactions* detailing the appearance of asbestos in France and Scotland and its use in papermaking. In 1727, the German mineralogist Franz E. Brückman published the first scientific book devoted exclusively to asbestos.

In the postwar asbestos boom, alchemists in advertising transferred the magical aura and sense of scientific wonder long associated with asbestos to modern products, linking the sign value of asbestos as a

miraculous fire retardant to public safety and home security. At the height of the market, the versatility of asbestos as a raw material can be seen in thousands of commercial products, including roofing, flooring, insulation, house shingles, brake linings, clutch pads, theater curtains, mattresses, cigarette filters, gas masks, surgical thread, tampons, toothpaste, talcum powder, paint and plastic bags.

However, just when the economic future of asbestos, like the mineral itself, looked to be inextinguishable, disturbing findings about the health risks of asbestos began to appear in the scientific literature, along with growing newspaper coverage of the dangers of asbestos and an increasingly active ban-asbestos movement in the global north. As a result, the South African asbestos industry adopted a dual strategy. On the one hand, the industry amended its earlier maneuvers of evading the written record by creating a public relations wing, culminating with the establishment in the 1970s of the South African Asbestos Producers Advisory Committee (SAAPAC), whose charge was to disseminate the industry's newly articulated doctrine of the safe use of asbestos in dust-controlled mines and mills. On the other hand, the industry relied at the same time on the dark arts of intellectual sabotage in the knowledge economy, monitoring research, blocking access to publication and carrying out disinformation campaigns to discredit unfavorable findings and individual scientific researchers.

On the public relations side of the industry's dual strategy, asbestos was recoded as a valuable but 'hazardous' industrial material whose risks could be controlled by technical solutions such as ventilation systems, dust collection units, automatic fiber-packing machines and 'airswept' mills. The industry invoked internationally established 'threshold limit values' (TLVs) of exposure, set by the state under the Mines and Works Act of 1956, as the operating standards in asbestos mining and milling.

In contrast to the industry's former evasion of regulatory paperwork, the mining houses now entered the written record willingly, making risk visible by counting the number of fibers per milliliter of air, by measuring mineworkers' respiratory capacity with spirometers, and by x-raying mineworkers' lungs. The logic was that if risk was measurable, it was thereby containable. The precision scientific instruments that recorded dust levels and the x-rays, lung function tests and medical examinations that monitored workers' pulmonary status loomed as the technical means to control risk by recording it.

What might be called the asbestos industry's techno-supremacist strategy of overcoming the hazards of asbestos by making its health risks visible and thereby manageable was in tune with the postwar faith in science and its allure of miraculous progress – the Tomorrowland that the technical control of nature seemed to foretell. Such discoveries as penicillin during World War II and the polio vaccine in 1955 made the eradication of infection and disease appear near at hand. It is not surprising,

given the mood of the time, that many found the industry's techno-supremacist doctrine of the controlled use of asbestos to be credible.

The industry's public campaign for the controlled use of asbestos was in part based on a repertoire of representational devices that made progress appear to be real and incontrovertible. Cape's glossy full-color 1968 pamphlet *Progress at Penge* (Figure 2.3) is emblematic of this turn in the industry. Photographs of new gleaming machines and flow charts of industrial operations at Penge (Figure 2.4) projected a sense of modernity, scientific precision, rational organization and technical control. The illustrations and text in *Progress at Penge* were meant not to deny the risks of asbestos but rather, by naming and measuring them, to make readers feel that the dangers could be handled safely, as a technical achievement on the part of Cape.

The pamphlet posed the mill at Penge as 'progress in the fight against asbestosis,' failing to mention the dread word 'cancer' or the dangers of environmental exposure. The strategy was to frame asbestos-related disease as strictly occupational, a problem to be solved in the workplace and not a matter of concern to the health of the general population. Instead, the optimism of postwar public relations refigured the asbestos industry in the popular vernacular of scientific management and technical control, leaving readers in the dazzle of Cape's techno-supremacist contraptions (Cape Asbestos South Africa, 1968).

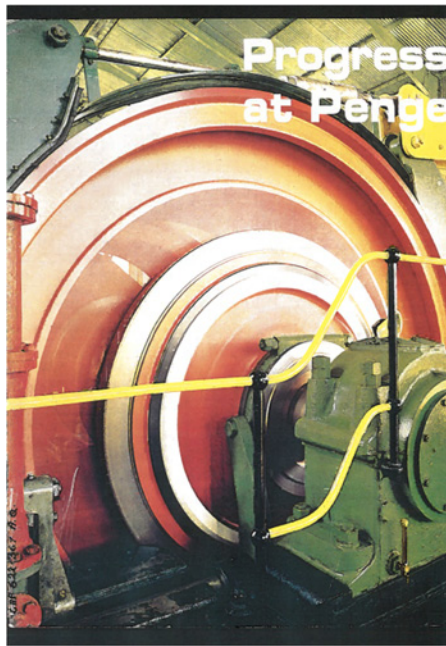


Figure 2.3 Cape Asbestos Company, *Progress at Penge*

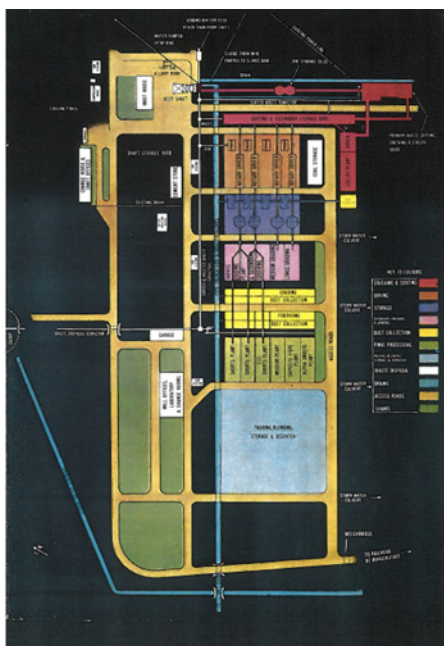


Figure 2.4 Technical diagram, *Progress at Penge*

In contrast, it was behind closed doors and away from the glare of publicity that the asbestos industry carried out its second strategy, namely that of intervening in the knowledge economy that determined the semiotic and economic exchange values of asbestos. My use of the term ‘knowledge economy’ differs in key respects from its now highly conventionalized (and often breathless) characterization of an epochal shift, beginning in the 1950s, from physical to intellectual labor, from an industrial to a ‘post-industrial’ economy in which knowledge and information technologies increasingly enter into the design, production and distribution of goods and services in high-tech industries, business and finance, professional services, media, the creative classes of the culture industry, and so on.³ I use the term ‘knowledge economy’ here to designate the epistemic field where industry, state and the scientific establishment negotiated the meaning of new and alarming research about the pathogenic properties of asbestos and its effects on the market value of asbestos. The term indicates how prevailing understandings of asbestos were determined through the interaction of unequally aligned scientific, political and economic sectors that overlapped, competed with and often contradicted one another.

The point is that the fate of asbestos in the official record was not simply a matter of the industry strong-arming the state and undermining the integrity of science. Rather, what could be known and said about

asbestos at any particular moment – what constituted, that is, the available knowledge of the mineral – came from an intersection of motives that included but was not limited to scientific methods. To put it another way, in the rhetoric of science, from Thomas Kuhn to Bruno Latour, theorists and researchers have identified standard socially constructed repertoires that establish epistemic authority and the facticity of statements in mainstream science as it operates with relative autonomy, independent of industry and the state. What the idea of a *knowledge economy of asbestos* enables us to see is how these discursive practices of scientific inquiry were recontextualized in a field of epistemic power that regulated the production, circulation and use of knowledge about asbestos. Such operations of epistemic power are evident, for example, when industry insiders used their positions on government research boards to manage the growing scientific evidence about the dangers of asbestos that had started to close in on the mining houses.⁴

In 1959, a bombshell hit the industry at the Pneumoconiosis Conference in Johannesburg, when South African researchers J.C. (Chris) Wagner, C.A. (Kit) Sleggs and Paul Marchand presented truly momentous research findings that linked the rare cancer mesothelioma to asbestos exposure. Their paper, published the following year, is now considered a classic in the study of occupational and environmental disease. As Jock McCulloch and Geoffrey Tweedale put it, the Wagner, Sleggs and Marchand paper ‘changed the understanding of the dangers of asbestos and suggested a nexus between work, the environment, and cancer’ (McCulloch & Tweedale, 2008: 78–79; see Wagner *et al.*, 1960: 260–265). One of its most disquieting findings was that 38 of the 78 mesothelioma cases discovered in the study were residents in the Northern Cape who lived near asbestos mines or mills but had never worked in the industry. As the 1960s began, asbestos was on the verge of being recognized not just as a workplace hazard but more broadly as a threat to public health.

Press coverage of Wagner *et al.*’s paper – and the fatal link it drew between asbestos and cancer in the general population – set off a firestorm of public fear that the industry knew it had to deflect. From the industry’s perspective, the very mention of cancer, after all, was the nearly unnamable source of the public’s worst dread, a possible deterrent to the recruitment of native labor and a looming incitement to militant dockworkers in the global north to stop handling South African asbestos.

Accordingly, the industry turned to scientific research, entering the knowledge economy of asbestos by authorizing the state-sponsored Pneumoconiosis Research Unit (PRU) to do a follow-up study, as had already been recommended by the Government Mining Engineer, Tony Gibbs. Cape and Turner & Newall provided the majority of the funding, along with a small grant from the South African Cancer Association. Two authors of the 1960 mesothelioma paper, Chris Wagner, a pathologist at

the PRU, and Kit Sleggs, the medical superintendent at the West End chest and infectious disease hospital in Kimberley, as well as Ian Webster, the PRU chief pathologist, designed the research protocols. The third author of the 1960 mesothelioma paper, Paul Marchand, was not involved because he believed Cape's participation would compromise the research – which turned out to be true.

The industry's strategy of sponsoring the PRU study reveals a type of crisis management that was to become common on the part of health-endangering industries such as tobacco and pesticides as well as asbestos. In the most immediate sense, funding a large-scale population study of the asbestos mining districts gave the industry some breathing space, as it would take time to develop a survey, carry it out, analyze the findings and present the results. In this regard, the normal tempo of scientific research served inadvertently as a delaying tactic or cooling-off period by separating the alarming publicity given to the Wagner *et al.* mesothelioma paper in 1960 and the time, a year and half later, when results from the study started to become available.

Even more important, the separation was epistemic as well as temporal, for the very idea of a follow-up study framed the original findings of Wagner *et al.* as tentative and inconclusive, subject to the modification, revision and complication that would inevitably come from additional research. In other words, as a crisis management strategy, the call by industry for 'further research,' as warranted by the disinterested skepticism of science, was meant to promote a state of uncertainty in the knowledge economy of asbestos, in which scientific controversy about its health effects could propagate, recoding findings harmful to industry as unresolved claims which required further investigation.

This is what Robert Proctor calls the 'social construction of ignorance,' whereby the industry, whether tobacco, pesticides or asbestos, does not need to demonstrate the safety of its products so much as to create enough doubt about their harmful effects to deflect unfavorable publicity and prevent decisive regulatory action.⁵ Ignorance, from this angle, figures as a means of epistemic power, meant to unsettle the state of scientific knowledge by emphasizing what is not known, creating uncertainty about things like exposure levels, toxicity and risk. In industry-promoted uncertainty science, unfavorable findings are portrayed as tentative and unproved, and far-fetched hypotheses of disease causation, such as Michael Carbone's failed attempts to link mesothelioma to the SV40 virus, are encouraged to proliferate (Braun & Kopinski, 2018).

Conducted between November 1960 and 1962 in Prieska, Koegas, Kuruman and Penge, the PRU survey was a historic population study in asbestos research that revealed the alarming incidence of asbestosis and mesothelioma and the widespread contamination of the environment. A preliminary report in April 1962 presented two main findings:

- (1) that people who live or have lived in the areas of Prieska, Koegas, Kuruman and Penge are in danger of contracting asbestosis even though they have had no industrial exposure to asbestos dust inhalation;
- (2) that an alarmingly high number of cases with mesothelioma of the pleura has been discovered among people who live or have lived in the North Western Cape area and that there is evidence to suggest that this condition is associated with an exposure to asbestos dust inhalation which again need not be industrial (McCulloch, 2002: 187).

This, of course, was not what the asbestos companies wanted to hear. Walter Smither, Cape's chief medical adviser in London, made a fact-finding trip to South Africa six weeks after the PRU survey was completed. Smither disputed the PRU's methodology, calling into question its techniques of random sampling. Further, after reading x-rays at the PRU, he rejected signs of asbestos-related disease in 20 of 70 cases, thereby challenging the diagnostic expertise of PRU pathologists. In his report to Cape, Smither recommended technical measures of dust control in Cape's mines and mills, as well as the company supplying rations to counter scurvy. Above all, he framed the connection between asbestos and cancer as an 'extreme view,' an uncertain hypothesis based on shaky scientific premises and the uncritical judgment of South African medical researchers rather than an inevitable interpretation based on the data (McCulloch, 2002: 191–193).

The goal for Smither, in the tradition of industry's uncertainty science, was not so much to directly refute the PRU findings as rather to cast doubt on their epistemic standing – and, predictably, to call for 'further research.' Significantly, the type of research Smither advised Cape to support was laboratory studies with animal models instead of field surveys of human communities in asbestos mining districts. Such research to identify the biological mechanisms of asbestos-related disease was meant, in effect, to reopen the question of the pathogenic status of asbestos instead of mapping the incidence and prevalence of actually existing asbestos-related disease.

As a sponsoring partner of the PRU study, the asbestos industry had a telling influence on the content of the final PRU report, a relatively brief 31-page document, completed in 1964. After failing to gain support for the industry's proposal to change all references to asbestos-related disease to tuberculosis, industry representatives managed to get the term 'mesothelioma survey' dropped from the final report. In a classic instance of industry-influenced misdirection, the final report spent most of its time on two tangential research questions, namely whether there were fibers in mineworkers' and residents' lungs and whether there was an association between asbestosis and tuberculosis. These questions deflected attention from the more pressing and ominous incidence of asbestos-related disease,

sidestepping the causative relation between asbestos fibers and cancer by focusing instead on the simple presence of fibers in people's lungs, leaving questions of etiology uncertain and open to interpretation.⁶

In the end, however, the industry turned from promoting doubt to sterner measures of epistemic power, imposing drastic restrictions on the circulation of PRU findings, canceling support for any further PRU studies and cutting off PRU researchers' access to mines and mills. PRU director L.G. Walters was pressured into an agreement, codified in a cover letter to the final report in June 1964, specifying that the PRU study 'would not be published or made available outside the Unit, other than to sponsors and the various members of the working committees that had been concerned with the conduct of the "survey"' (McCulloch, 2002: 188).

The result was that, for all intents and purposes, the PRU's groundbreaking survey was lost to the written record, never appearing in the annals of scientific research, halted by a transnational blockage in the production of knowledge. When, for example, Ian Webster and Richard Gaze, a senior scientist with Cape, attended Irving Selikoff's historic 1964 asbestos conference in New York City, neither said a word about the PRU study, even though it provided important scientific corroboration of Wagner *et al.*'s 1960 mesothelioma paper. At the 1969 International Conference on Pneumoconiosis in Johannesburg, a number of scientists commented on the surprising unavailability or absence of research on asbestos-related disease in South Africa, pointing in effect to the textual vacuum left after the PRU study was suppressed and further research blocked by the industry (McCulloch & Tweedale, 2008: 122–123). A few years later in 1974, when medical researchers Bill Harrison and Jennifer Talent began investigating mesothelioma in the Northern Cape, Ian Webster, then the director of the National Centre for Occupational Health, the successor to the PRU, did not mention the 1960–1962 PRU study, nor did Harrison and Talent come upon it in their literature review. As McCulloch (2002: 196) says, 'It was as though that earlier research had never been done.'

The End of the Industry in South Africa: Gefco's Corporate Flameout

By the early 1980s, just a few years after the postwar peak of production and capital investment, the global amphibole markets were in freefall. Asbestos production in South Africa fell from its height of 379,000 tons in 1977 to 163,000 in 1985 and never recovered. Accordingly, in 1979, despite its recent investments at Pomfret and Penge, Cape sold its asbestos mines, while the Swiss asbestos giant Eternit was also planning an exit strategy to get rid of its crocidolite mines in the Northern Cape. On the other hand, Gefco, one of the pioneering South African asbestos companies originally registered in London but now owned by the Afrikaner mining

house Gencor, was unshaken in its faith in the future of the asbestos industry, unimpeded by the evidence of a fading world market and growing public concerns about the health risks of asbestos.

In the early 1980s, Gefco embarked on an aggressive and ultimately disastrous acquisition campaign, rushing headlong in 1981 to buy the mines at Penge and Prieska that Cape had just sold. In a separate deal in 1981, Gefco also acquired the mines near Kuruman and Danielskuil that Eternit was unloading. As asbestos mining in South Africa was entering its death throes in the 1980s, Gefco secured virtually exclusive control of what was left of blue asbestos production, from Koegas to Pomfret, along with the amosite mine at Penge, madly consolidating the endangered remnants of the asbestos trade in South Africa. In 1988, H.P. 'Pat' Hart, the executive director of Gefco, formed the Hanova consortium with two fellow executives to buy out Gencor at what appeared to be a bargain price and to combine Gefco and the chrysotile mine at Msauli into one operation. The newly reconfigured Gefco accordingly became the sole owner and operator of *all* the asbestos mines left in South Africa – crocidolite, amosite and chrysotile – the final randlord in the industry (see McCulloch, 2002: 41–59).

It may seem puzzling that all the other asbestos companies cut their losses and sold off their holdings in South Africa. But for Gefco, this sell-off was a business opportunity. Gefco charged ahead, and Pat Hart became the leading spokesperson – known as 'Mr Asbestos' in South Africa – for the increasingly discredited techno-supremacist doctrine that asbestos could be mined and milled on an economically profitable and safe controlled-risk basis. Moreover, for a moment in the late 1980s, it looked as though Hart's strategy of mining for export to Asian producers of cement piping and other construction materials might be a viable one. In 1989, Msauli shares rose five-fold and a financial reporter for the *Sunday Times* proclaimed that 'Gefco is the star performer in the 1989 mining share portfolio I picked in January,' its share prices having gained over 200% (Sunday Times Johannesburg, 1989). As Hart told a reporter for the *Financial Mail*, shrinking markets in asbestos worldwide should be seen not as a threat to the industry or a deterrent to investors but a 'shake-out' that has 'removed all the unsafe applications of asbestos' (Financial Mail Johannesburg, 1989: 30).

Hart's article, 'Asbestos in South Africa,' which appeared in the *Journal of the South African Institute of Mining and Metallurgy* in 1988 (the year of the Gefco-Msauli merger with Hanova), divides asbestos mining into a before and after: the dangerous past when asbestos was a health hazard because of inadequate dust control and the technologically more advanced present when 'the elimination of potentially dangerous products and practices' – the mistakes of an earlier era – 'will ultimately benefit the producers and manufacturers, as well as the users' of asbestos (Financial Mail Johannesburg, 1989: 198). For Hart, the 'numerous cases

of asbestos-linked disease ... still being identified' were the residue left over from the pre-dust control days, given the long incubation period of the diseases. According to Hart, the risk of asbestos in occupational settings was now 'minimal,' while the threat to the general public was 'virtually non-existent.' If anything, in the future it can be expected, as Hart says 'many scientists' now believe, 'that asbestos-related diseases will in due course disappear altogether as a result of the safety measures taken at present' (Financial Mail Johannesburg, 1989: 197).

As much as Hart exemplified the dual rhetorical strategies of technosupremacy and misinformation, there is another, perhaps deeper layer to the asbestos industry's final moment. It had long been a common practice of industry publicists like the SAAPAC to portray the global ban-asbestos lobby as a proxy for larger anti-apartheid forces, thereby identifying asbestos with the national interest and the fate of the apartheid state as it came under increasing international attack. As the ban-asbestos and anti-apartheid movements deepened in the 1980s, asbestos mining, as a signifier of South Africa's mineral wealth, was turned into a symbol of the South African way of life now under attack from both alien forces abroad and disloyal elements at home. Fritz Baunach, a long-time industry loyalist, invoked the official anti-communism of the apartheid regime when he told Laurie Flynn that the world campaign against asbestos 'was stirred up by the German Metalworkers Union as part of Willi Brandt's scheme to replace private enterprise with workers' self-management' (Flynn, 1982: 237).

As the Botha government proclaimed a state of emergency in 1985 and a sense of national isolation intensified among the ruling sectors, Gefco regrouped around a *laager*⁷ mentality to ward off the 'total onslaught' waged by the opponents of asbestos. At the moment of doom for the asbestos mining industry in South Africa, Gefco mounted a last stand for the mineral revolution and randlord capitalism, even as the exchange value of the amphiboles was about to be erased by bans in consumer countries and a campaign against the controlled use of chrysotile was mounting both internationally and within South Africa. Without a doubt, Gefco was an extreme case but still one that followed the central dictates of the mineral revolution to a ruinous end.

From one angle, then, it is fitting that Gefco's historical destiny was to preside over the dismantling of the global asbestos trade in South Africa – shutting down Pomfret in 1986, Penge in 1992, the last Kuruman mine in 1997 and Msauli in 2002. On the other hand, we must not dwell for long on the poetic justice of Gefco's fall as the final act in asbestos mining's peculiar extension of the mineral revolution. To bring the narrative to a close as a spectacular corporate flameout risks keeping the social costs of the history of asbestos mining in South Africa hidden and unaccounted for. The urgent matter, as asbestos activists recognized, was to understand how the rise and fall of the asbestos industry established social patterns of disease and contamination that remain its deadly legacy.

After the Ban: The Ghostly Presence of Asbestos

In the end, asbestos distinguished itself in the history of South African mining as the only mineral to be banned. In 2008, the South African parliament officially outlawed all uses of asbestos, with the exception of allowing asbestos from Zimbabwe to be transported across South African territory to ports at Durban and Port Elizabeth. Still, even though it was banned, asbestos maintains a ghostly presence in South Africa, in the aftershocks of the global asbestos trade and in the discarded places where asbestos was once mined.

Under pressure from the ban-asbestos movement in the north, the asbestos industry started in the 1970s to reorganize its global trade. As manufacturing plants closed in Europe and North America, asbestos operations relocated to Asia, Eastern Europe, the Middle East and South America, amounting to a trans-hemispheric redistribution of risk.⁸ Part of the industry's strategy was to acknowledge the dangerous toxicity of the amphiboles and halt the mining and manufacturing of amosite and crocidolite, whose markets, in any case, were drastically shrinking due to health concerns. In effect, the global asbestos industry decided to sacrifice the smaller part of the market in order to preserve the dominant chrysotile sector.

As it abandoned the commercial exploitation of the amphiboles, the asbestos industry simultaneously recontextualized them in a new discourse that figured the deadly character of crocidolite and amosite *in contrast* to the safe use of chrysotile. What became known as the 'amphibole hypothesis' imbued crocidolite and amosite with toxic features missing from chrysotile.⁹ While conceding the amphiboles were lethal harbingers of disease, the asbestos industry held that chrysotile was an industrial material whose risks, albeit real, were nonetheless over-exaggerated and could be safely contained. Some biomedical researchers, for example, believed that chrysotile, though dangerously implicated in asbestosis, was not linked to mesothelioma.¹⁰

The reasoning hinged in part on the differences in the fibers, with the light fluffy serpentine fibers of chrysotile represented as easier to expel from the body than the longer barb-shaped amphibole fibers. In this guise, the amphiboles took on new semantic half-lives as the banished pathogenic other that vouched for the safety of chrysotile. In the uncertainty science of the International Chrysotile Association, Canada's Chrysotile Institute and other defenders of the global trade in white asbestos, the amphiboles were the known entities of disease, poised to ward off the mounting evidence of chrysotile's role in mesothelioma by taking all the blame.¹¹ In other words, although banned, the amphiboles in South Africa retained a ghostly presence in the scientific record as chrysotile's deadly cousins. The amphiboles' semiotic persistence in the knowledge economies of mining figured them rhetorically as evidence that upheld

chrysotile's exchange value in world markets against its opponents in the ban all asbestos movement.

In the popular consciousness of South Africans, asbestos mining has not been a part of historical memory like the Big Hole at Kimberley or the gold mines at Barberton and on the Rand, tourist attractions evoking the adventure of the roaring camps on the mining frontier of the late 19th century. Instead, the former asbestos mining districts remain unmarked and unmemorialized, a ghostly vacancy in remote places, at times resettled by nearly invisible populations of refugees, displaced or unwanted people with nowhere else to go, who brought their own ghostly presences to the old mining villages.

In Swaziland, for example, a Christian missionary nonprofit purchased the entire Belembu village at the Havelock asbestos mine in 2006, after its 10,000 former inhabitants left *en masse* when the mine closed in 2001, turning overnight what had been a thriving mine village into a ghost town. The Belembu Ministries Swaziland's plan was to use the village as a home for 2000 AIDS orphans, despite the fact that asbestos dumps adjacent to the village were unrehabilitated. By 2017 there were nearly 400 children living in Belembu, six to a house with a caregiver.¹²

Within South Africa, after the mine and mill at Pomfret closed in 1986, the apartheid government acquired the property from Gefco in a sweetheart deal. In 1989 the government resettled another unwanted population, in this instance Angolan mercenaries from the infamous Battalion 32 which had fought alongside the South African Defense Force (SADF) in the border wars. Pomfret was transformed from an abandoned mining center into a Portuguese-speaking village (Figure 2.5) and, until Battalion 32 was disbanded in 1993, an SADF base.

During the 2000s a number of families moved or were relocated, ostensibly due to asbestos contamination, although some residents believe that the real reason was to shut down Pomfret as a source of mercenary recruitment, such as the former Battalion 32 soldiers who were hired onto the ill-fated attempt in 2004, financed in part by Margaret Thatcher's son Mark Thatcher, to overthrow Equatorial Guinea's dictator, Teofilo Obiang (see Roberts, 2007). Others suggest that dispersing Pomfret residents through resettlement and bulldozing the village are cheaper for the South African government than rehabilitating the contaminated environment in order to make it inhabitable. Since the mid-2000s, public services have been terminated or curtailed. In 2014, electricity was cut off to the 500 or so families who still lived in Pomfret.¹³

The fate of Pomfret stands in stark contrast to community efforts to turn the former mining village at Msauli into a tourist attraction. In 2012 the Ekuiphileni Kwesive Songimvelo Community Property Association (EKSCPA), the local residents' organization to whom Msauli was transferred when the mine closed, called for tenders to rehabilitate, upgrade and operate the village as a tourist destination, featuring the golf course,



Figure 2.5 Photograph by David Goldblatt

While Fernando Augusto Luta washed his clothes, Augusto Mokinda (13), Ze Jano (12) and Ze Ndala (10), posed for a photograph in water that has risen from underground in an old mineshaft at Pomfret Asbestos Mine. The water probably contained blue asbestos fibres. 25 December 2002

swimming pool, tennis courts and guest houses built originally for white mine managers and their families – all of which have now fallen into the eerie disrepair of a sparsely populated ghost town.

The tender says that Msauli is a former mining village but makes no mention of its asbestos past or how secure the rehabilitation of the landscape has been. Instead, the tender recodes Msauli as a charming village left over from the romance of mining in a beautiful mountain valley, adjacent to the Songimvelo Nature Reserve. On the Tracks4Africa website, which sells GPS maps to tourists seeking faraway adventures, Msauli village is described, with no trace of irony, as ‘Nothing short of a ghost town with hardly a breathing soul ... the ideal hideaway for the peace-loving recluse’ (Tracks4Africa, n.d.).

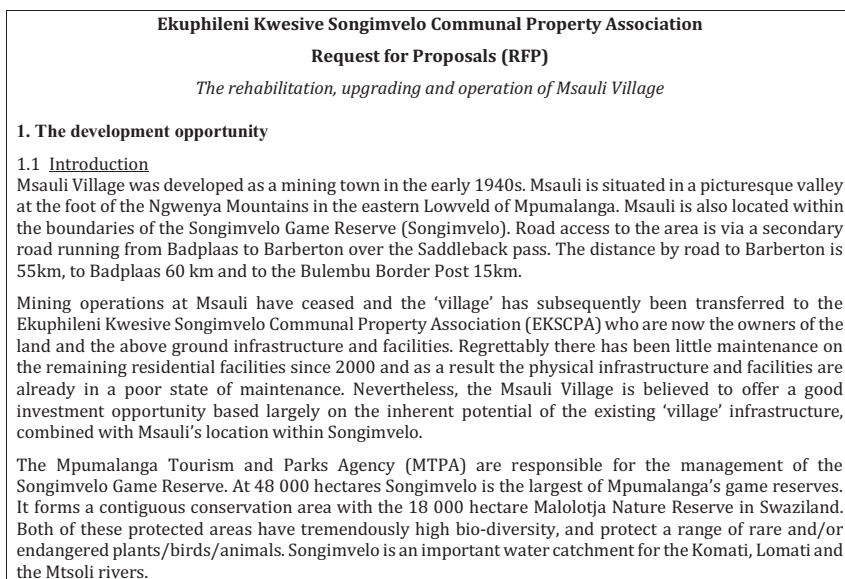


Figure 2.6 Request for proposals

The fates of Pomfret and Msauli reveal the variations in how asbestos mining's places of extraction have been refigured and misremembered in the post-liberation era in South Africa. The resettlement of Angolan collaborators at Pomfret by the apartheid regime turned into a bad reminder of mercenaries and dirty wars that the government is trying to dispel by scattering the Portuguese-speaking inhabitants who have maintained their own culture into the general South African population and burying the village. Events at Msauli, on the other hand, reflect the desperate turn to the market of retrenched villagers, to capitalize on what EKSCPA calls the 'under-utilised' tourism potential of a landscape cleared of any memory of asbestos (Figure 2.6). The guest house at Msauli village is now open as a tourist destination and self-catering facilities are available for up to 14 guests.

Notes

- (1) The result of asbestos mining in the three regions, as Marianne A. Felix, Jean-Patrick Leger and Rodney I. Ehrlich put it, was 'three local epidemics in which thousands of persons suffered ill health or premature death following occupational or environmental exposure' (see Felix *et al.*, 1994).
- (2) Foucault introduces the notion of governmentality in *Security, Territory, Population: Lectures at the Collège de France, 1977–1978* (Foucault, 2009).
- (3) The notion of a 'knowledge economy' was popularized initially by books such as Drucker (1969), Toffler (1970) and Bell (1973).

- (4) As Jock McCulloch notes, findings about asbestosis in South Africa had entered the medical record as early as 1928, when F.W. Simson published 'Pulmonary asbestosis in South Africa' in the *British Medical Journal* and 1930, when George Slade completed his MD thesis at Wits, reporting 'what was probably the first study anywhere in the world of respiratory disease among asbestos miners.' In the postwar period, Inspectors of Native Labour found high dust levels in mines and mills on the Pietersburg fields in 1951 and recommended that the use of respirators be made compulsory in the mills. In 1952 G.B. Peacock, an assistant medical officer at Native Affairs, drew attention to cases of asbestosis, the extensive use of child labor and the need for masks and dust reduction measures at the Pietersburg mines, urging an end to the 'practice of replacing the mill staff every few months ... as a method of controlling asbestosis and dodging the responsibility for the provision of adequate dust proofing' (see McCulloch, 2002: 129).
- (5) See Proctor (1995). Since *Cancer Wars*, the study of ignorance or agnotology has expanded into a field of its own; see Gross and McGoey (2015) and Proctor and Schiebinger (2008).
- (6) On the fate of the final PRU report, see Flynn (1982) and McCulloch (2005a).
- (7) *Laager* is an Afrikaans word that means 'circling the wagons.' It has powerful references to the Great Trek of the 1830s as a founding event in the creation of an Afrikaner national identity.
- (8) On the industry's global reorganization, see Rice (2011) and McCulloch (2006).
- (9) On the amphibole hypothesis, see McCulloch and Tweedale (2008: 127–129, 134–136).
- (10) As early as 1964, at Irving Selikoff's groundbreaking New York Academy of Science conference on 'The Biological Effects of Asbestos,' G.W.H. Schepers, who had conducted a medical survey in 1949 that found asbestosis at the Penge mines and who later became an expert witness in the United States for asbestos plaintiffs, argued that chrysotile did not cause mesothelioma or did so only in combination with an amphibole such as amosite or tremolite that occurred naturally in chrysotile deposits. In ensuing decades, other notable scientists including Chris Wagner, co-author of the first major study of mesothelioma, held the view that while the amphiboles unquestionably caused mesothelioma, there was at least a degree of uncertainty concerning chrysotile (see Schepers, 1965: 595–596; see also Wagner, 1986). Curiously, Wagner's position in 1986 was a shift from his earlier view that chrysotile was carcinogenic. As came out in a 2000 legal case involving the asbestos giant Owens-Illinois, the company had been paying Wagner a monthly \$6000 retainer (see McCulloch & Tweedale, 2008: 140–145).
- (11) There can be reasonable differences concerning the carcinogenic properties of the various types of asbestos. Many scientists believe that the amphiboles are in fact more dangerous than chrysotile, but this *does not mean that chrysotile is not dangerous* or can be worked with safely. The consensus overwhelmingly is that chrysotile does indeed cause mesothelioma.
- (12) At the time of writing, these AIDS orphans are now scheduled to be relocated again in 2019 after His Majesty King Mswati III, in a rematerialization of the commercial potential of asbestos, granted a 10-year lease to Kobolondo Mining in early 2017 to reopen the Havelock Chrysotile Tailings Facility in order to extract the 48 million tons of chrysotile believed to remain in the tailings dump. Information on Bulembu village is drawn from Bulembu (2017), Mbingo (2017) and Weavind (2014).
- (13) Information on Pomfret is drawn from Duffy (1997: 4), Masondo (2017) and Visage (2007: 4).

3 The Emergence of Asbestos Activism: From the 'Period of Non-awareness' to the National Asbestos Summit of 1998



Figure 3.1 Photograph by David Goldblatt

Entrance to the Recreation Club. As on most mines at that time, the 'rec' would have been for the exclusive use of White personnel. This mine was started in 1890 and closed in 1978. Cape Blue Asbestos Mine, Koegas, Northern Cape.

In 1921, irritated by the dust and noise from Gillander and Campbell's asbestos mill located near the center of Kuruman, local residents complained to the town council. After an inspection, the council found that only one person was affected by the mill and therefore dismissed the complaint. A few years later, in what may have been a concession to public opinion, Gillander and Campbell did move its operations out of downtown Kuruman. Nonetheless, the dust released by the mill remained ubiquitous, and dairy farmers complained to the Kuruman town council that their milk was being contaminated by asbestos. Following a second inspection, the town council once again rejected the complaint (Snyman, 1988: 37–42).

During the time that historian P.H.R. Snyman calls the 'period of non-awareness' – from 1893, when the industry started to 1942, when Dr J. Smyth, a district surgeon at Danielskuil, posted a notice of asbestos-related disease in the *Annual Health Report* – neither townspeople nor the dairy farmers could have known about the toxicity of asbestos.¹ Still, as their complaints show, they reached other popular understandings of the effects of asbestos, casting it as a public nuisance that disrupted the townspeople's quality of life and an environmental pollutant that degraded the dairy farmers' milk production. So the problem was not that people in the Kuruman district knew nothing about the impact of the asbestos industry but rather that their grievances gained little traction in the town council, following the pattern of complaint by residents and inaction by government that helped maintain the general state of non-awareness. It was not until a half-century later, in the struggle years of the 1980s – with the rise of independent black mineworkers unions, a radicalized occupational health and safety movement and growing press coverage – that widespread public consciousness of asbestos emerged in South Africa, drawing to an end the 'period of non-awareness' at the popular level that persisted long after Dr Smyth's medical publication at the professional level.

Workers learned on the mines and the shop floor how the South African asbestos industry was built on an intolerable degree of risk to their health, with exposures to asbestos far beyond anything allowed by workplace standards in the north. The fatal reality, trade unionists and radical health professionals began to realize, was that no amount of precision measurement of dust in the workplace or regular monitoring of workers' respiratory health could dispel the risks of asbestos exposure. The conclusion that there was no safe threshold level of working with asbestos made banning asbestos the inevitable solution. Trade unions in the asbestos manufacturing sector called for replacing asbestos with substitute materials at no loss of employment. For mineworkers, on the other hand, banning asbestos meant abolishing their jobs.

This chapter opens with a glimpse of mineworkers' grievances about working conditions in the 1940s and 1950s and the pattern of complaint

and inaction that shaped public policy about asbestos during the ‘period of non-awareness.’ The main part of the chapter traces how the health risks of asbestos came to be recognized in South Africa during the 1980s through press reporting, trade union struggles and the work of occupational health and safety activists. As we will see, popular learning and participatory research at the shop floor level accelerated as class struggle intensified and union demands shifted from calling for the regulation of exposure under workers’ control to the abolition of the industry.

We will also see how this union-based activism in the 1980s provided the groundwork for the AIG’s village-based activism in the 2000s. Looking ahead, this chapter sketches the conditions of possibility that gave rise to the AIG’s particular configuration of grassroots activism.

Complaint and Inaction in the ‘Period of Non-awareness’

As we just saw, townspeople and dairy farmers in Kuruman made their cases against Gillander and Campbell’s asbestos mill in the form of a complaint, a petition to the town authorities asking for a remedy. When the cases were dismissed, the complaints did not disappear but rather were filed away in municipal records, and nothing happened to abate the effects of the mill. As an unspoken standard operating policy on asbestos, this pattern of complaint and inaction governed the workings of state bureaucracies during the ‘period of non-awareness.’

‘Non-awareness,’ that is, was based not just on a lack of knowledge about the dangers of asbestos but also on devices of state surveillance, such as the two inspections of Gillander and Campbell’s mill that certified the works as a ‘non-problem’ and thereby non-actionable. In the rhetoric of state power, the repertoire of the town council’s inspections replaced the practical consciousness of townspeople and dairy farmers with the banal everyday power of paperwork to nullify the observations and experience of ordinary people, delete their petitions from arenas of decision making and assign them in the end to the filing cabinets in the town’s archive of inaction (which is where Snyman found them years later). ‘Non-awareness’ thus rested in part on the non-accountability of the town council in determining what it needed to be aware of.

In a different sphere, in letters sent from mineworkers in the 1940s and 1950s to local magistrates and Native Affairs officials, the rhetoric of complaint figures as a pre-protest mode of address in which grievances were not yet framed as demands backed by the threat of collective action. Instead, the mineworkers’ complaints often took on willingly the subject position of the humble petitioner toward the powerful.

This rhetorical stance is evident, for example, in the opening of a letter from 1947 (Figure 3.2), written by Benjamin Dlamini on behalf of a group of workers at the Postmasburg manganese mine to the Department of Native Affairs²: ‘We have the honour to beg to introduce ourselves on

Dear Sir,

We have the honour to beg to introduce ourselves on behalf of all the Native workers of this mine as your subjects in the Union collected under recruit from different parts of South Africa, to come and work for the Associated Manganese Mines at the above mentioned address.

Today, sir, our request is this that your office seems to have no knowledge of these mines, though we are not sure as to whether they registered as so called "Mines."

In the first point, the Native workers' passes are not registered but the Native Affairs Dept. Office is only about 9 to 10 miles from the Mines.

Secondly, there is no sufficient mine rate.

Thirdly, no N.A.D. Inspectors to take our complaints of treatment.

With good determination of behaving ourselves as good intelligent and willing mine workers.

We present ourselves before your Honourable office to be considered as your Union subjects.

We have the honour to be,

Sir,

Your obedient subjects.

(sgd) Benjamin Dlamini

on behalf of the Native Workers

Figure 3.2 Letter of petition from Benjamin Dlamini, Main Compound, Glossam, PO Box 34, Postmasburg, 10 October 1947

behalf of all the Native workers of this mine as your subjects in the Union.' Dlamini approaches authority not as a citizen, as the townspeople and dairy farmers in Kuruman did, with the right to be heard by the local authorities, but as a dependent subject, in a position of subordination to the addressee of the letter. The rhetorical stance of the humble petitioner – the footing Dlamini hoped to secure in the letter – acknowledged the mineworkers' subaltern status, while at the same time seeking to leverage it to the mineworkers' benefit.

In the history of popular rhetoric, petitions are weapons of the weak, an available resource for those with limited means of representation.³ Dlamini's letter of petition operates in the familiar pre-protest mode that if only the authorities – the Queen of England, the Czar of Russia or, in this instance, the Department of Native Affairs in South Africa – knew about the people's grievances, they would surely see it their duty to find a remedy. The people's sufferings, in other words, were tied to ignorance (or 'non-awareness') on the part of the powerful that prevented them from attending to the plight of their subjects: 'Today, sir, our request is this that your office seems to have no knowledge of these mines.' The dominant motive in the letter is not so much a demand for change as an appeal to be better administered, to be taken better care of according to the customary obligations of the powerful toward the powerless. This protection is justified, the letter suggests further, by the mineworkers' sense of responsibility, their 'good determination of behaving ourselves as good intelligent and willing mine workers.'

How do we make sense of the rhetorical stance of docility that Dlamini fashioned in the letter? We must begin, I think, by *not* taking it at face

Klipvlei Mines
P.O. Box 7
Danielskuil

Dear sir,

Here is our cry sir which we ask from you, we jointed the to Willi coming here to Kuruman, then all the law we got if from you in you office that the doctor is present here and the hospital is present but here we don't see any hospital and no doctor, we have a man which passed away here, without any hospital medicines, and the word we got from our manager is that a black man must just be thrown in a grave and next we have a ill person whom we went to the manager to ask for him to be send home in order to have hospitals and doctors, they do not answer us but the person is going on and on We begg you sire to let us know what we must do with such. This person has finished two full months being sick without any medicine.

Then sir we are begging for you to know what we have done Its long that we have been looking for this It is going forward please sir give us the plan so sir help us in what we are saying to you. We know that the law we got it from you we are surprised by this thing because the law you gave us is no the same as this one therefore we are crying sir, know that every join we pass you we are join takers there at Sterkspruit the join we have taken to day seems as if it is the last, so sir that is our cry there to you. So we begg to remain with aching hearts,

yours faithfull
Company

Figure 3.3 Letter of petition from Klipvlei mine, c. 1940s

value but by allowing the guise of the humble petitioner to unravel a series of questions and possible interpretations: Does Dlamini's stance express the internalized subjectivity of the colonized or is it meant to flatter the powerful by a canny deference to their authority that comes with fingers crossed? Does the letter reaffirm colonial hierarchies or is the ostensible submissiveness a ploy to highlight the failure of Native Affairs to take care of its subjects and carry out its administrative functions properly? Or is it a matter of Dlamini employing such standard phrases as 'Your obedient subjects' formulaically, to display the writer's familiarity and fluency with conventional features of the letter of petition? All could be true. It is possible to read the letter as containing multiple, overlapping and contradictory attitudes and orientations toward authority.

Similar questions arise in a letter from asbestos mineworkers at the Klipvlei mine sent to the local magistrate at Sterkspruit some time in the 1940s (Figure 3.3).⁴ The letter begins with a cry of desperation: 'Here is our cry sir which we ask from you.' The first paragraph in the Klipvlei letter is an account of broken promises – 'that we got if from you in you office that the doctor is present here and the hospital is present' and yet 'we don't see any hospital and no doctor.' Instead, the letter says, 'we have

a man which passed away here, without any hospital medicines, and the word we got from our manager is that a black man must just be thrown in a grave.' Furthermore, 'we have a ill person whom we went to the manager to ask for him to be send home in order to have hospitals and doctors, they do not answer us but the person is going on and on.' Faced with such treatment, 'We begg you sire to let us know what we must do with such.' In the rhetoric of the humble petitioner, subordinates put the solution in the hands of the powerful: 'It is going forward please sir give us the plan so sir help us in what we are saying to you.'

The petitions of the powerless are eloquent because they often appear as a last resort, inflecting them with a sense of impending doom – of not being able to hold on for much longer. The warrant for the Klipvlei mine-workers' cry of desperation is their common experience of helplessness and abandonment – a familiar modality in the rhetoric of complaint: 'Its long that we have been looking for this,' the letter says, using the duration of long suffering to beseech the authorities to take action before it is too late.

But there is also a rhetorical turn at the close of the letter that repositions the mineworkers: 'We know that the law we got it from you we are surprised by this thing because the law you gave us is no the same as this one.' The Klipvlei letter invokes a cognitive dissonance between the law as given and the law as enacted, making the mineworkers' suffering at Klipvlei the result of the authorities not living up to the law they have promulgated – a failure that would years later be adjudicated as the failure to provide a duty of care to its employees on the part of the asbestos industry. Such a duty, the Klipvlei letter implies, is not so much a matter of the *noblesse oblige* that appeals to the customary responsibilities of the powerful but rather is contained in the law as originally written but which has now been sidetracked. Under the regime of the degraded law, the prospects of justice in the 'law you gave us' have turned into the disaster of life on the Klipvlei mine, dooming the mineworkers 'to remain with aching hearts' as long as the state failed to do its duty, which is exactly what happened.

The Klipvlei letter is of special interest because, unlike the other letters from mineworkers we look at in this section, it is accompanied in the Cape Archives by communiqués of transmission. These show how the letter circulated aimlessly in the South African bureaucracy, as paper-work traveling from office to office to see who might be responsible – from the Sterkspruit magistrate, who referred it to the Native Commissioner in Kuruman, who referred it to the Superintendent of Natives at Barkly West, who referred it to the Postmasburg magistrate C.F. Viljoen, who finally wrote in frustration to the Director of Native Labour in Johannesburg:

I have not been appointed Inspector of Natives, nor have I been appointed Native Commissioner. Klipvlei formerly fell under the Barkly West District, but the Superintendent there advises me that he has never yet held the appointment of Inspector of Native Labourers.

Will you please advise me what steps are to be taken in this matter.

I believe that the labour conditions at this mine, as also at the Warrendale Mine, which also fell under the Barkly West District, are appalling. I am of opinion that it is essential that an early inspection should be made.

There is no record of an inspection nor any reason to think that a memo from a provincial magistrate to Native Labour would gain much influence. Rather, the circulation of the Klipvlei letter recapitulated the standing pattern of complaint and inaction. This was not simply a matter of the inertia of bureaucracy. The way in which the Klipvlei letter was forwarded from office to office enacted the systemic unanswerability of the state in regard to black workers on unregistered asbestos mines. No-one wanted to take it up. No-one was sure who was responsible. Inaction was an organized failure of attention, an actively constructed state of neglect and non-awareness on the part of government and industry that produced the 'appalling' conditions at Klipvlei in the first place.

Such neglect and inaction, moreover, guaranteed the persistence of grievances on the asbestos mines. As a 1957 letter from asbestos mine-workers at the Riries mine near Kuruman to the local magistrate shows (Figure 3.4), working condition were as dire as those described in the letter from Klipvlei a decade before: 'We are dying in this place that is why we have decided to write to you.'⁵ The rhetorical stance here is located on the edge of the grave, speaking with the ultimate powerlessness of an impending death – 'we will be like dead people already.' The imagery of mine-workers as the living dead anticipates the characterization we will see in a moment by union militants in the 1980s of asbestos mines as a death camp, a necropolis founded on the toxicity of asbestos and industry's lethal non-protection of workers.

The letter also reveals that even in a state of 'non-awareness,' when the mineworkers at Riries could not have known about the biomedical connections between asbestos and disease then being established through scientific publication in the metropolis, knowledge of the dangers of asbestos was not restricted to elite sectors. Rather the letter from Riries reveals a localized understanding of the link between asbestos and 'phthisis,' a common term for lung disease in wide use at the time. Based on their observations of the workplace and patterns of illness among co-workers, mineworkers at Riries drew conclusions using the terminology available to them, suggesting what may well have been a widespread popular understanding among mineworkers of the health risks of asbestos. The problem was that the mines were isolated and mineworkers had little power and few means to investigate health conditions on the mine. Knowledge about asbestos and the asbestos-related diseases on the mineworkers' part was real but limited to local ways of understanding.

Reris Mine
Box 901
Kuruman

No date
Magistrate
Sterkspruit

Sir,

This is a complaint from all of us natives who took up a contract with Stormberg (Mr. Mather) to Kuruman, Reris Mines – that we are ill treated here. When contract is read to us you say we are going to a nice place where we shall get good treatment and so forth but when we arrive here we find that it is not the case. We are dying in this place that is why we have decided to write to you. Our complaint is not being listened to here that is why we resorted in writing to you because we are your children.

Sir, when we decide so, there will be blood to blood (sharing of blood). After all we are dead in this manner of treatment. Our hearts are really sore by the treatment of the Manager. When we take contract with Stormberg (Mr. Mather) it is 6 months and after completing those 6 months we are told that it is written 9 months. Please verify that from Stormberg how that comes about. We want that as we live hard life answered soon. Again when we get injured or contract phthisis there is no compensation at all.

Sir, we do not know whether you will appreciate our being invalid and do not pay taxes (through injuries and phthisis) because we will be like dead people already. If one gets sick even for two days he is dismissed with allegations that he pretends to be sick and yet is lazy to work. In that dismissal you are being driven away by Police who keep on beating you as far as a certain forest and they leave you there and return to compound. If not driven away like that he will ask you where you have been on the days that you have been sick and at the same time beats you although he knows that you have been sick.

Sir, we ask you that Stomberg should come here not later than 16/10/57 because when he takes our X markers he always tells us that here is a Hospital. Again the compound is very far from town. When we arrived there for work we are being fetched by lorry but finishing contract they do not care for us but that we should see our way through.

We pay L3 for the lorry to town. Whenever we refer our complaints to the Manager he beats us saying we are his children. That is why we refer to you. You did not tell us of the things done to us here that we have been sent here to be beaten and killed.

Figure 3.4 Letter of petition from Riries mine, 1957

The Asbestos Industry and Answerability in the 1980s

During the 1980s, a movement to address the dangers of asbestos formed within the larger anti-apartheid struggle, and the familiar patterns of complaint, non-answerability and inaction began to collapse. South African press coverage of asbestos, for example, increased dramatically, with news reports on trade union struggles in the asbestos industry, exposés of dust levels, references to the international ban-asbestos movement, interviews with asbestos activists and investigative stories by Johannesburg journalists Philip Van Niekerk at the *Rand Daily Mail* and Carolyn Dempster at the *Star*. The extensive press coverage of the American asbestos activist Barry Castleman's four-week visit to South

Africa in 1983 can be seen symptomatically as a turning point in public consciousness.

The publicity given on a daily basis by the South African press to Castleman's relentless critiques of the asbestos industry signified a wider circulation of knowledge about asbestos and asbestos-related diseases made possible by newly formed networks of radical occupational and environmental health professionals, journalists, trade unions and community groups in South Africa. Castleman's tour was organized by two leading South African asbestos activists and researchers, Jonny Myers and Jean Leger, who invited Castleman to be a guest lecturer at the University of Cape Town (UCT) and Witwatersrand University in Johannesburg, with Castleman spending two weeks at each university. By the early 1980s, for the first time, an emergent anti-asbestos movement had formed in South Africa that connected with trade union councils, ban-asbestos groups and prominent activists like Castleman from the north as sources of solidarity, information and material support.

At least 20 news stories, editorials and letters appeared during Castleman's visit, at the rate of approximately five a week, bringing to public attention the basic dogged facts about asbestos and asbestos-related diseases.⁶ Castleman informed South African audiences that between 8500 and 10,000 people were dying every year in the United States of asbestos-related diseases and that this death rate would continue for the next 30 years, even if the United States banned asbestos immediately. Castleman also detailed the growing public awareness of the dangers of asbestos in the north, the court cases that were bankrupting asbestos giants like Johns Manville, and the fact that the consumption of asbestos in the United States had already declined by nearly 70% in the last 10 years. Castleman explained how the asbestos industry had responded to factory closings in the north through a mobile global strategy of relocating its operations in the south, as part of a wider pattern of dumping health risks and toxic materials such as asbestos and pesticides banned in the north on the Third World.

In a marked rhetorical refrain, Castleman used the trope of being 'behind-the-times' or 'out-of-date' to hold South Africa accountable for its weak policies on asbestos and its failure to keep up with international standards. 'South Africa was a decade behind First World countries on stringent dust controls,' Carolyn Dempster reports Castleman saying in stories in the *Star* and the *Weekend Argus* (Dempster, 1983a: 3, 1983: 6). Castleman charged that South African laws preventing workers with lung cancer or asbestosis from filing for compensation 'lagged behind Nazi Germany' (Friedman, 1983: 3). A *Rand Daily Mail* editorial, 'Safety Law: Is It Safe?,' quotes Castleman at length blasting the new Machinery and Occupational Safety Act (MOSA) 'as being decades behind the protection offered in the West.' In Castleman's words, MOSA 'reads like some Mexican statute of the 1940s' (*Rand Daily Mail*, 1983: 6).

Perhaps the most telling account of Castleman's visit to South Africa is contained in a confidential memorandum dated 8 September 1983, from a Turner & Newall executive to the company's overseas director, H.D.S. Hardie:

The journalist, Barry Castleman, has been in South Africa for the past week or so. I am sure that as pure coincidence, the South African asbestos industry has come under attack in South African newspapers and the experience has shaken the managements of Everite, Turnall, and others.⁷

The mounting public exposure of the asbestos industry that Castleman's visit represented, however, was hardly a coincidence. Rather, as a 1983 report on the state of the South African asbestos industry by the Johannesburg stockbroking firm E.W. Balderson acknowledged, the industry was 'under siege' by a 'powerful anti-asbestos lobby in the West,' consisting of people like Castleman (Dempster, 1983b: 3). It was, of course, a coincidence that the Balderson report (which recommended, among other things, that long-term investors sell their asbestos shares) appeared at the same time as Castleman was in South Africa calling conditions on the mines he visited 'archaic.' The intersection may be accidental but it is revealing, for it shows how an emerging anti-asbestos opposition in South Africa was throwing the workings of the asbestos industry into public light and calling for it to be answerable.

The Black Allied Mining and Construction Workers Union (BAMCWU) and the Revaluing of Black Life

The labor upsurge that began with the Durban strike wave of the early 1970s reached the asbestos fields in 1984, a year after Castleman's tour, when the Black Allied Mining and Construction Workers Union (BAMCWU) led a strike at Gefco's amosite mine at Penge. BAMCWU was an outgrowth of the Black Consciousness (BC) movement started by Steve Biko and others during the late 1960s, giving rise to a myriad of community-based arts, education and cultural projects.⁸ Following the banning of BC organizations in 1977, the movement reconstituted a year later as the Azanian People's Organization (AZAPO), in a new phase that took a revolutionary socialist direction against 'racial capitalism,' with a commitment to organizing black workers inspired in part by the League of Revolutionary Black Workers in Detroit.

Sparked by a National Union of Mineworkers' (NUM) strike on 25 June 1984, at Anglo-American's Vryheid Coronation Colliery in Natal, mineworkers at Penge went on strike on 4 July 1984, calling for union recognition, a pay increase and health and safety measures. In response, Gefco refused to negotiate with or even talk to strikers – taking the familiar stance of non-answerability – and within days dismissed nearly 2000 workers. The

dismissed strikers then occupied the mine compound until the South African Supreme Court ruled in favor of eviction on 28 July 1984.⁹

In terms of meeting the demands against Gefco, the BAMCWU-led strike at Penge appeared to gain little. However, from another perspective, the strike and subsequent mine occupation lasted long enough – the mine-workers held the compound for over three weeks – to capture press coverage and gain the attention of a public newly attuned to the dangers of asbestos. At the same time, for BAMCWU, the strike set in motion a process of popular learning about asbestos that led it to launch a national Anti-Asbestos Campaign a few months later in October 1984, when the union shifted from calling for safer working conditions under workers' control to demanding a total ban on asbestos mining and manufacturing. (This time the apartheid government refused to grant Castleman a visa to attend the BAMCWU conference that launched the ban-asbestos campaign.)

As BAMCWU's Mbulelo Rakwena noted in 1989, reflecting on the lessons of the strike five years earlier, 'We found it odd that so many of our members were complaining of chest complaints.' Accordingly, BAMCWU contacted AZAPO's health secretary Dr Abubaker Asvat, who visited Penge. 'It then emerged,' Rakwena says, 'that we were dealing with ARDs [asbestos-related diseases].' Workers with chest complaints at Penge had been told by local doctors, as was common in asbestos mining district hospitals, that they had tuberculosis. The recognition that mine-workers' chest complaints were potentially fatal asbestos-related diseases was pivotal. 'Only then,' Rakwena notes, 'did the union expand its horizons. We started to look into the asbestos problem locally and internationally. We also started to inform our membership of the submissions made by doctors and our own study' (quoted in Mokae, 1989: 65).

For BAMCWU and anti-asbestos activists more widely, mounting evidence showed that the regulation of exposures in the workplace, for all the talk about dust control standards and regular medical screenings, was a techno-supremacist fantasy, blinded to its own intolerable acceptance of risk by the ostensible precision of the instruments used to measure dust levels and lung capacity. As Gomolemo Mokae noted in 1989, this understanding of the limits of dust control and medical surveillance led 'BAMCWU to campaign for the closing of the asbestos mines, not the regulation of exposure. The racist government and moneyocratic mine bosses cannot be relied upon to regulate their self-set exposure limit' (Mokae, 1989: 65). The only measure capable of protecting workers' lives – and, as it became evident to BAMCWU, the lives of all who resided in asbestos mining communities – was to ban asbestos.

BAMCWU militants had learned the right questions to ask and the right demands to make, but they lacked the leverage to achieve them in practice. BAMCWU's legacy rests finally not on its gains in labor organizing, which were infrequent and fleeting, nor on the headway made by its national Anti-Asbestos Campaign which, as Janine Aron and Jonny

Myers noted in 1987, 'has not had much success' (Aron & Myers, 1989: 35). Rather, BAMCWU's place in the history of asbestos activism must be based on the process of popular learning that the strike at Penge initiated, the investigation that turned BAMCWU from its earlier position of regulating exposure under workers' control to a new understanding of the need to abolish all labor with asbestos.

Abolition is the ultimate form of workers' control of the relations of production which strikes directly against the very existence of the asbestos industry. It is not about working conditions but about ending the industry's existential threat to life. In this sense, calling for a ban on asbestos amounted to the revolt of mineworkers against their own status as labor, a refusal to be known or to consider themselves as part of apartheid's disposable workforce. For BAMCWU, the fatal logic of class struggle on the asbestos mines triggered a process of learning that refigured the workplace as a necropolis and labor as lethal. As BAMCWU (1984: 6) put it, 'We'd rather starve than sell our labor plus our lives.'

BAMCWU's (1984) 'Asbestos: A Position Paper' represents a summary of the organization's learning in the brief months between the Penge strike in July 1984 and the launch in October of the Anti-Asbestos Campaign. The document explains how BAMCWU's terms of engagement with the industry shifted from shop-floor control to the defense of black life. As a manifesto for the abolition of labor with asbestos, 'Asbestos: A Position Paper' is rooted in BAMCWU's 'conviction that the non-protection of black workers from occupational diseases is a deliberate act in line with the exploitation, oppression, and human degradation of Black people' (BAMCWU, 1984: 5). For BAMCWU, the asbestos industry's labor policy of non-protection was based on the systematic devaluation of black life. This is evident, the position paper found, in the racial disparities of the state compensation system that cheapened the value of black life by providing white workers with a R24,000 initial payment and a R400 monthly pension, while black workers received a R1790 lump sum payment and no pension. As a senior asbestos mine official put it, black mineworkers 'are like plastic syringes. You use them and when they are damaged you throw them back to the homelands' (BAMCWU, 1984: 7).

The question of sovereignty and who has the power over the life and death of black people moved to the foreground of BAMCWU's attention as the shop floor struggle receded. BAMCWU realized that the dangers of asbestos contamination were environmental as well as occupational, affecting not just mineworkers but all the villagers living near Penge. For BAMCWU, the locus of struggle thereby shifted from the point of production to the entire mining district. BAMCWU activists repositioned themselves, shifting their rhetorical stance from that of a union militant to the tribune of the people – to make the 'rural masses aware of looming death as a result of the system's intransigence' (BAMCWU, 1984: 5). The struggle between classes that began on the mines at Penge had

turned into a struggle to defend all black life in the vicinity of the mines and mills.

The Emergence of Occupational Health Activism in the 1980s

The beginnings of occupational health activism in the 1980s can be dated, at least symbolically, to the 1978 conference at the University of Cape Town on 'The Economics of Health Care in Southern Africa,' the brain-child of Francis Wilson, organized by the Southern African Labour and Development Research Unit (SALDRU) and the South African Medical Scholarships Trust. The conference was meant to represent the growing recognition of health issues in the struggle against apartheid. The 75 presentations covered a broad range of topics, from the organization of medical information and health care delivery systems to nutrition, mental health, the role of traditional healers, infant mortality and the price of drugs.

A report on the conference was published in *Social Dynamics* (1978), with a section devoted to occupational health. Selected papers and additional contributions on a 'much neglected aspect of health care in South Africa – industrial diseases contracted and accidents suffered by workers' – appeared in the *South African Labour Bulletin* (SALB) in 1979, marking the beginning of a focus on occupational health and safety that continued in SALB and the *South African Review* throughout the 1980s and 1990s.

Within a few years of the 1978 'Economics of Health Care' conference, occupational health activists had established five health services projects in the Western Cape and Johannesburg, with new groups being set up in Durban and East London. A directory of these organizations appeared in 1983 in SALB, which noted that the 'main initiative' for these health initiatives 'has come from independent health professionals ... in response to needs expressed by the unions' (SALB, 1983: 20). Unlike earlier medical clinics and labor advice bureaus that offered health services and health information to individual workers, the newer groupings, such as the Industrial Health Research Group (IHRG) and the Health Care Trust, both of which started in Cape Town in 1980, and the Health Information Center, founded in Johannesburg in 1982, focused on the 'promotion of union organization around health issues' (SALB, 1983: 20). The 'intention of the new groups,' in other words, was 'to put health issues directly under worker control,' with health professionals and scientists in service roles, making information available, training shop stewards and union health and safety representatives, doing participatory research on workplace hazards and providing medical screenings and, in some cases, clinical care for workers.

The role of service organizations in the anti-apartheid struggle – in education, community development, legal aid and the arts, as well as in occupational health – raised difficult questions about the relation of experts to mass organizations of trade unionists, students, women,

township dwellers and rural villagers. As Francis Wilson noted in his overview of the 'Economics of Health Care' conference, the meeting succeeded, on the one hand, in 'demolish[ing] the local version of the myth that only doctors are fit to discuss issues of health' (Wilson, 1978: 155), thereby releasing the initiative of popular forces in health care. On the other hand, however, Wilson also noted that the attendees were overwhelmingly white and from the professional classes, highlighting the fact that who 'is able to participate at a conference does determine what one talks about':

There were, for example, no village health workers at the conference; no mothers trying to bring up their children on far too little money being sent home from some distant worker in a township; no worker from an asbestos factory telling us what it is like to breathe in all those fibres. (Wilson, 1978: 154)

Accordingly, the task facing occupational health activists, as they struggled to define their work in the early 1980s, was to disentangle the expertise of professionals from racial and class separations in order to rearticulate it to the aspirations and interests of the anti-apartheid movement, to intertwine specialist knowledge with the popular understandings that workers had gained from struggles on the shop floor.

Of the occupational health activist groupings that emerged in the labor upsurge of the 1980s, the IHRG was perhaps the most prominent – and was certainly the most pertinent to asbestos activism. Founded in 1980 by Jonny Myers, Judith Cornell and Alide Kooy with funding from the International Confederation of Free Trade Unions and other donors, IHRG policy was to work with any independent non-racial union. As Judith Cornell noted, the IHRG's notion of occupational health and safety was 'extremely elastic,' extending, for example, to pensions. At its height, the IHRG had a staff of 10–12 who ran projects that included: an occupational health clinic in the Cape Town working-class neighborhood of Woodstock; medical workplace screenings; technical assistance in reworking union medical benefits; and consultation with union negotiating teams on health and safety issues.¹⁰ From the early 1980s, the IHRG was a leading voice in the occupational health movement, producing periodic reports in *SALB* on new labor commissions and legislation, annual articles in the *South African Review* assessing the relation of forces between capital and labor about health and safety in the workplace, and letters on issues of concern to medical and occupational health journals.

The IHRG also took the lead in investigating the health effects of the asbestos industry. It worked with the South African Municipal Workers Union (SAMWU), whose members were exposed to asbestos in Cape Town power stations, and with the Construction and Allied Workers Union (CAWU) at the Everite asbestos cement factory in Brackenfell, near Cape Town, a collaboration that led to a five-year study of the five Everite

asbestos cement plants in South Africa. The Transport and General Workers Union (TGWU) participated in Jonny Myers' important 1985 study of asbestos-related diseases among dockworkers who handled asbestos (Myers *et al.*, 1985). During the 1990s, the IHRG worked with the NUM during the closing of the asbestos mines and the retrenchment of mineworkers.

Jonny Myers' (1980) SALDRU Working Paper, 'Asbestos and Asbestos-Related Diseases in South Africa,' exemplifies the IHRG approach to occupational health, as simultaneously a widely cited academic publication and a primary source of information for union activists and radical health professionals. Myers lays out the epistemic foundations of engaged scholarship by arguing that the meaning of scientific findings is determined by a struggle over who is authorized to interpret the data. Myers begins with 'the fact that despite a common store of scientific research, which sets the limits to possible interpretations, official interpretations and applications vary considerably' – from Sweden's total ban on asbestos in 1979 to the UK's tightening standards of exposure levels to the 'absence altogether of safety levels in Latin America and Far Eastern countries' (Myers, 1980: 2). According to Myers, what occupational health activists must understand is that the research cannot speak for itself: the data alone cannot establish the health risks of asbestos. Instead the 'official determination of safe levels of exposure' is the result of the 'struggle between unequal parties over interpretation of research,' not 'the result of strictly scientific considerations in the research laboratories' (Myers, 1980: 3–4).

The struggle between capital and labor over scientific interpretation, Myers says, involves contending assumptions about the value of workers' lives. This is evident in the cost–benefit analyses of asbestos mining and manufacturing that weigh the 'cost to industry and hence national prosperity ... against individual risks.' In this equation, benefits to industry are figured, through 'the deliberation of experts,' as part of the general public interest, while the costs to labor are figured as the personal problem of 'susceptible individuals' (Myers, 1980: 42). As the value of workers' lives is detached from the collective interest of society, risk is individualized and acceptable levels of toxic exposure are justified by the benefits that supposedly accrue to the public good. As we have seen before, the risks and social costs of production are offloaded onto individual workers and their families.

As Myers suggests, such cost–benefit analyses also reveal how the seemingly neutral 'deliberations of experts' exclude particular types of information. Part of the problem, for Myers, is that a 'notable feature of present-day epidemiology is its heavy and one-sided reliance on quantitative data' (Myers, 1981: 229). As Myers argues, statistical analysis ignores certain realities by selecting or excluding types of information based on whether they are measurable. An inversion takes place, Myers says, when the data that count are the data that fit the epidemiological model instead

of inventing models more appropriate to reality. This means, moreover, that 'the sort of information – semi-quantitative and qualitative – that workers hold is excluded' (Myers, 1981: 234).

Myers' critique of industry-aligned state and academic research was intended to open a space for worker-generated knowledge in the production and interpretation of scientific data. The 'fulcrum' of this engaged research, as Myers and Malcolm Steinberg note, 'has been shop floor organization.' In a 1984 article 'Health and Safety: An Emerging Issue on the Shop Floor,' Myers and Steinberg explain how unions have heightened their involvement in research:

Original research is increasingly being generated through union-sponsored survey work. This work may take the form of research conducted by professional researchers in conjunction with shop floor structures or may, in some cases, be conducted by the workers themselves. Workers generally are surprised to realise that they are capable of producing either knowledge of an original character, or information specific to local conditions which is unattainable from the research literature. (Myers & Steinberg, 1984: 150)

This appreciation of the epistemic value of worker-generated knowledge was one of the main underpinnings of the IHRG's working relationship with unions. As IHRG medical officers recognized, participatory worker-generated research did not only produce new forms of data that were inaccessible to the industry and state's statistical methods. The locus of knowledge production itself changed, from the epistemic monopoly of the experts to the reciprocal exchange of shop floor and elite knowledges in participatory research projects.

Recalling his work as an IHRG medical officer with the NUM when the asbestos mines were closing in the early 1990s, Mohammed Jeebhay noted how worker-generated knowledge and professional expertise were interwoven, as shop stewards filled out surveys of mineworkers and Jeebhay showed the shop stewards how x-rays are read and lung function tests work in medical screenings and the compensation system. In the IHRG/NUM's participatory research, the relations of knowledge production changed, giving Jeebhay access to the shop floor understandings of mineworkers while shop stewards gained a practical understanding of the specialized modalities of occupational health.¹¹ Elite and shop floor knowledges became, in effect, more mobile as they were taken up and made salient, through relations of reciprocity across social locations.

These changes in the relations of knowledge production do not – cannot – dissolve the distinctions between the expert and shop floor spheres that are institutionalized in the present social system. These divisions are built into class society. What the IHRG's union-based participatory research projects did foresee was the possibility of creating, through reciprocal relations of intellectual exchange, new social solidarities to

challenge the epistemic power of industry and the state. The design was based on a realignment of shop floor and professional knowledges, a rearticulation of forces in Stuart Hall's dual sense of 'putting into words' and 'forming social linkages.'

It was not simply a matter of adding grassroots perspectives to mainstream modes of inquiry or of popularizing mainstream biomedical practices at the periphery. In the IHRG/NUM model of participatory worker-generated knowledge, the realignment of elite and shop floor knowledge changes the nature of *whose* questions are taken up in research. The rhetorical situations that give rise to worker-generated knowledge begin not with the familiar exigencies of mainstream research – the 'gaps in the literature,' 'hypotheses to be tested,' 'problems to be solved' or 'theories to be applied to cases' – but with a very different motive of inquiry. The questions come from the workers – from the distribution of risk on the shop floor and the felt need to protect workers' lives. The questions manifest themselves, as Myers argues, in fights between capital and labor over interpreting the scientific data and in the wider battle for workers' control of health and safety in the workplace, in consultation with union-based occupational health professionals. The aim of worker-generated knowledge is expressed epigrammatically in the words of 19th century working-class radicalism that appear in the British *Poor Man's Guardian*, namely: 'What we would like to be informed about is – *how to get out of our present troubles*' (quoted in Johnson, 1979: 84, italics in original).

In the asbestos industry, as the last mines were closing, the sense of what constituted the 'present troubles' of mineworkers shifted from conditions on the shop floor to the retrenchment of an entire industry and its local economy. When Gefco's Whitebank mine near Kuruman shut down in 1991, mineworkers complained that their exit medical screenings, which determined their eligibility for compensation, were faulty. As a result, Abdullah and S.J. Manjra from the IHRG and three NUM shaft stewards checked the screenings and served as advocates for retrenched workers' right to compensation. Abdullah and Manjra found that only 20% of the x-rays they examined were of good quality, with another 60% of poor quality but just readable. Ninety-five percent of the lung function tests were unusable, due to the lack of training for the technician who administered them and the failure to calibrate the machines properly (Abdullah & Manjra, 1992). The medical records were in shambles. As the historian of black mineworkers V.L. Allen put it, 'it appeared that no one in the [Gefco] clinic really understood the nature of asbestos-related diseases' (Allen, 2005: 690). The IHRG/NUM project identified 106 of the 547 retrenched mineworkers with evidence of asbestosis, and applications for compensation were made on their behalf.

The terms of the IHRG's work changed from the struggle for workers' control of health and safety at the shop floor level to the struggle for compensation and medical care. Anticipating the long-term health effects of

asbestos contamination, Sophia Kisting and Elizabeth Nolokwe of the IHRG began a program, funded by the British Trades Union Council, to train health care professionals to recognize and treat asbestos-related diseases – to make health providers understand that asbestos-related diseases had been misdiagnosed for years and that they were living in the midst of an epidemic.¹²

The Asbestos Summit of 1998

The transition set in motion by the closing of the asbestos mines converged in the 1990s with the political transition to a new democracy in South Africa, creating new possibilities for asbestos activists and the occupational health movement. This is evident in the Asbestos Summit organized by the new government in 1998 as a national forum to assess the problem of asbestos in its multiple dimensions and develop recommendations as an agenda for action. The Summit consisted of representatives of the state, industry officials, union leaders, health professionals and community members. The proceedings of the summit reveal a sense of high anticipation that the new government would address what the *Declaration of the National Asbestos Summit* called the ‘legacy of human suffering and environmental damage that we inherit from a century of mining and irresponsible use of asbestos, and the efforts of affected communities and workers to bring these to the attention of government’ (National Asbestos Summit, 1998: 5).

One of the striking features of the Asbestos Summit was the fact that voices of villagers and workers were heard. Community representatives from workshops that met in each province in preparation for the Summit brought the perspectives from the shop floor and from villages and townships that Francis Wilson had found missing 20 years earlier at the 1978 ‘Economics of Health Care.’ For example, Seyathie Mitha from the Northern Cape Environmental and Welfare Department introduced the members of the Northern Cape delegation by reminding listeners that they came from a ‘forgotten province,’ far away and hard to get to but the place ‘where the real [asbestos] dumps are, and these are the people who live alongside these dumps’ (National Asbestos Summit, 1998: 23).

Sophia Kisting was one of the organizers of the Summit, and IHRG influence – and more generally the influence of occupational health activism in the trade union movement – can be seen in the Summit’s recommendations for community and union participation in public awareness campaigns, health monitoring, research on health risks, and rehabilitation. The IHRG figured prominently in several of the speaker’s accounts of their experiences in the asbestos industry. Speaking on behalf of the new government’s labor caucus, CAWU leader Fred Gona noted the non-awareness of the dangers of asbestos that prevailed in asbestos cement factories ‘until the trade unions came into contact in the early eighties

with the progressive NGOs. Particularly Industrial Health Research Group (IHRG) which is based in Cape Town, and other health groups in other provinces. It was through the IHRG's medical doctors, health and safety functionaries and researchers that we became aware of these dangers of asbestos' (National Asbestos Summit, 1998: 47).

Charles Kadalie, an electrician and South African Municipal Workers Union (SAMWU) member exposed to asbestos in Cape Town power stations, described his frustrating experience with faulty medical screenings and the endless paperwork of the state compensation system. There is a barely suppressed fury that the annual x-rays and lung function tests administered by city medical officers had failed to diagnose his asbestosis and the asbestos-related diseases of co-workers 'physically worse off than what I am' who 'are still working in that dangerous environment.' As Kadalie explains, it was only after his wife, an occupational nurse, arranged for him to see a hospital physician and eventually a thoracic surgeon that he was diagnosed with asbestosis in 1997.

Kadalie credits the IHRG's Jeebhay for demanding medical release of his x-rays from the city of Cape Town, which clearly revealed signs of asbestosis as early as 1992. He thanks Sophia Kisting for managing his health care and for telling him that 'if we wanted to take this matter further, then we would have to drive this process' and get SAMWU involved. As a result, Kadalie says, 'together we [SAMWU] embarked on an investigation, some research and awareness programmes of our own' (National Asbestos Summit, 1998: 36).

Kisting's presentation to the Asbestos Summit, 'The Heavy Burden of Disease and the Challenge to Prevent Further Disease,' linked the IHRG's two-decades long involvement in asbestos activism to the moment of political change and economic transition that marked the Summit, as the mines closed and workers faced retrenchment. She distilled the hopes of asbestos activists that with the new government the abatement of asbestos contamination, the treatment and compensation of current disease sufferers and the prevention of further disease were achievable goals. In recognition that the diseases caused by asbestos are environmental as well as occupational, she presented the growing sentiment that all asbestos-related disease sufferers should be compensated and provided with 'accessible clinics.' In keeping with the IHRG's emphasis on the value of popular knowledge, she called for workers and community members to be included: in 'ongoing participatory research'; in education, public awareness and health training programs; in an 'interdepartmental asbestos forum' to coordinate the various government agencies dealing with asbestos; and in the evaluation of substitute materials for asbestos in the manufacturing sector (National Asbestos Summit, 1998: 39–46).

Kisting was acutely aware of the retrenchment of mineworkers and the economic impact of mine closings in rural villages near Prieska, Kuruman, Penge and Msauli. She presented a central point of contention

at the Asbestos Summit that not enough was being done in the former mining districts to include local villagers and retrenched mineworkers in the rehabilitation of mines and dumps and in the maintenance and rehabilitation of housing, schools and other buildings that used asbestos as a construction material. A number of speakers reinforced Kisting's concern that the skills transfer promised by the government had not materialized in the rehabilitation projects run by Eko-Rehab, the main government contractor located at the historically Afrikaner Potchestroom University. Longstanding resentments are evident, for example, in the remarks of Orbet Mehlo, from CPAA in Prieska, on Eko-Rehab's virtual monopoly on rehabilitation: 'The people request participation in the rehabilitation process for example on motivation for rehabilitation. We don't need the white Potchestroom University to rehabilitate these dumps alone. We are talking about Venda University, we are talking about Kwa-Zulu Natal University, why only Potchestroom?' (National Asbestos Summit, 1998: 23–24).

In retrospect, the point is not just that Eko-Rehab did not do enough (and perhaps could not imagine how) to include communities or foster skills transfer by training local people in the rehabilitation industry. There was a larger failure on the part of the new government to deal with the retrenchment in the former asbestos mining districts by developing long-term programs to involve community members, retrenched mineworkers and village-based grassroots organizations in the ongoing identification and rehabilitation of primary and secondary sources of asbestos contamination. Eko-Rehab continued the rehabilitation of mines and large dumps it had been engaged in for the previous 13 years. It was not until eight years later, in 2006, that Robert R. Jones' government-funded study of environmental contamination included AIG village-based activists as fieldworkers in the participatory rehabilitation research called for by Kisting and others at the Asbestos Summit.¹³

The Asbestos Summit occurred at a particular cusp in South African history, at a time of transition poised between the asbestos activism of the 1980s and the demobilization and cooptation of community groups, unions and civil society organizations that became the *modus operandi* of the ANC government in the 2000s, as it turned from the economic populism of the Freedom Charter to the neoliberalism of the Growth, Employment and Redistribution (GEAR) platform. As part of the ANC-dominated tripartite alliance with the Congress of South African Trade Unions (COSATU) and the South African Communist Party, the trade union movement lost its independent edge, settling into the post-liberation period as a stakeholder in the scramble for influence.

At the same time, however, as we will see in the next chapter, the Asbestos Summit, despite its legacy of inaction, spoke directly to villagers in the former asbestos mining districts around Kuruman, arousing local hopes and expectations that led to the formation of the AIG.

Notes

- (1) Jock McCulloch (2002: 120–122) has contested Snyman's periodization, pointing out that F.W. Simson published an earlier paper on asbestosis in South Africa in 1928 and that George Slade, who had been a medical officer at a chrysotile mine in the Transvaal, completed his doctoral study of respiratory disease at the Amianthus mine between 1926 and 1930.
- (2) Cape Archives, Cape Town, South Africa, 2/KMN 35 No. 3/13/2.
- (3) As E.P. Thompson notes, the grassroots writing of commoners and working people, such as the widespread use of petitions, reveals the emergent presence of subaltern counterpublics on the periphery of the dominant print capitalism of early bourgeois society. Thompson never quite thematizes this kind of popular writing, but its persistence in his work, as evidence of the making of working-class consciousness, is telling. I owe this connection to Jan Blommaert.
- (4) Cape Archives, Cape Town, South Africa, 1/PBG No. 3/13/3/1.
- (5) Cape Archives, Cape Town, South Africa 1/KMN No. 4/2/5/1.
- (6) The number of at least 20 new reports, editorials and letters comes from the list Barry Castleman sent me (email, 14 June 2014), combined with two additional articles I found at the National Library, Cape Town, South Africa.
- (7) Barry Commoner, email to author, 14 June 2014.
- (8) For background on BAMCWU and BC trade unionism, see Wits (2012); see also Ally and Ally (2008: 171–188) and Gibson (2008: 129–155).
- (9) On the Penge strike, see Action Youth (1984: 5–6), Dempster (1984: 9), Makgabutiane (1984: 7) and Makgabutiane and Dempster (1984: 2).
- (10) Judith Cornell, interview by author, 31 July 2013.
- (11) Mohammed Jeebhay, interview by author, 2 August 2013.
- (12) Elizabeth Nolokwe, interview by author, 31 July 2013.
- (13) See the next chapter for details of this study.

4 Grassroots Activism and the Mobility of Documents: The Formation of the Asbestos Interest Group

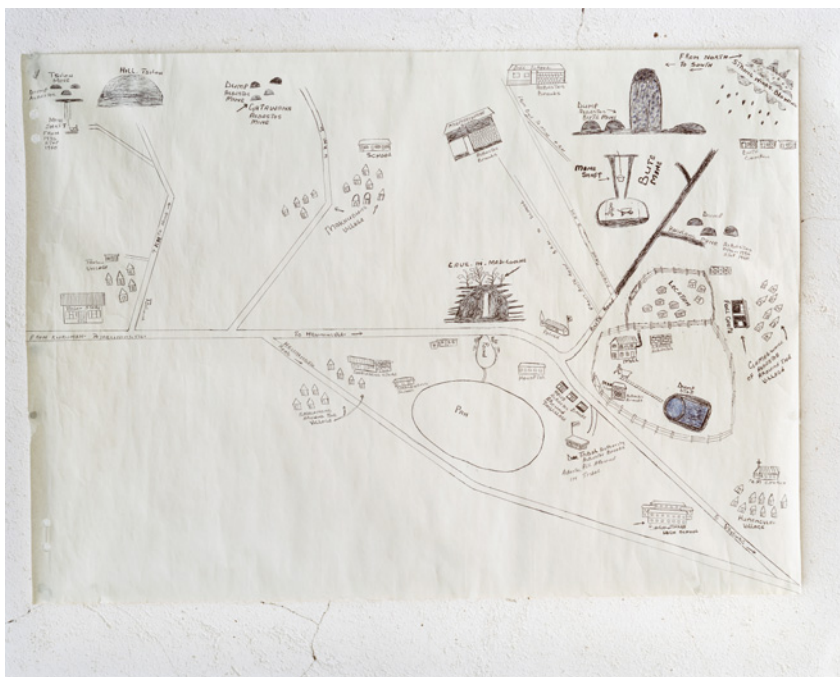


Figure 4.1 Photograph by David Goldblatt

A map, drawn by villagers, showing the occurrence of blue asbestos fibres around their homes and in their district, photographed at the Moffat Mission, Kuruman. 21 December 2002

The formation of the Asbestos Interest Group (AIG) was due in good measure to the efforts of Stephen Kotoloane, who lived in the village of Ga-Mopedi, a little over 20 miles from the town of Kuruman. Kotoloane never worked on the mines but was active in civic affairs and had been a lay minister in the Kuruman district since 1973. He was also a translator in 1998–1999 for the historian Nancy Jacobs during her research on the socio-environmental history of rural villagers around Kuruman.¹ According to Kotoloane, he became aware of the dangers of asbestos inadvertently when he showed Jacobs minerals he displayed in his home for their mysterious beauty, and they turned out to be asbestos. At the time, Kotoloane says, he thought of them as ‘beautiful stones’ and had no idea the blue fibers in the rock were dangerous. In any case, for Kotoloane, the ‘beautiful stones’ turned into what he called ‘killing stones.’²

After talking with Jacobs about the dangers of asbestos, Kotoloane began to recall his experience as a lay minister meeting mineworkers at the end of their shifts, ‘looking so dusty when they come out from work that somebody would have to show me the person.’ He connected the exposures in the workplace he had witnessed to the health risks of asbestos-related diseases he just learned about from Jacobs. When her research in Kuruman ended in 1999, Jacobs left Kotoloane a book and some articles about asbestos. He says he was ‘lazy’ at times reading these unfamiliar types of texts but also was able to extract key meanings: ‘sometimes I came across words that speak of people dying. How.’ By 2001, when Jacobs returned to Kuruman with the Asbestos Collaborative (AC), an undergraduate research project she initiated with South African and US students and faculty, Kotoloane had already developed a local understanding of the lethal presence of asbestos.³

The birth of the AIG was part of a chain of events that began with Kotoloane’s involvement as a translator and local intermediary at the village meetings the AC held during its research trip to Kuruman. As noted in the Introduction, the AC’s visit converged with a wave of asbestos awareness and activism. By 2001, Edward Mathlabane, who attended the 1998 National Asbestos Summit, had already set up a local organization in the village of Ncweng, and Jannie Roodt was starting the largely Afrikaner group Kuruman Asbestos Sufferers in town. In Prieska, the historic Cape plc legal case on the part of Concerned People Against Asbestos was in full swing. The South African attorney Richard Spoor had just arrived in Kuruman, where he worked with AC members Scott Bulcao, a New York University law student, and Lucia Trimbur, a Yale sociology/African American studies graduate student (and my daughter), taking verbal testimony from asbestos disease sufferers and surviving family members and visiting village chiefs and other local officials to explain how a compensation case might be brought against Gencor and its asbestos mining affiliates Gefco, African Chrysotile and Msauli.

The two South African co-leaders of the AC – Sophia Kisting and Simphiwe Mbuli, who worked at the IHRG before taking a faculty position at Peninsula Technikon in Cape Town – connected the AC to the IHRG’s occupational health activism of the 1980s and 1990s.⁴ Most of the AC student researchers operated out of the IHRG office at the University of Cape Town (UCT). Kisting was the leading force in the project, orienting the American students, who were new to the politics of asbestos in South Africa, and defining the AC research agenda as an update on the implementation of 1998 National Asbestos Summit recommendations.

In the early stages of the project there was no definite plan concerning the written form the research would take or how it would be disseminated. This changed when AC members visited the parliamentary portfolio committee of the Department of Environmental Affairs and Tourism, and chairperson Gwen Mahlangu asked when the committee could expect their report. No-one had anticipated such a request or imagined that AC research would be given a hearing in parliament. The rhetorical situation suddenly became much clearer in terms of forum, audience and genre, but also more daunting.

In the next section, we will look at how the design and composition of the report grew out of the AC’s tacit textual repertoire. Here we focus on the moment of delivery, when the AC’s South African members presented the report to the parliamentary portfolio committee on 12 October 2001.

Delivery involves more than the transmission of a document. As one of the five canons of classical rhetoric, delivery (or *pronuntiatio*) refers to the multimodal resources activated by the rhetor, including the pitch, force and velocity of the speaker’s voice, as well as gestures, movement, eye contact, dress style, grooming, and so on.⁵ In classical rhetoric, delivery emphasized the physicality of the speaker’s body in the performance of the oration. More recently, postmodern and digital rhetorics have retained this emphasis on the materiality of delivery but have transferred it to the circulation and uptake of print and electronic texts, underlining the mobility of texts within (unequally) distributed systems of encoding and decoding.

The delivery of the AC report to parliament was enacted by a collective agent rather than a single speaker. The South African members of the AC – Kisting, Mbuli and the two Peninsula Technikon students Mpho Matsipa and Kagisho Motsemem – were joined by Stephen Kotoloane and SAMWU activist and asbestosis sufferer Charles Kadalie (who just appeared in the previous chapter). This particular combination of elite and grassroots sectors was itself a performance, signifying that the report was based on an informal alliance across national borders and institutional locations, between university-based activists in South Africa and the United States (represented by the AC members) and village-based and urban grassroots activists (represented by Kotoloane and Kadalie).

To put it another way, the delivery of the AC report to parliament carried Kotoloane along with it, transported by the trajectory of the report from the village of Ga-Mopedi to metropolitan forums of deliberation. If little ultimately came from the government's side as a result of the report, the moment of delivery nonetheless heightened Kotoloane's sense of urgency: 'when we came back from parliament we decided we can't just sit back and wait for the results. Something must be done.' Right away, Kotoloane telephoned Kisting. As Kotoloane notes, their conversation was pivotal in forming the AIG:

So I called Dr. Sophie Kisting and asked her is there no way we can start a campaign of awareness to communities. She said yes but it would be very expensive because it would need money and there is no money. The best thing you could do, she advised me, is to write down what you think could be done and maybe we could try and find funds. And most probably kept contact with her all the time and in the meantime I started forming the committees in the very five villages. We formed committees at Sedibeng, at Ncweng, at Seven Miles, at Ga-Mopedi, Lokaleng. There was already a committee at Ncweng.⁶

The conversation between Kotoloane and Kisting linked the union-based asbestos activism of the IHRG to the village-based organizing in the post-liberation period of the 2000s. The IHRG's participatory ethos is evident when Kisting tells Kotoloane to make a list, to begin the process of inventorying and analyzing the current situation (the 'present troubles') and imagining what might be done. The AIG formed in late 2001 and early 2002. Within a year, the AIG had recruited over 80 villages.

This chapter traces how the AIG absorbed the experience of asbestos activism in the struggle years of the 1980s. Through its contacts with trade unionists, radical health professionals, community organizers, labor lawyers and activist academics, the AIG translated the prospects of the earlier union-based occupational health activism in South Africa to the new conditions of retrenchment. The AIG created a grassroots version of asbestos activism based in the rural villages of the Northern Cape and North West provinces rather than the workplace. Much as the shop floor was the 'fulcrum' of worker-generated knowledge in the IHRG's work with unions in the 1980s and 1990s, the village was the fulcrum of the AIG's community-based organizing and its grassroots research in the 2000s.

In this chapter, we follow the textual history of the AIG's formative moments, with a particular focus on three sets of documents:

- the AC report to parliament and the AIG pamphlet 'Asbestos and Asbestos-Related Disease: What People Need to Know' which distilled the AC report;
- the AIG constitution; and
- the AIG's grassroots research, as illustrated by the household survey which was presented at the Gencor launch and hand-drawn maps which recorded the location of secondary asbestos contamination.

The question that hovers over the chapter grows out of the dilemma of the AIG's grassroots activism, namely, how can an organization at the periphery, partially plugged into and partially bypassed by mainstream literacy, move the interests, experiences and aspirations of villagers across social locations, from the grassroots to elite spheres of influence?

The Asbestos Collaborative and the AIG: From Report to Pamphlet

The AC (2001) report, 'Asbestos-Related Disease in South Africa: Opportunities and Challenges Remaining Since the 1998 Parliamentary Asbestos Summit,' can be read, on one level, as a further realization of the vision of asbestos activism that Sophia Kisting outlined in her speech at the 1998 National Asbestos Summit, when she called for active state involvement, with union and community participation at all stages of policy development and implementation. Like Kisting's comments at the Summit, the AC report was attuned to the widespread effects of retrenchment and the subsequent need to link the devastations of disease and contamination to unemployment, poverty and social neglect. The legacy of asbestos mining, the AC report recognized, was not simply a medical or environmental problem but a larger historical disaster requiring progressive regional and local social reconstruction to deal with the closing of the asbestos industry in all of its ramifications. Above all, the report projected Kisting's optimism that, given the chance and resources, something could be done, that villagers and unions could work with the new post-liberation government to solve the problems left behind when asbestos mining ended.

In terms of the design and composition of the report, the AC's first visit to parliament activated the textual repertoires of the students and faculty involved in the project. This knowledge about writing operated largely at a tacit level, where semiotic resources had been naturalized as taken-for-granted forms of rhetorical agency and cultural capital. These means of representation were not so much waiting in the AC authors' rhetorical toolkit to be transferred to the new writing task but rather were reconstituted and *made available* to the AC authors as the pressure of the rhetorical situation triggered pedagogical memories of antecedent genres.⁷ What resulted was the felt sense that the standard policy report, like those issued by universities, research institutes, foundations, think tanks, non-profits and advocacy groups, with its central focus on 'findings and recommendations,' was the default genre setting. One of the report's authors described the process of composition as 'organic,' which indicates, I think, that the genre was never explicitly named because it did not have to be – because it was activated just below the threshold of consciousness as a variation on the familiar, deeply imprinted format (introduction, methods, results and discussion) of the experimental article and the laboratory report.

- (1) To intensify rehabilitation efforts, with increased community involvement;
- (2) To expand health services and medical surveillance, and remove barriers and inequities in the compensation system;
- (3) To develop educational programs to raise awareness of asbestos and to inform local residents of their legal rights; and
- (4) To ban asbestos mining, manufacturing, and import.

Figure 4.2 Main recommendations of the Asbestos Collaborative

For the AC, the rhetorical motives that gave rise to the report were two-fold: (1) to come to terms with the largely unrealized recommendations of the National Asbestos Summit; and (2) to serve as a conduit for the voices of villagers. In the first instance, the AC authors used the four commissions of the Summit as a template, or intertextual framing, to organize the report's four main sections and their findings and recommendations (see Figure 4.2). As a follow-up to the implementation of the Summit's recommendations, the AC report assumed a rhetorical stance that subordinated the assignment of blame for governmental inaction to the ostensibly more constructive motive of 'identifying barriers' and 'removing obstacles' to the realization of the Summit's recommendations. This rhetorical stance enabled the AC to affirm the work of the Summit by defining it as an unfinished agenda rather than a failure on the government's part.

On the other hand, the AC report also presented itself as a 'conduit' through which the 'voices in these rural villages' and the 'testimony of those living with ARDs [asbestos-related diseases]' could enter parliamentary deliberations (AC, 2001: 13). From this angle, the AC used the metropolitan resources of the academic research report to articulate the experience and perspectives of those who lived on the periphery. By channeling villagers' and workers' voices, the AC report recorded grassroots understandings that had long been overlooked or disqualified as irregular, naïve, non-compliant, ungrateful, or some other deviance from the mainstream epistemic register. Popular suspicions that the present state of affairs is rigged against those on the bottom have for the most part been filtered out of mainstream knowledge production.

To put it another way, the geohistorical predicament of the periphery possesses the rhetorical capacity to throw prevailing systems of meaning making into crisis by asking unseemly, indecorous, insolent or otherwise inappropriate questions. Sometimes, for example, a comment from the grassroots redefined familiar terms and opened alternative ways of understanding, as this quote from a worker in Cape Town does:

The worst occupational hazard is not to have a job. (AC, 2001: 52)

A sense of frustration pervades many of the comments from members of the Ncweng Asbestos Committee, which formed shortly after the National

Asbestos Summit. One man noted the bureaucratic runaround the group had received from the government:

It's years since we are talking about unrehabilitated dumps and still nothing is done. Each time we meet with someone, that one sends me to the next one, to Kimberley, to Pretoria, and still nothing is done. (AC, 2001: 3)

Another commented on the indifference and active discouragement of government officials:

We have gone several times with this issue [secondary pollution] to the Department of Health but they are not so interested in talking about it. They have even gone so far as discouraging our committees from working with others because they say it lowers our dignity to do so. (AC, 2001: 37)

The mistrust of experts, based on the perceived social and epistemic distance between professionals and laypeople, is evident in this comment from Ncweng:

When someone comes to look at our dumps, that person must not use a helicopter or a plane – he must rather come be a part of us. (AC, 2001: 41)

As the AC report notes, the racialization of the medical system and the loyalty of mine doctors to the asbestos companies have created suspicions among villagers 'about the loyalties of *all* physicians' and doubts that the medical services offered to whites and blacks are equal. The perception that whites receive better medical care and more diagnoses of asbestos-related disease, while blacks are sent to inferior doctors, misdiagnosed and given substandard treatment is the inevitable result of yet-to-be-dismantled racial divisions and hierarchies in South Africa. At the grassroots level, this mistrust of the system is not just a sign of alienation from the mainstream but also an analytical tool, as may be seen, for example, in this comment from a resident of Ga-Mopedi:

We would appreciate it if all the people affected by asbestos, black and white, go to the same hospital. If there is one thing to be done, though, we need a clinic where both white and black attend. This would satisfy us that we are being treated equally. As it is now we see no whites at the clinic. Does this mean that whites are not affected? (AC, 2001: 54)

In the AC report, such observations serve, on the one hand, as data authorized by first-hand experience that reinforce the report's identification and analysis of 'structural barriers.' On the other hand, inflected by suspicion, doubts and mistrust, the words of villagers and workers inscribe a counter-epistemic register in the AC's report, a line of inquiry that begins with the question that comes, as we saw in the last chapter, from life on the periphery, namely '*how to get out of our present troubles.*'

When the AC report traveled to parliament, it was recognized as a familiar genre, its rhetorical status guaranteed by its realization of the

conventions of the standard policy report from an academic research group. The mobility of the document – its capacity to ‘have voice’ across social locations – was never in question, as it moved from the world of academic research to the public forum in parliament, from one elite sector to another. The report, however, did not travel as seamlessly to the villages around Kuruman, where it loomed as a dense and difficult-to-read document, marking the semiotic distance between elite literacy sectors and villagers who were only partially inserted into the textual world of academic research reports and specialized knowledge. Reception of the AC report was variable: many villagers acknowledged its existence iconically, whether they read it or not, as a document that they knew spoke on their behalf. Others extracted salient points from readings that were necessarily selective due to villagers’ partial familiarity with the genre. The mobility of the report, in other words, was real but restricted and largely unidirectional, ‘globe-hopping’ from one elite sector to another, university to parliament, carrying Kotoloane and Kadalie with it but partially bypassing the switched-off villages in the Kuruman district, precisely those places the AC report hoped to speak for and to.

Accordingly, shortly after the AIG was established, Kotoloane asked the AC to popularize the findings and recommendations of the report for readers around Kuruman, to turn a nearly 100-page research study into a short pamphlet the AIG could translate into Setswana and Afrikaans to distribute to villagers and township dwellers. I was the lead writer on the pamphlet in June 2002, working with Lundy Braun, Kisting, Aitken, Kotoloane and other AIG members, and with Lorato Trok and Chalene Pretorius from Moffat Mission, who were the translators. The 30-page pamphlet, ‘Asbestos and Asbestos-Related Disease: What People Need to Know’ (Figure 4.3), was designed and published later that year by Moffat Mission in three languages, with subsequent revised editions published in 2009 and 2014, mainly to provide updates on the compensation procedures that resulted from the legal settlements that established the Asbestos Relief Trust (ART) in 2003 and the Kgalagadi Relief Trust (KRT) in 2006.

From its inception, the design of the pamphlet entailed more than translating material from the report by condensing information and adjusting the readability index of the prose. It also involved mediating the discursive inequalities and epistemic distances that prestructured the production and circulation of knowledge about asbestos in the Kuruman district. A seemingly minor incident in the life of the pamphlet illustrates this point.

In discussions with AIG members it became clear that villagers were only beginning to recognize differences between the types of asbestos-related disease and that the biological mechanisms of these diseases were not widely understood. Villagers had been accustomed to thinking in terms of ‘chest ailments,’ which lumped together asbestos-related disease,

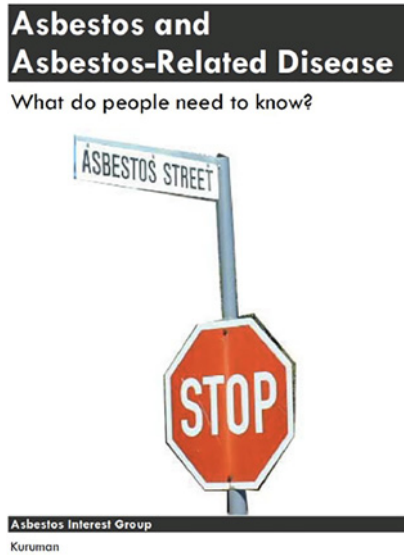


Figure 4.3 Cover, Asbestos Interest Group pamphlet, 2007

tuberculosis, asthma and other lung conditions in one category. This local understanding was the result, on the one hand, of the lived experience of villagers as they were forced to make sense of the host of respiratory illnesses prevalent in their communities and, on the other, of the systematic misdiagnosis, medical underreporting and restricted circulation of information about the asbestos-related diseases that created and maintained the distance between metropolitan bodies of knowledge and what people could know at the periphery.

The design of the pamphlet, in other words, was not so much a replication of knowledge that transferred information from one genre to another, from an elite to a popular register. Instead, it amounted more to a localization of knowledge that mediated elite and grassroots understandings, drawing on both to realign the unequal distribution of knowledge between center and periphery. This is why, for example, a diagram of the lungs (Figure 4.4) was added to visualize the location of the three asbestos-related diseases. A second diagram was added to illustrate the biomechanism of cancer as the proliferation of cell division. In both cases, the design motive was not to correct mistaken popular perceptions, as is true in many health education projects, but to unpack the possible meanings of the local term ‘chest ailments,’ in a collaborative undertaking to connect metropolitan knowledge and grassroots understanding (see, for example, Balsheim, 1993).

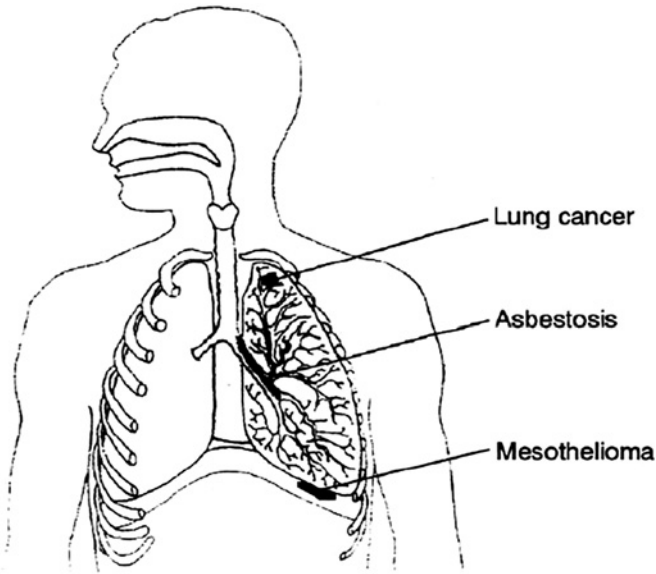


Diagram of the lungs and asbestos-related diseases

Figure 4.4 Diagram, AIG pamphlet

Making an Organization: The AIG Constitution and the Alliance with Moffat Mission

The AIG constitution was the outgrowth of a personal pact between Stephen Kotoloane and Richard Aitken, based on months of continuing conversations and common work after the AC visit to Kuruman. Kotoloane notes the moment when this relationship turned into the public alliance between the AIG and Moffat Mission and Aitken became the AIG's scribe, with his access to elite literacies:

We formed a committee in January 2002, and we were looking for people who could help us get in contact with some government departments and so on. So we came to Moffat Mission and we asked the director whether we could hold our meetings here as a center. He accepted our request and we later asked him to be one of us, of our committee. And he so well accepted that and when we had to do some applications and write some letters he was the one to do that for us.⁸

Aitken, in Kotoloane's words, was the AIG's 'main contact person. Or a main messenger, or secretary, and adviser.' This was the division of labor that gave shape and energy in the early days to AIG activity, as Aitken used his access to metropolitan institutions and Kotoloane used his local knowledge as interwoven resources for grassroots interests. This was the matrix from which the AIG constitution emerged.

It is not unusual for organizations to exist, often for substantial periods of time, before their constitutions are written. The AIG, for example, had already organized nearly 40 villages by the time its constitution, which was dated March 2002, was actually published later that year. Still, what gives constitutions their special rhetorical force is that they signify the origin of the group, the moment of an organization's coming into being. Such 'constitutive rhetorics' of political manifestos, social movements and grassroots activism create not the organizations themselves, which can exist long beforehand, but the collective destiny an organization is meant to embody, emerging from the past in the name of a future already foretold in the founding moment. This is evident in the preamble of the AIG constitution:

Whereas the lives of thousands of people in the Northern Cape and North West Provinces have been damaged through disease deriving directly and indirectly from asbestos mining over many decades;

And whereas the lives of many people in generations to come will suffer disease deriving from asbestos mining and asbestos generally polluting the environment;

And whereas asbestos pollution is a terrible scourge which characterises a vast area of the Northern Cape and North West Provinces;

Now therefore this Constitution sets out the basis on which the establishment of the Asbestos Interest Group is effected.

The hand of Aitken, as the AIG's scribe, is evident here in executing the parallelism of the 'whereas' clauses, drawn from his memory of similar documents, as available means of representation to articulate the historic destiny of the AIG. The clauses detail in broad strokes the legacy of asbestos mining, propelling readers to the 'now' of the final line, the moment of origin warranted ('therefore') in the present by the 'terrible scourge' of the past, making the 'establishment of the Asbestos Interest Group' the lever to the future.

Constitutions are founding documents that codify an organization's mission, institutional structures and terms of participation. The AIG constitution follows conventional patterns of organizational practice. There are, however, three points in the constitution worth noticing for what they reveal about this formative moment of the AIG's grassroots activism.

(1) The terms of membership

The terms of membership specified in the constitution are based not on individuals who have chosen to join but on 'committees and groups from towns, villages and communities who have come together to express their concerns about asbestos and to do practical things about it.' The AIG was founded, in other words, as a network of groups representing

villages and townships in the Kuruman area, not a voluntary association of individuals in Tocqueville's classic sense, who band together for a civic purpose outside the state and the market. No individual memberships were allowed. Nor did the AIG collect dues from the local village-based committees: 'No remuneration or fees attach to membership.'

This organizational design, as agreed upon by Kotoloane and Aitken, was important because it operated through existing geopolitical units instead of through an aggregate of individuals, thereby recognizing the authority of village chiefs, a number of whom became key AIG allies and helped to bestow popular legitimacy on the new organization. Further, basing the AIG on geopolitical units such as villages and townships rather than on individual membership emphasized how the asbestos industry had left behind a common danger affecting all who lived in the former mining districts, not an individual predicament or special interest. In this way, the village-based foundation of the AIG collectivized its destiny, positioning it to speak on behalf of the entire community.

Lastly, the decision not to charge dues for membership or fees for services was important in establishing the AIG's integrity in impoverished villages where economic desperation had produced a history of low-level corruption. As the AC report notes about grassroots organizations in the desperate time of retrenchment, '[s]elf-interested individuals may attempt to control organizations for the small financial benefit they might offer' (AC, 2001: 71–72). This was particularly true where government or grant money was involved. At the time the AIG was founded, charges of embezzlement and secret bank accounts had just been upheld in court against the local NGO Tswelelopele. In addition, everyone in the villages knew about unscrupulous claim handlers or 'sharks' who defrauded former mineworkers of their state compensation money or absconded with the money they were paid to fill out compensation forms. And there were vague rumors about sinister doings, such as the story circulating in Nweng that 'money from Europe' intended for villagers was sitting in Kuruman, its distribution blocked by shadowy forces. Local scandals, small-time criminal hustling and rumor had made villagers deeply suspicious. Knowing these popular sentiments and the petty jealousies and rivalries they could give rise to, Aitken and Kotoane sought to inoculate the AIG against charges of corruption or self-seeking advantage by not charging dues or taking fees for services.

(2) Alliances with elite sectors

The AIG constitution expresses the will to form alliances with elite sectors, to link its network of villages at the periphery in South Africa to professionals in metropolitan settings. One of the AIG objectives, for example, was to 'seek academic partners to promote the collection and analysis of research findings,' in effect codifying as an organizational aim the alliance with the university-based AC that arose more or less

spontaneously in 2001. Similarly, the AIG objective to ‘appoint attorneys and advocates to seek compensation for damages for individuals through all legal means’ gave codified expression to the AIG’s involvement, already well underway, with Richard Spoor and the Gencor case. In both instances, Aitken used the prospective language conventional in constitutions in order to frame what were in fact specific projects already in operation, already connecting remote villages in the Kuruman district to metropolitan centers of influence and the cultural capital of its professional allies.

(3) The relationship of the AIG to Moffat Mission

The AIG’s *relationship to Moffat Mission*, as institutionalized in the constitution, is the most complicated and problematic part of the constitution. It may appear at first glance an unequal one, with the AIG in the position of a dependent on the mission. The constitution stipulates, for example, that the ‘AIG will not open bank accounts nor hold funds on behalf of its members’ but rather appoints Moffat Mission as its fiscal agent to ‘operate trust accounts,’ to ‘report to its members on the use of all funds’ and to guarantee that all financial activity is audited. Furthermore, the constitution gave Moffat Mission the sole authority to appoint a coordinator to direct the AIG rather than making the position an elected one. In return, Moffat Mission agreed to ‘provide accommodation and office space for the adequate functioning of the AIG.’

From one perspective, this may look like a paternalistic relationship that evokes the era of missionaries and natives. From another angle, however, we can see how the constitution used devices of colonial authority, still actively present in South Africa, to institutionalize an alliance between Moffat and the AIG based on bonds of mutual trust between Aitken and Kotoloane and their deeply felt shared conviction of the need for grassroots organizing and grassroots research to comprehend the dimensions of the asbestos catastrophe and to develop solutions.

The point to emphasize is that as long as Aitken was director at Moffat, the mission’s apparently custodial relationship to the AIG, with its hints of the racial hierarchies of a discredited past, was meant to use the civic and religious auspices of the mission – what Aitken called Moffat’s ‘institutional virtue’ – to warrant the AIG’s incorruptibility and to buffer Kotoloane against charges of using the AIG for personal gain. The relationship was meant, that is, to counter at least partially the predictable jealousies and suspicions of corruption on the part of impoverished villagers when Kotoloane was paid a small salary as AIG coordinator. In what might look like a reversion to the days of indirect rule, when colonial officials appointed pliable native leaders, Moffat’s power of appointment, by eschewing direct democratic election, was meant to depoliticize the position of AIG coordinator, helping protect Kotoloane and the fledgling organization to some degree from the fractiousness of village politics. If

anything, not having to run for office was an important consideration in maintaining Kotoloane's leadership and the AIG's alliance with Moffat, since Kotoloane was neither a former mineworker nor of local ancestry, having been born to a Sesotho-speaking family in Free State.

Ultimately, the terms set forth between the AIG and Moffat Mission backfired after Aitken left the directorship in 2003. As we will see in more detail in Chapter 6, the gamble of diverting colonial-era models to the opposite ends of empowering grassroots activism could not be sustained past Aitken. The new leadership that replaced him used the problematic terms of dependence in the constitution not as a privileged cover on behalf of the AIG but against it, to turn the AIG into a profit-making department of the mission rather than an independent village-based organization in an alliance with Moffat. But in the years when Aitken was director, the day-to-day alliance between Moffat and the AIG, with the participation of Kisting and more sporadically other AC members, was a secure and generative source of grassroots activism throughout the Kuruman district, based finally on no more than the deeply aligned affiliations and shared structures of feeling that arise from close, trusting common work.

Grassroots Research and Semiotic Mobility

The asbestos activism that emerged in the Kuruman district was from its inception an investigation at the grassroots level into the uncharted disaster caused by the asbestos industry. Before the AIG was founded, the Ncweng Asbestos Committee was already conducting grassroots research in a household survey of the presence of asbestos in construction materials. As we will see, the two main research projects initiated by the AIG were a door-to-door household health survey and mapping exercises that identified sources of asbestos contamination. Taken together, the two projects illustrate the uses and limits of grassroots research, both its realignment of knowledges and identities and its complicated relationship to knowledge production in elite sectors.

Marked by its grassroots origins, the capacity of research to move beyond the local level in globally remote places and gain footing in metropolitan centers was hardly straightforward for AIG activists. Rather, the AIG's grassroots research was caught up in the cognitive and textual hierarchies that organize the economies of knowledge and their exchange value in the dominant epistemic regimes of the metropolis. Transactions between periphery and center are constantly taking place, as Anna Tsing notes, but they are fraught with the 'friction' of inequality. The differences in mobility between the household health surveys and the maps reveal these frictions and how they enabled and constrained the circulation of texts across social locations and spheres of influence.

The household health surveys were simple door-to-door questionnaires that local AIG committees piloted in early 2002 (Figure 4.5). Kisting met

Asbestos Interest Group: Research Project initiated in January 2002 Household assessment of asbestos pathology conducted in the greater Kuruman region Moffat Mission is facilitating this research project. It has NO direct bearing on any process of claiming for compensation. It aims to build an extensive picture of how many people have suffered from asbestos related diseases. Participation in this is voluntary. No fee attaches to providing information.

Household name: Nduduzi Address: Sedibeng P.O. Box 784 Map co-ordinates or GPS reference: Number of people associated with this household, both dead & living: 11

1. Deceased members of this household in the last TEN years:

First name State M or F	Name & ID no.	DOB + date of death Date of birth	Death certificate available: yes or no	Reason for death as stated on death certificate	Known chest or lung ailments	If asbestos worker: where? Dates? Yes: 1956 Ntsebenzi 1956 Ntsebenzi 1956 Ntsebenzi 1956
Andis	Olapeng	40.05.45-59.05.02	1905.05.14		TO, Asbestosis	Yes: 1956 Ntsebenzi 1956 Ntsebenzi 1956
Onicah	Olapeng	42.04.04-59.05.02	1904.04.12	NA	Chest pain, Puffiness, Frequent cough	Yes: 1956 Ntsebenzi 1956 Ntsebenzi 1956
Patrick	Olapeng	71.04.04-59.05.02	09.04.71	NA	TO	No
Yakobase	Olapeng	70.04.04-59.05.02	14.04.70	NA	TO, Painful eyes, Headache	No
Yakobase	Olapeng	76.03.01-59.05.02	21.03.76	NA	TO, Asbestosis	No
Onicah	Olapeng	30.03.31-59.05.02	21.03.80	NA	Asbestosis	Scholar
Onicah	Olapeng	33.07.04-59.05.02	04.09.83	NA	Painful eyes	No

2. Children under the age of 18:

Name State M or F	Surname	DOB	Educational grade	Present school	Any persistent illness	Describe chest ailments
Yakobase	Olapeng	14.12.1991	Grade 11	Yes	Severe nose bleeding, exp. cough	No
Onicah	Olapeng	12.07.1993	Grade 12	Yes	Whooping Cough	No
Gossaga	Olapeng	24.06.1997	NA	No	NA	No
Shakafang	Olapeng	07.09.2001	NA	No	NA	No

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Trial form: information about how this form would work in practice is being sought. Return to Moffat Mission with comments.

Figure 4.5 Page from pilot version of the AIG household survey

with the AIG at Moffat on 25 March 2002 to review the trial survey, which was redesigned, adding arrows to highlight boxes for researchers to record additional information, making more prominent the place for the researcher's name and including a space for the date. The survey was then administered in May 2002 in Sedibeng, Seven Miles and Lokaleng.

We were staying at Moffat Mission in June 2002 when the survey results started to arrive. As noted in the Introduction, Lundy Braun took on the task of collating the surveys, making overheads and presenting the findings at the mass community meeting held at the Maphakela Centre on 22 June 2002, to launch the legal case against Gencor.

To be sure, the findings of the household survey were limited, based on 67 samples, far short of the 3000 Aitken had made a 'nominal target' in a 21 February 2002 letter to Kisting. It was not the number, however, but the results that mattered to the audience at Maphakela, enabling them to see represented graphically on Braun's overheads the ravages of asbestos they had been living with, the high incidence of 'chest ailments,' the vernacular term used in the survey.

As Kotoloane reflected on the survey and its presentation in a later conversation with Braun:

SK: So the committee started also, I think that is Lokaleng and Sedibeng, they combined it and they started a research on a door-to-door basis. And they brought that up and as they brought it up it was then to be professionalized. I think Lundy did that for us.

LB: OK, that's right. So that was the research.

SK: Yes, you prepared it to be in a much formula way. So we made use of that.⁹

The visual display of the survey results in Braun's tables and charts (the 'much formula way') mobilized the scientific authority of quantification to strengthen popular sentiment that restitution was due to individuals with asbestos-related diseases, whether they had worked on the mines or not. 'So we made use of that': the impact of the socially useful knowledge produced by Braun's presentation of the survey results may have been local, unauthorized on methodological grounds by its scant sample size and non-standard research design, but the results were telling nonetheless at the grassroots level because of the recognition on villagers' part of their circumstances of life.

To understand the fate of the AIG household health survey, we can say that its partial realization of the conventions of elite literacy, in particular those of the epidemiological study, limited its circulation, creating barriers across spheres of influence. The local category of 'chest ailments' that the survey used was unable to identify villagers' illnesses in terms of recognized disease taxonomies. Braun, as Kotoloane notes, could professionalize the information design of the data, but in the end she could not legitimize the research design of the study or endow the survey with semiotic mobility. At the same time, we need to recognize that these partially realized conventions transferred the prestige and epistemic authority of data quantification from center to periphery, giving value to local categories of understanding and making them available, via Braun's presentation, as popular forms of knowledge in building support for the AIG's insurgent lawfare.

The AIG Maps and their Circulation

The career of the AIG maps differed significantly from that of the household health surveys. Drawn by hand on newsprint, the maps displayed the grassroots origins of their coding system much more prominently than the household health surveys' local refraction of elite research practices. Despite or perhaps because of this, the maps proved to be more polysemous and more mobile, capable of being recoded to fit into varied epistemic situations and to move across social locations. In contrast to the household surveys, the maps circulated from grassroots to metropolitan purposes, from the periphery of the globally remote villages around Kuruman to the research design of mainstream science in Robert R. Jones' government-sponsored study, 'Assessment of Environmental Contamination from Asbestos,' and to the gallery exhibitions and art book publication of David Goldblatt's asbestos photographs.

The mapping exercises came from the five village meetings the AC held during its visit to the Kuruman district in 2001. These meetings were

led by Fano Endor, who worked with Nancy Jacobs the year before on a student-based summer research project in Madagascar and who had been trained in participatory rural appraisal (PRA) techniques by Karen Freudenberger, an environmental activist with a long history of conducting PRA workshops for grassroots organizations in Madagascar and Senegal. PRA is a left-wing variant of rapid rural appraisal (RRA), a short-cut technique used by researchers and development workers to collect data quickly in remote rural locations (see Chambers, 1994). RRA developed grassroots research methods that involved local residents as informants but took the research back to the university, state agency or foundation to analyze. PRA, by contrast, was influenced by Paolo Freire's pedagogy of the oppressed and its vision of community research as 'conscientization.' PRA shifted the terms from extracting information from local informants to redistributing expertise, to turn rural villagers and township dwellers into grassroots researchers, to provide frameworks and tools to identify the sources of their oppression, to probe its causes and effects and to imagine possible action. This approach to community-generated knowledge was a good fit with the IHRG's participatory approach to occupational health activism and its emphasis on worker-generated knowledge, as represented by Kisting and Mbuli. Accordingly, the AC village meetings used PRA methods facilitated by Endor, primarily semi-structured interviews asking villages to identify and prioritize local problems and mapping exercises to locate sources of asbestos contamination.

The voices of villagers in the AC report to parliament come from these semi-structured interviews, but it was the maps that took hold in villagers' imaginations. Endor notes that some mapping of contamination was already underway when the AC held the village meetings. The mapping exercise at AC village meetings, he says, very quickly 'pushed past the simple level of an ice-breaker activity' accessible to everyone, moving rapidly from 'description to interpretation.' Villagers were 'very willing to talk, had a sense of what they wanted to tell the rest of the world, as though bottled up for a long time.'¹⁰ The maps offered a space to explain to outsiders what the villagers were living with, to show the ubiquity of asbestos in the environment they inhabited, in the abandoned dumps, derelict mines and mills, roads, fields and buildings. The villagers took to maps as a representational resource enabling them to picture the sources of their troubles, to use the visual display of mapping to articulate their understanding of local conditions. Promoted by the AIG's local committees, mapping spread quickly throughout the villages, producing over 100 hand-drawn maps in the early 2000s.

The eye-witness observations of asbestos in the places where people live gave the maps their particular authority – and their hold on viewers' attention. As the geographer John Pickles notes in *A History of Space*, 'the map does not represent the terrain as such. Instead, all maps represent a

particular image of the world that reveals the agency of the map-maker' (Pickles, 2004: 62). The rhetorical motive of the AIG mapmakers was to document the presence of asbestos and to show the world that people in the villages have to live with asbestos all around them. In this sense, the AIG maps represented in cartographic space the grounds of the villagers' grievances against the asbestos industry and the state.

Maps are multimodal compositions that combine verbal and visual codings. As Pickles says, 'the interplay' of words and pictures 'constitutes a distinctive image form in which the message is achieved largely in terms of the interplay and duality of graphic and linguistics meaning' (Pickles, 2004: 53). This intermingling of modalities – of caption and image – can be seen, for example, in the composition of the AIG map of Sedibeng (Figure 4.6), in which the meaning of the images is fixed by written captions such as 'asbestos school foundation,' 'asbestos in the yard,' 'asbestos bricks' and 'asbestos roofs from Merenco [Merencour] mine.' Even more, the reader's attention is circumscribed – and directed – by the arrangement of the captioned images and the density of documented contamination it produces, running in a horizontal band of contaminated structures across the lower part of the map to rise vertically along its right side past the 'graves' and 'asbestos toilet' to the dumps at Coretsi in the top right corner. The map image creates a cartographic sense of the ubiquity of asbestos, a feeling of being enclosed by contamination.

The five arrows at the top of the map, on the other hand, represent wind patterns and the direction of wind-borne asbestos. The arrows are what Gunther Kress and Theo Van Leeuwen call 'vectors,' or the visualization of action. The arrows enabled the mapmaker to interject 'narrative structure' into the spatialized distribution of asbestos contamination in the village, or what Kress and Van Leeuwen call 'analytical structures'



Figure 4.6 Map of asbestos contamination, Sedibeng AIG, c. 2002

that relate parts to the whole. The arrows interject temporality by showing how ambient asbestos is carried on the wind over time into the village (Kress & van Leeuwen, 1996). By giving the map image this temporal dimension of an unfolding event, the arrows signify the persistently active movement of asbestos exposure in Sedibeng, heightening the threat of asbestos-related disease coded in the analytical, spatially distributed representations of contaminated structures.

The AIG maps were of immediate use value at the grassroots level by identifying sources of contamination and thereby making visible the legacy of asbestos mining. In this respect, the maps played a key part in the AIG's coming to terms with a history that had been withheld from villagers. In discovering and representing this history, the AIG's grassroots researchers were operating, in effect, as what Phil Brown calls 'popular epidemiologists,' lay people seeking to make sense of the prevalence of disease by locating its sources, visualizing the impact of the asbestos industry on the local environment and formulating hypotheses that linked the localization of environmental pollutants to health effects (Brown, 1987).

The AIG gave the maps a historical destiny, to remap and hence to reoccupy semiotically the territory previously charted by the colonial powers that dispossessed the southern Tswana, separating town and village in the geo-racial configuration of social space known under the apartheid regime as the 'white spot' of Kuruman and the villages of the Bophuthatswana homeland. Part of the appeal of the maps to villagers is that it provided them, in the post-liberation period, with a coding system to reclaim their land, to rename its features and to rewrite its history in the cartographic space of the map.

Like the worker-generated knowledge of shop floor research, the AIG maps created original popular knowledge, an archive of grassroots research that documented sites of secondary pollution ignored by Eko-Rehab's government-funded rehabilitation projects, which focused on the primary sites at former mines, mills and large dumps. AIG mapmakers charted the neglected remnants of the asbestos industry in and around the retrenched villages of the Northern Cape, finding asbestos everywhere: in its use as a construction material in thousands of homes, schools, churches, government offices and other buildings; roads made of asbestos tailings; smaller unmapped derelict dumps; and the ubiquitous presence of ambient asbestos fibers in the villages, the playgrounds, nearby pastures where animals grazed and the open land of the surrounding vicinity. Hence, by mapping the secondary sources of contamination that only villagers knew about, AIG mapmakers amplified the potential uses and users of the maps. The maps moved beyond the local level in instances the AIG mapmakers could not have foreseen, entering the expert domain of scientific research and the artistic world of the distinguished South African photographer, David Goldblatt.

In the first instance, 11 AIG hand-drawn maps were integrated into the research design of the scientific study, 'Assessment of Environmental Contamination from Asbestos,' funded by the Department of the Environment and Tourism and conducted by Conservation Support Services (CCS, 2006), with Robert R. Jones as project manager. Like the occupational health activists at the IHRG, Rob Jones understood the value of participatory research, incorporating AIG members into the project as fieldworkers and collaborators. The local knowledge generated by the grassroots research of the AIG maps became a constitutive part of the research design: the project team compared the AIG maps to geographic information system (GIS) maps created from a database at the Department of Mines and Energy by Eko-Rehab. Based on a comparison of grassroots and expert knowledges, Jones and other CCS professionals worked with AIG participants to determine specific locations around Kuruman to investigate, identifying 80 sites of environmental contamination within a 5 km radius of 41 villages.

As the AIG maps were inserted into the study as sources of data, the modalities of grassroots research intermingled with EkoRehab's mainstream technologized science as a means to detect the presence of asbestos in the former mining districts. In this way, the research design functioned to close the semiotic distance between periphery and center, reducing the social inequality of local and metropolitan knowledges. As the maps moved across social locations, they took on new signifying power, entering into the epistemic setting of professionalized research design where the household surveys were unable to go. In the project's research design, the AIG maps were recognized as primary sources of knowledge, whereas the household surveys could never be seen as more than a partial realization of scientific research and its genres of representation.

In turn, the AIG maps were recoded, turned into quantifiable data in the determination of research sites. The maps were stripped of their primary visibility as hand drawn and observer based and incorporated into the professionalized scopic regime of the research study as units of information charted through GIS software against other technically acquired digital units of information. The maps, that is, circulated from the grassroots to the elite sector of government-funded research by undergoing a passage of form or remediation, a change in modality that enhanced their mobility and the value of the AIG mapmakers' labor at the metropolitan level of organized scientific inquiry.

By the same token, the AIG maps underwent a somewhat different transformation in David Goldblatt's asbestos photographs (Figures 4.1 and 4.7). As Goldblatt explained, 'After witnessing the excruciatingly painful death of a friend who contracted mesothelioma I did some exploring of the aftermath of the mining of blue asbestos in Australia and South Africa' (see Wits, n.d.). Goldblatt's explorations led to a sequence of photographs about blue asbestos which was exhibited



Figure 4.7 Photograph by David Goldblatt

A map, drawn by villagers, showing the occurrence of blue asbestos fibres around their homes and in their district, photographed at the Moffat Mission, Kuruman. 21 December 2002

initially at the Michael Stevenson Gallery in Cape Town in October 2003, in a grouping of 13 large color photographs including two of the AIG maps, and then appeared in a slightly different selection with one AIG map in Goldblatt's *Intersections*, a large-format art book which examined the conjuncture of political and physical geography in a range of post-apartheid landscapes and cityscapes, published in 2005 (see Goldblatt, 2003, 2005).

It is worth mentioning that although he had done commercial photography in color, the *Intersections* project was Goldblatt's first foray into color in his documentary photography. This enabled him to capture, for example, the blues of crocidolite asbestos and the neutral hues of sun-bleached landscapes in the Northern Cape. Color combined with the depth of field attained by Goldblatt's view camera to produce a remarkable level of detail in the asbestos photographs and an abiding sense of accuracy in his depictions of the legacy of blue asbestos mining. Goldblatt's commitment to accuracy is evident, furthermore, in two photographs of a tailings dump at Owendale, one taken in 2002, and the other in 2007 after the dump was rehabilitated (see Figures C.1 and C.2). The visual

experience is that of witnessing what is available to sight, down to the finest details, as viewers see the blue asbestos fibers in the tailings field in one photograph and then the stalks of the grasses planted to reclaim the dump in the second. But the imperative of accuracy, Goldblatt explained, was political as well as visual, to document an instance when the government fulfilled its responsibility to people living with the dangers of asbestos by rehabilitating a contaminated field. To picture the abatement of exposure to asbestos, thereby, not only records the exemplary action on the part of the government but also serves iconically as a standard for future action.

In Goldblatt's photographs of the AIG maps, a semiotic transformation takes place much as it did in scientific study but to quite different ends, in a passage of material form through the *technê* or productive art of photography. Goldblatt worked with the master printer Tony Meintjes, scanning color negatives of the hand-drawn maps into a computer, with the screened images adjusted for darkness, contrast and color-saturation (but, as Goldblatt notes, only to the extent possible in the traditional darkroom and not computer enhanced). The photographs were printed digitally by ink jets onto cotton rag paper (see Haworth-Booth, 2005). As in the GIS software of the scientific study, the hand-drawn AIG maps were remediated – reproduced in a new form – no longer on news print but instead in art photographs to be hung on a gallery wall or printed on the high-quality pages of an art book, recoded as objects of aesthetic attention.

The visibility of the AIG maps, suppressed in the research study, figures in Goldblatt's photographs as a source of visual pleasure linked to the investigative motives of documentary photography. The photographs of hand-drawn maps seem to dwell on the mapmakers' means of inscription and their efforts, as Goldblatt mentioned, to render the three-dimensionality of the landscape in the two-dimensional space of the page, to locate the material presence of contamination as it occupies space in the former mining districts.¹¹

Goldblatt's asbestos photographs were shot at the end-point of blue asbestos mining, in a time of retrenchment after the mines had been shut down and the industry left abandoned relics behind, both in the Northern Cape and at the Wittenoom mining village in Australia, the only major site of blue asbestos mining outside South Africa. Individual photographs explore the ruins: the derelict mill at Pomfret (Figure 2.1), the dilapidated former recreation center for white employees at Koegas (Figure 3.1), the Wittenoom asbestos mine in Australia, three men waiting under a tree on the heavily polluted road between the Bute mine and Heuningvlei, a deserted adit at the Langley mine near Prieska, and a man washing his clothes and children playing in a decommissioned mineshaft at Pomfret (Figure 2.5). The portraits of mesothelioma sufferers Ben Thorpe and Herman Kubari (Figure 5.1) and the asbestosis sufferer Boesman Kgololo reveal the ghostly pathogenic presence of asbestos.

The maps appear in the asbestos photo sequences as visual instruments of investigation, part of a grassroots inquiry that converged with Goldblatt's own explorations of the consequences of blue asbestos mining. If anything, Goldblatt seems to recognize in the maps a kindred motive to document, to bring to public attention the people and places where blue asbestos was once mined and still has a deadly active presence. In this sense, Goldblatt's photographs of the map images amount to an act of solidarity, of seeing *with* villagers the fatal distribution of risk the asbestos industry left when the mines and mills closed.

Notes

- (1) The resulting study is Jacobs (2003).
- (2) Quotes in this and the next paragraph are from Stephen Kotoloane, discussion with author, November 2010.
- (3) Stephen Kotoloane, interview by Lundy Braun, 21 September 2003.
- (4) The two American co-leaders were Nancy Jacobs and Lundy Braun from Brown University. Two of the students were from Peninsula Technikon; the rest were Americans, mostly Brown undergraduates.
- (5) Delivery was the fifth canon of rhetoric. The others were (1) invention, (2) arrangement, (3) style and (4) memory.
- (6) Kotoloane, interview by Braun.
- (7) On the notion of antecedent genre, see Devitt (2004: 202–213).
- (8) Stephen Kotoloane, interview by Lundy Braun, 21 September 2003.
- (9) Stephen Kotoloane, interview by Lundy Braun, 21 September 2003.
- (10) Fano Endor, interview by author, 2 July 2013.
- (11) David Goldblatt, discussion with the author, 11 August 2013.

5 Insurgent Lawfare and the Gencor Case: From Asbestos-related Disease Sufferers to Plaintiffs



Figure 5.1 Photograph by David Goldblatt

Herman Kabari, who worked for a year in an asbestos mill, waiting for a bus to take him to work at an iron mine. He was suffering from lung cancer and mesothelioma caused by the inhalation of blue asbestos fibres, as well as from the effects of chemotherapy. He died at the age of 48 just over a month after this photograph was taken. Kuruman, Northern Cape

We have had 3000–4000 claimants coming through the office – I am not sure anyone is keeping a daily tally. The vast amount of paper grows and grows.

These lines appear in an email Richard Aitken sent to Nancy Jacobs and Lundy Braun on 1 October 2002, to update them about the mass registration of claimants in the case against the multinational company Gencor and its former asbestos affiliates Gefco, African Chrysotile and Msauli. By the time Aitken sent the email, a small building that once housed the Mary Thompson Clinic at Moffat Mission had been converted into a Ntuli, Noble & Spoor (NNS) legal office and the AIG was sending out teams of community legal workers to local villages and beyond to explain the case and register claimants.

Aitken's email captures the mounting torrent of paperwork – the legal forms, client questionnaires, work and medical records and other assorted documents – that inundated the consciousness of AIG activists. This immersion in paperwork – the sensation of being awash in documents – was a defining reality in the formation of the AIG's identity as a village-based grassroots organization.

AIG community legal workers registered over 4000 claimants, extending legal representation to former mineworkers and surviving family members whose right to have their grievances heard in court had long been denied. The AIG's involvement in the Gencor case was the practical expression of an alliance with Richard Spoor, who masterminded the legal strategy, and its pact with Moffat Mission to represent the interests of villagers as the popular watchdog of the case. From its earliest moments, the historical destiny of the AIG was tied inextricably to the fate of the Gencor case and the out-of-court settlement that established the Asbestos Relief Trust (ART).

In the early post-liberation years, Gencor was a good target to arouse solidarity with those who worked on its asbestos mines and the townspeople and villagers who lived in the vicinity of its mines and mills. In the South African mineral sector, Gencor was known as the hardline Afrikaner outsider. Gencor was created in 1962 through a white economic empowerment scheme that Anglo-American's Ernest Oppenheimer brokered to create an Afrikaner-owned mining house. Gencor's appalling health and safety record included the 1986 Kinross fire that killed 177 gold miners, a flashpoint in the emergence of an occupational health and safety movement. In 1985, Gencor admitted it had installed a gassing system at its Klerksdorp mine to stun militant workers with nerve gas. As Laurie Flynn noted in 2006, 'When I think back to the many facets of the Gencor organisation that I have encountered in the last decade, it seems to me that Gencor is the most troubled, repressed and problematic mining organisation in the whole of South Africa' (quoted in Morris, 2006: 14).

The problem was that legal opinion in South Africa had long held that a 'veil of immunity' protected mining companies against civil cases for

wrongful neglect. According to the prevailing legal reasoning, the no-fault provision in the state-run compensation system suspended the common law right of workers to sue employers, stripping them of *locus standi*, the legal footing to be heard in the civil court. In the annals of paperwork, the no-fault provision is a classic case of textual and epistemic blockage. In terms of knowledge production, it erects barriers to investigating the wrongdoing of employers in public forums by eliminating access to the affordances of civil law. The no-fault provision, in effect, restricts the circulation of worker-generated knowledge about health and safety in the workplace, keeping workers' lived experience and shop floor understandings from being examined under the law. In textual terms, the no-fault provision was meant to keep things quiet by blocking workers from testifying in court. The no-fault provision, in effect, presided over the absence of legal evidence about health and safety in the workplace. That, of course, was the point: beginning in Germany under Bismarck in the 1880s, modern industrial compensation systems were established in part to neutralize an emergent class consciousness of health and safety issues by trading statutory entitlements to scheduled benefits for a class peace that held no-one responsible for injury and disease in the workplace.

For Spoor, the Gencor case was a legal crusade to restore workers' common law rights – to lift the veil of immunity and secure the *locus standi* to bring charges against a villainous mining house. The motivating force in the case was the shared reckoning on the part of NNS, the AIG and Moffat Mission that the time had come to test the prospects of justice in the new South African polity – that a mass mobilization of neglected and desperately ill ex-mineworkers and surviving family members would make it impossible to ignore the scope of suffering and maintain the immunity of a now defunct and widely discredited asbestos industry.

The first half of this chapter examines the legal strategies of 'insurgent lawfare' in the two main cases against the asbestos industry during the early post-liberation era, the Cape plc case in Prieska and the Gencor case in Kuruman. The second half concerns the paperwork of the Gencor case and how the AIG's textual labor brought to the grassroots level the affordances of legal representation and the complex refashioning of villagers' identities as 'form-made persons,' clients and claimants in the bureaucratic mazes of the law. As we will see, encounters across grassroots and elite sectors, as mediated by the paperwork of the Gencor case, were invested with insurgent potentialities but also prestructured by the asymmetrical distribution of rhetorical agency.

Insurgent Lawfare 1: The Cape Plc Case and the Question of Legal Forum

The notion of *insurgent lawfare* comes from John L. Comaroff and Jean Comaroff's analysis of the 'judicialization of politics' in late

modernity, what they see as a ‘gradual shift of the political – specifically the negotiation of collective rights, recognition, and interests, of sovereign self-determination, civic values, and the public good – into the domain of the legal’ (Comaroff & Comaroff, 2009: 54; see also Comaroff, 2001; Comaroff & Comaroff, 2006). From one angle, lawfare is, in the Comaroffs’ words, ‘endemic to the technology of modern governance,’ spreading the aura of legality to acts of state rule – of surveillance, coercion, dispossession and erasure. And yet, for very different motives, the Comaroffs continue, lawfare has also been used against the state as a ‘Lilliputian strategy’ – a ‘deployment by “little peoples” against others more powerful’ (Comaroff & Comaroff, 2009: 56) – mobilizing the forces of popular justice from below. This was the insurgent potential of lawfare recognized by grassroots activists as a means for ex-mineworkers to bring their quest for justice from towns and villages on the Cape Asbestos Belt to metropolitan legal forums.

There were two main cases of insurgent lawfare against asbestos companies in the early post-liberation period: the case against Cape plc, which started in 1997 in Prieska; and the Gencor case, which started in 2001 in Kuruman. The first was a landmark legal case against the former industry giant Cape Asbestos, a protracted six-year struggle in which the community-based Concerned People Against Asbestos (CPAA) and its attorneys Leigh, Day & Co. established legal standing to sue Cape plc (the corporate successor to the Cape Asbestos Company) in the British courts, in the country of its corporate headquarters.

CPAA formed five years before the AIG, in 1996, when ex-mineworkers with symptoms of asbestos-related disease began visiting the National Mineworkers Union (NUM) and ANC offices in Prieska, asking for help in applying for compensation and speeding up claims that seemed to be endlessly lingering at the Medical Bureau for Occupational Disease (MBOD) in Johannesburg.¹ CPAA’s initial focus was facilitating compensation under the state system by arranging transportation for medical examinations at the MBOD, finally getting the system to pay ex-mineworkers’ costs for the trip. CPAA also took up a campaign against asbestos contamination in the built environment which successfully pressured the new government to pay for replacement roofs.

In a research project at the Kimberley Hospital, CPAA worked with a Canadian physician, Dr Ahmon Randeree, who put the organization in touch with Richard Meeran of the London labor law firm Leigh, Day & Co. – the transnational connections that set the legal case in motion. The involvement of NUM and religious leaders as allies in the case and at least a tacit go-ahead from the ANC gave CPAA its political footing. Over the long duration of the case, CPAA remained animated by the justice of its cause, using, as Jock McCulloch notes, ‘marches, vigils, and demonstrations as a means of generating publicity and maintaining community support’ (McCulloch, 2005b: 71).

On the legal side, Leigh, Day & Co. had already devised the strategy of seeking to sue in the British courts multinational corporations that operated in southern Africa.² The legal novelty of the Cape plc case – and what distinguished it from the later Gencor case – was the question of legal *forum*, of holding Cape accountable in its corporate headquarters in London.³ Leigh, Day & Co. argued that because Cape was a London-registered multinational firm and decisions about the mines and mills it owned in South Africa had been made in London, Cape should be subject to legal proceedings in British courts.

The question of legal *forum* – of where the case would be tried – was, in other words, not simply a matter of where the wrongful neglect and personal injury had occurred. The scene of the non-protection of asbestos mineworkers and their communities was clearly located in South Africa. The question of legal *forum* was rather a matter of the geohistorical relation between the periphery and the center – the fatal link put in place by the transnational supply chain that ran for over a century from the site of extraction in the far south to the boardrooms of the asbestos industry in the north. The legal strategy was to follow the paper trail from the periphery to the center, tracing the distribution of risk that had devastated townspeople and villagers in the former asbestos mining districts back to its metropolitan source, where the real power had been exercised and where accounts might finally be settled.

After a series of favorable judgments and reversals, the Cape case ultimately reached the House of Lords in a final appeal. At this point, the South African government intervened in the case, with the Department of Justice making a submission on behalf of the Cape plaintiffs to the Lords, arguing that the ‘allegations against Cape did not take place in a legitimate legal system and the new South African government cannot afford to determine every wrong of the old regime through its judicial system’ (quoted in Kazan, 2000). The South African government’s submission brought the moral authority of the post-apartheid state to bear against Cape, holding that the ‘discriminatory health and safety laws’ of the old regime ‘were against the law of humanity,’ violating everything recognizable as the human right to a safe workplace and safe communities.

On 20 July 2000, the Law Lords ruled 5–0 in favor of the plaintiffs. The decision was hailed in South Africa and worldwide by occupational health activists, insurgent lawyers, engaged journalists, trade unionists and involved citizens as a victory for the ex-mineworkers and their communities, a legal ruling from the highest body in Britain that came to terms at last with Cape’s habitual neglect and utter recalcitrance – that finally put Cape in its place before the court of law and public opinion in London.

This victory, however, was short-lived, as the case proceeded to an out-of-court settlement. Cape knew that it had no chance in a trial and agreed to a £21 million compensation settlement, to be held in the Hendrik

Afrika Trust, named after the first asbestosis sufferer in the case.⁴ In any event, Cape defaulted on its first scheduled payment in June 2002, throwing the settlement into a crisis that was resolved only with the settlement of the Gencor case almost a year later on 13 March 2003. In the significantly reduced final settlement, Cape agreed to pay £7.5 million in compensation to the 7500 listed litigants, offering just over one-third of what had originally been agreed to.

Understandably, the case left bitter feelings in Prieska and nearby townships and villages.⁵ Still, by upholding the right of workers from southern Africa to sue the mining companies, as Spoor notes, the Cape case ‘has changed the way we look at occupational disease.’ If the South African government supported the right of workers to bring the case against Cape to London, Spoor reasoned, it would be difficult to defend the longstanding legal immunity enjoyed by the asbestos companies in South African courts. After Cape, Spoor predicted, ‘a wave of litigation against the industry should be anticipated’ (Spoor, 2001a).

Insurgent Lawfare 2: The Gencor Case and Workers’ Access to Common Law Rights

By the time Richard Spoor began the Gencor case in 2001, he had already gained significant experience in occupational disease law, working with Leigh, Day & Co. on the Cato Ridge mercury poisoning case and, for three years, on the Cape plc case. What distinguished the Gencor case from the earlier Cape case is that Spoor sought to sue Gencor in the South African civil court under the common law. The legal strategy Spoor devised was to go around the hopelessly inadequate and largely unreformed state workers’ compensation system left over from the apartheid years to challenge the no-fault provisions that had long immunized mining companies. In a series of unpublished papers in the early 2000s, Spoor worked out the legal strategy for the case against Gencor.⁶

We will dwell over the next few pages on the intricacies of legal reasoning in the Gencor case. This is in part to recognize the ingenuity of Spoor’s reading of the statutory law of the state compensation system and the close textual analysis and legal interpretation he advanced to lift the veil of immunity. But we must also underscore the fact that Spoor’s exercise of legal expertise was enacted from a partisan position, as an advocate in the cause of insurgent lawfare waged with community allies to remake the prospects of justice for ex-mineworkers, their families and their communities in the new South Africa.

Spoor’s line of legal reasoning was meant to intervene in the epistemic regime of the law by changing its ways of knowing whose voices can be heard in civil court. What made the lawfare in the Gencor case insurgent was its struggle to open formerly inaccessible legal channels in South Africa to the black rural working class, to those who had been classified

under segregation and separate development as natives, subject to the customary law of indirect rule in the tribal authorities and thereby excluded from the rights of citizens under the common law. In the early post-liberation period, the immediate legal question of how to lift the 'veil of immunity' was caught up in the broader struggle to overturn apartheid's tribalization of black South Africans by extending universal human rights, full legal recognition and a non-racial definition of citizenship to all South Africans in the new democratic polity. The legal struggle for the common law right to sue employers for wrongful neglect took its insurgent force from this larger historical conjuncture.

Spoor began his legal theorizing with an analysis of the South African workers' compensation system. Confusingly, South Africa has two systems, one established by the Occupational Diseases in Mines and Works Act (ODMWA) of 1973 which covers only mineworkers, while the Compensation for Occupational Injuries and Diseases Act (COIDA) of 1993 covers the other occupational sectors. Under ODMWA, the compensation system was based on employer levies that paid a scant portion of the social costs of disease caused by the industry, providing ex-mineworkers with only a small percentage of lost earnings and limited medical care. As Spoor notes further, beginning with the Miners Phthisis Act of 1911, compensation was racialized, with drastically unequal benefits on the scale of 15:1 that provided pensions for white mineworkers but only lump sum payments equivalent to 18 months of earnings for black mineworkers. The greater part of the social costs of occupational disease was externalized to the ex-mineworker's family and community and to state welfare agencies, to be paid out of the general revenues without contribution from the mining companies.

Spoor notes that if the mining industry had been responsible for the full cost of occupational diseases, this would have exerted a powerful pressure to reduce risky exposures in the workplace (Spoor, 2001b). Instead, given the underfunded levies on the mining companies, it was cheaper to replace labor than to protect it, never mind improving workers' health or lengthening their span of productive employment. If anything, the longstanding doctrine of disposable black labor, compared to the costs of health and safety measures, operated as a disincentive to invest in the protection of workers' lives.

Spoor's analysis suggests that the underfunding of the compensation system depended not just on the paltry benefits it provided but also on its underutilization by eligible ex-mineworkers. Only a small percentage of black ex-mineworkers filed claims, received awards or had the free medical examinations they were entitled to under ODMWA's statutes (Roberts, 2009). Despite nearly a century of legislation, information about the compensation system was unequally distributed along racial-category lines, with most white ex-mineworkers having a general familiarity with the benefits to which they are entitled while black ex-mineworkers were

bypassed. This lack of knowledge must be seen not simply as the inertia of an under-resourced compensation system but as a tacit policy in the political economy of compensation, a willful failure to inform sick and disabled black ex-mineworkers of their rights. After all, if the majority of eligible ex-mineworkers were to file claims, the system would implode financially. Instead, statutory entitlements went unrealized and the presence of many black ex-mineworkers went unrecorded in the paperwork at the MBOD.

The compensation system acted, in effect, as a subsidy to the mining industry, providing cheap insurance that enabled employers to dispose of their legal liabilities under ODMWA's no-fault provisions. Early rulings in the post-liberation period did not appear to be particularly promising in lifting the veil of immunity. A 1999 civil case for damages based on employer negligence, *Jooste v Score Supermarkets*, had been thrown out on appeal, the court ruling that Jooste had no standing to sue because Section 35 of COIDA precluded employees from taking their employers to civil court for occupational injuries or disease. The court ruled, moreover, that the loss of rights to sue for neglect was justified by the statutory benefits COIDA provided employees. Under the no-fault compensation system, the court emphasized, no-one – neither workers nor companies – could be blamed or held liable for workplace injury or disease.

As Spoor noted about the Jooste ruling, the trade-off of benefits for immunity was unequal and unjust, clearly favoring employers (Spoor, 2001a). By giving up common law rights in order to receive limited benefits, workers were thereby rendered unable to recover full damages for personal injury. Lack of access to civil courts in effect guaranteed that many disabled and sick workers would live out their years in poverty and neglect.

The crux of Spoor's legal reasoning about employer immunity rested on a re-reading of Section 100 of ODMWA which, like Section 35 in COIDA, had long been interpreted as limiting worker access to the common law. Section 100 of ODMWA reads:

Notwithstanding anything in *any other law* contained, no person who has a claim to benefits under this act in respect to a compensatable disease as defined in this act, on the ground that such person is or was employed at a controlled mine or a controlled works, shall be entitled to benefits under the Workmens Compensation Act of 1941, or *any other law*. (quoted in Spoor, n.d., italics added)

Spoor argued that in Section 100 the term *any other law* was meant to bar workers eligible for ODMWA benefits from receiving benefits from *any other compensation scheme*, whether the older Workmen's Compensation Act of 1941 or the more recent COIDA. For Spoor, *any other law* referred to the statutory laws that established South Africa's fractured

compensation system, not to the common law. According to Spoor, Section 10 could not preempt access to the common law because the statute that established ODMWA was of a different order or genre of the law, with no jurisdiction to curtail the operation of the common law. Spoor held that ODMWA was ‘not intended to deprive persons ... of their common law rights’ (Spoor, n.d.).

Such a revisionist reading, Spoor proposed, was potentially compelling on legal grounds because it was ‘consistent with the canons of statutory interpretation that require that an enactment does not alter the existing law more than necessary’ (Spoor, n.d.). If accepted in court, such an interpretation of Section 100 would remove the veil of immunity from the mining industry and establish the *locus standi* of ex-mineworkers to press charges against the wrongfulness of Gencor’s asbestos operations. This line of legal reasoning, Spoor was well aware, remained unproven in South African law. And he realized that, for the case to succeed, it had to be a mass legal campaign, with thousands of claimants.⁷ As we will see in the next section, the alliance between Spoor’s law firm Ntuli, Noble & Spoor (NNS), Moffat Mission and the AIG became the vehicle of this mass mobilization.

The Gencor Case and the Alliance of Ntuli, Noble & Spoor, the AIG and Moffat Mission

The motive force behind the Gencor case came from an informal alliance between NNS, the AIG and Moffat Mission which materialized in an ad hoc convergence of circumstances that joined together its component parts in differently articulated linkages. For example, the link between NNS and Moffat was a cross-professional one, joining together the world of insurgent lawfare and the NGO sector of the new civil society in South Africa. Since NNS was, in effect, a renter at Moffat Mission leasing office space and incurring overhead costs, the terms of their relationship were in part contractual, mediated by memorandums of understanding about, say, who was to pay for repairs or utilities, as would be normal in the mainstream professional world.

At the same time, the relationship between NNS and Moffat was influenced by Spoor and Aitken’s shared interest in radicalizing professional practice by aligning the expertise of elite sectors with the democratic possibilities emerging in the new South Africa. Invigorated by the prospects of justice in the early post-liberation era, Spoor and Aitken’s activist bent made NNS and Moffat natural allies in the Gencor case, with a common orientation to link the powers and privileges of metropolitan credentials – from legal and civil society sectors – to the aspirations, interests and experiences of villagers on the periphery.

By contrast, the AIG’s linkage to NNS was articulated across social locations in a number of guises – as community legal workers in the mass

registration drive, as a plaintiff in the founding affidavit of the Gencor case and as the community signatory on the out-of-court settlement. In the founding affidavit, the AIG represented two classes of persons: those who have already 'been harmed by their exposure to asbestos attributable to the negligence of the respondents' and those 'who are likely to suffer harm as a result of their exposure to asbestos' in the future. The legal standing of the AIG as a plaintiff stood in for a category of persons not yet named but for whom the slow violence of continuing asbestos exposure guaranteed the onset of asbestos-related diseases into the foreseeable future.

The NNS and AIG linkage of grassroots and elite spheres of influence was evident, of course, in the mass registration drive, where the AIG supplied the textual labor that brought the paperwork of legal representation to the villages. But Spoor and the AIG also extended insurgent lawfare and grassroots activism to other theaters of operation. This may be seen in the July 2002 visit of Spoor, Kotoloane and AIG members Lorato Trok and Itumeleng Sithole to Heuningvlei, a former Gefco mill village about 130 miles north of Kuruman. The goal of the trip was to meet with the local chief and villagers, to explain the Gencor case and, if possible, to organize a local AIG branch in Heuningvlei.

The meetings at Heuningvlei led not only to support for the Gencor case and a local AIG chapter but also to a legal complaint, issued on 28 August 2002 by NNS, on behalf of the Bareki Tribal Authority and the Heuningvlei AIG, calling for Gefco to correct its 'perfunctory rehabilitation' of the mill site in town, which remained a source of asbestos contamination, and to seal the badly eroding tailing dumps around Heuningvlei. As Spoor, AIG activists and the tribal authority at Heuningvlei recognized, a protracted legal front in the campaign against asbestos needed to include rehabilitation of asbestos-contaminated sites in order to prevent further asbestos-related disease, as well as to compensate victims of asbestos after the fact.

The remaining link in the tripartite alliance between Moffat Mission and the AIG was based, as we saw in Chapter 4, on a pact between Richard Aitken and Stephen Kotoloane which was a deeply personal bond of trust to uphold the community's interests and exercise grassroots oversight of the legal proceedings in the Gencor case. As was true of Spoor's social partnership with the AIG, the linkage between the AIG and Moffat extended across spheres of influence. While Moffat Mission participated with the AIG in the common work of research and organizing at the grassroots level, its official standing as the Kuruman Moffat Mission Trust (KMMT) also provided access to elite sectors of civil society, especially in the religious domain, where the expectation, as exemplified by Bishop Desmond Tutu and others, that church leaders would speak out on morally compelling social issues was particularly compelling in the early post-liberation period. Moffat's history as a mission

station and evangelical training school enabled Aitken, as KMMT director, to use Moffat's religious auspices – what Aitken called the mission's 'institutional virtue' – to vouch for the integrity of the Gencor case and the incorruptibility of the AIG.⁸

This use of KMMT's 'institutional virtue' evoked both Moffat's legacy of pastoral care to natives and its more recent civil society activism with its emphasis on restorative justice. In this sense, Aitken operated rhetorically both as the spokesperson for the moral conscience of KMMT and as the AIG's scribe, drawing on the resources of mainstream literacy to convey the AIG's interests to elite spheres of influence. Aitken's dual stance is evident in correspondence with church leaders at a particularly critical moment in the Gencor case. In September 2002, Gencor threatened to unbundle its interest in Impala Platinum (its only remaining holding in mining), distribute the assets to shareholders, and thereby evade its financial liabilities to claimants by de-registering and going out of business. On 1 October 2002, NNS filed a motion to interdict the unbundling. A week later, Aitken wrote to the Right Reverend Itumeleng Moseki, the Episcopal Bishop of Kimberley and Kuruman, asking him to act in court as the legal representative of a class action against the unbundling.⁹

The letter draws on Aitken's personal relationship to the bishop by opening in the direct speech of the first person familiar: 'I am conscious of the large and onerous task I am asking you to take on.' The moral proposition of the communication, delivered in the intimate register of a personal letter, comes from a collective conscience – a *we* that included the bishop in its assumptions about civic morality in post-liberation South Africa. 'The legal complexities' of the Gencor case, Aitken conceded to the bishop, 'are difficult to understand.' Nonetheless, Aitken writes, '*our moral understanding is clear enough*' (italics added). Here the letter moves beyond a personal appeal to the bishop as Aitken poses himself as the witness to a shared truth in the new South Africa: '*We have, as we all know and quite rightly, entered an age of reparations for past evil*' (italics added).

Aitken's appeal to the changing times in South African history evokes the rhetorical principle of *kairos* (from the Greek 'right time' or 'right season') which marks moments of heightened salience and moral urgency that cannot be ignored. Aitken mobilized the institutional virtue ascribed to Moffat in churchly circles to frame the issue of Gencor's unbundling as uniquely a matter of the post-liberation moment, of entering 'an age of reparations,' with its moral compulsion to address the 'past evils' of the apartheid regime. This rhetorical stance enabled Aitken to represent opposition to the unbundling as irresistible to the conscience of church leaders and all right-thinking persons, to ensure that the prospects of justice are realized in post-liberation South Africa.

The terms of the pact between the AIG and Moffat are given a particularly revealing expression in notes that Kotoloane and Aitken prepared for their joint presentation on the Gencor case to the Northern Cape

Provincial Forum on 25 September 2002 (apparently as handouts for those present) (Kotoloane & Aitken, 2002). Moffat Mission, for its part, the notes say, ‘has undertaken to warranty the transparency and legitimacy of the legal process and, on behalf of our communities, attempt understanding of the immense complexities of this legal action in order that people are not deluded into false hopes and expectations.’ The AIG, for its part – from an apparently different angle – ‘is helping to give people confidence in the legal process.’

To prevent delusion but to build trust: the two undertakings articulated the problematic of the Gencor case for the AIG and Moffat. On the one hand, there was great concern about false hopes circulating in the villages, raising unrealistic expectations and exposing villagers to the unscrupulous promises of petty hustlers. On the other hand, for the case to succeed, there was a great imperative to establish its legitimacy in villagers’ eyes. This shifting perspective of both working *for* the case, actively bringing the affordances of legal representation to villagers, and monitoring *the effects of* the case, to come to terms with its localized impact, can be seen in Brenda Sethibeng’s description of her participation in the mass registration drive. ‘We volunteered all the time,’ she says. ‘We went to villages. We spent days in villages for the registration.’¹⁰ She notes that villagers were often initially wary of the AIG and ‘not cooperative.’ The ‘reason is that they said this was not the first time that the registration process was in their villages. There had been people registering them, but for money. People took their money.’

The AIG had apparently been preceded by what villagers called ‘sharks,’ grassroots hustlers who had a long history in the villages of luring credulous ex-mineworkers to pay them to file claims and then disappearing with the money. As Sethibeng’s account reveals, the Gencor case arrived at the grassroots level, not as a landmark legal campaign but rather as an occasion of petty criminality that tapped into the residual rumors and false hopes circulating in the villages that money for villagers’ suffering was finally at hand. The task AIG activists faced was to establish rhetorical footing in the face of villagers’ understandable suspicions: ‘to explain to people,’ as Sethibeng says, ‘that we are not those people, that we are from NNS and we are doing this for the community.’ The fact that the AIG, unlike the sharks, took no fees for registration enhanced the credibility of the community legal workers and helped to establish villagers’ trust in the AIG’s motives and build a popular confidence in the case.

The alliance of NNS, the AIG and Moffat Mission was a temporary social formation of differently articulated linkages across distinct spheres of influence. As a joint action, the alliance achieved its force not so much by functioning as a single unified entity but by operating translocally, across geohistorical tiers and their unevenly distributed means of rhetorical agency. If anything, these differences were crucial to the success of the case, as they endowed AIG community activists with footing in the villages,

Spoor with standing in metropolitan courts, and Aitken with influence in civil society – giving the alliance recognition and the right to be heard in multiple, normally disparate domains, from grassroots to elite sectors.

Paperwork and ‘Form-made Persons’

The operation of paperwork in modern bureaucracies typically involves an asymmetric exchange in which record keepers fill in the blanks on a myriad of documents to create what Marie-Andrée Jacob (2007) calls ‘form-made persons.’ Under the refractive pressures of documentation, the textual labor of the record keeper bends and shapes the irreducible variability of an individual’s social experience into repeatable categories, such as vital statistics, citizenship status, medical records, credit scores, certificates, degrees, licenses, benefit entitlements, tax returns, and so on. ‘As acts of classification per se,’ Jacob says, bureaucratic forms ‘leave no place for overlaps between categories, instability, or multiplicity of meanings’ (Jacob, 2007: 253). Rather, the person (and the very notion of personhood) in modern bureaucracies ‘is not based on cognitive and humanistic understandings’ but ‘is constituted and preserved by legal and bureaucratic documentary proceedings’ (Jacob, 2007: 250) – delimited and called into being by the blank spaces filled in and the boxes checked by record keepers.

Jacob’s investigation of consent forms in medical settings reveals an important and perhaps unexpected connection between agency and submission in the bureaucratic production of ‘form-made persons.’ The terms may appear at first glance to be mutually canceling opposites but, as Jacob shows, submission to medical authority by signing a consent form also activates a kind of agency that enables patients to ‘be moved along’ through the system in pursuit of individual goals, such as donating a kidney or receiving a heart transplant. Submission, in other words, cannot be understood simply as an act of abnegation that nullifies individual agency but instead figures as a more complex ‘expression of one’s subjectivity’ (Jacob, 2007: 260). Submission, that is, involves the transmission of a motive, as in the South African government’s submission to the House of Lords in the Cape plc case, the submission of a petition by a citizens group or the submission of a manuscript in academic and literary publishing. If a ‘form-made person’s’ subjectivity is the internalized recognition of bureaucratic categories, nonetheless, as Jacob suggests, ‘submission and agency are not in a zero-sum relationship’ (Jacob, 2007: 264). Rather, they are linked dialectically, with each term qualifying the uses and limits of the other.

These dynamics of agency and submission are evident in the paperwork of the mass registration drive in the Gencor case. AIG activists provided the textual labor, translating and explaining at the grassroots level a series of legal forms designed by NNS. This paperwork produced

‘form-made’ persons by turning asbestos-related disease sufferers into NNS clients and claimants in the Gencor case. This transformation was mediated by four documents which set the terms of the individual registrant’s relationship to NNS: (1) a power of attorney and mandate form; (2) a consent form; (3) an agreement concerning fees; and (4) a detailed client questionnaire. We will examine these in turn.

(1) The power of attorney and mandate

The power of attorney and mandate (Figure 5.2) authorized NNS ‘to act as my attorneys’ and ‘to make and prosecute a civil claim on my behalf.’ What began in the mass registration drive as a mobilization to recruit potential claimants was reformulated in the power of attorney and mandate as the client’s agency in authorizing legal representation. The textual convention is that of the client ‘giving instructions’ to an attorney, asserting the right of free men and women to employ legal counsel to initiate proceedings on their behalf.

At the same time, however, by signing the power of attorney and mandate, registrants submitted to professional authority, granting NNS ‘unfettered discretion’ in prosecuting the claim. The ‘power of substitution’ – for NNS to ‘act in my name, place and stead’ – delegated the authority to speak on the client’s behalf. In the dialectic of agency and submission, by ‘giving instructions,’ the registrants’ expression of agency, freely undertaken and uncoerced, resulted in being acted for, in submitting, under the ‘power of substitution’ clause, to the judgment of others to act as their legal representatives. It was not that form-made clients *lost* agency so much as they *transferred* it across social locations, from the periphery to the center, *in order to make a claim*, to realize the clients’ motives by delegating legal counsel to take Gencor to court.

(2) The consent form

The consent form (Figure 5.3) gave NNS permission to inspect the registrant’s medical and work records. The consent form, of course, is an iconic document across the professions, extending aspects of the signee’s private life to a delegated expert – a scientist, an ethnographer, a medical doctor, a social worker or, in the Gencor case, an attorney – thereby ‘making’ the social identities of research subjects, informants, patients, cases and clients. In the context of the Gencor case, the client’s consent removed the confidentiality that normally protects personal medical records, enabling them to be discharged to the professional scrutiny of NNS attorneys, to move across documentary fields from the medical to the judicial domain, where they were recoded as legal evidence of unlawful harm.

POWER OF ATTORNEY AND MANDATE

I, the undersigned:

.....

presently of:

.....

and having the ID/passport number:

.....

do hereby mandate and authorize Richard Spoor and, or, the partners of Ntuli, Noble & Spoor, with the power of substitution, as my lawful attorneys and agents and to act in my name, place and stead subject to the recordals, limitations and conditions set out below:

1. I record that while working as a miner or as a result of so working, I/my relative contracted occupational lung disease/diseases (“occupational lung disease”).

2. I further record that I believe or have been advised that I/my relative may be entitled to compensation or a greater amount of compensation than I/my relative have been awarded by:

a) My/my relative’s employer/s b) my/my relative’s former employers c) the agents of such employers d) their respective employees e) their associated entities f) their successors in title, and/or rights and/or obligations g) the state h) specific funds i) specific insurers j) any other person or entity

that might be responsible to compensate me as a result of occupational lung disease I/my relative contracted.

3. I further record that hereby authorize my attorneys to do everything necessary to prosecute or pursue my claim for compensation or increased compensation against one or more of the entities described above for the occupational lung disease from which I now suffer.

4. I further record that I grant an unfettered discretion to my attorneys to:

a) prosecute my claim or pursue my claim either as an individual claim and/or

b) prosecute my claims or pursue my claim as part of a group or class action on behalf of people suffering from occupational lung disease; and/or

Figure 5.2 Ntuli, Noble & Spoor, power of attorney and mandate form

(3) The agreement regarding fees

An agreement regarding fees (Figure 5.4) explained that NNS was taking the case on a ‘risk’ or contingency basis and ‘will be able to recover costs and fees only in the event of ... being successful.’ NNS agreed to take 15% of any successful court award or settlement agreement, which is a modest fee compared to the 30% or more typically taken by plaintiff

CONSENT			
<p>I, the undersigned</p> <p>Name (PLEASE PRINT)</p> <p>I.D. No.</p> <p>do hereby authorize RICHARD SPOOR and the Partners and Professional Assistants of</p> <p style="text-align: center;">NTULLI, NOBLE & SPOOR INC</p> <p>or their duly authorized representatives to inspect and, or, obtain copies of:</p> <ol style="list-style-type: none"> 1. medical reports; 2. hospital records, including x-rays; 3. employment records; and 4. all and any other documents/records/reports/photographs <p>which relate to me and, or, my minor children, namely:</p> <ol style="list-style-type: none"> 1. ID No 2. ID No 3. ID No 4. ID No <p>and, or the late ID No</p> <p style="padding-left: 20px;">..... (relationship to the deceased)</p> <p>Access to such records is required by my attorneys for the purpose of conducting legal proceedings on my/our behalf against my ex-employer/employers and/or any associated company or insurer for damages arising from my occupational related disease.</p> <p>I further authorize my ex-employer/employers and/or any associated company or insurer, and the Director of the MBOD to make such records as requested available to my attorneys for inspection and copying.</p> <p>I further authorize my attorneys to give permission to any of the defendants' attorneys to inspect and to copy such medical records and other records, and authorize the MBOD/CCOD, or any other company/institution to make such reports and records available to such attorneys for such purpose.</p> <p>Signed at on this day of 2002</p> <p>.....</p> <table style="width: 100%; margin-top: 20px;"> <tr> <td style="width: 50%; vertical-align: top;"> <p>AS WITNESSES:</p> <p>(1)</p> <p>(2)</p> </td> <td style="width: 50%; vertical-align: top; text-align: center;"> <p>Claimant's Signature</p> </td> </tr> </table>		<p>AS WITNESSES:</p> <p>(1)</p> <p>(2)</p>	<p>Claimant's Signature</p>
<p>AS WITNESSES:</p> <p>(1)</p> <p>(2)</p>	<p>Claimant's Signature</p>		

Figure 5.3 Ntuli, Noble & Spoor, consent form

lawyers in the United States. The modesty of the fee enhanced the NNS's reputation of credibility and good character, of being on the people's side and not in it just for themselves. Moreover, the fee structure reassured the AIG and Moffat about the ethical conduct of the case, confirming what they already knew about Spoor's non-commercial motives.

AGREEMENT REGARDING FEES

MADE AND ENTERED INTO
BETWEEN

NTULI, NOBLE & SPOOR INCORPORATED
35 Hendrick Potgieter Street, Nelspruit 1200
including their successors and assigns
also

[hereinafter referred to as "the Attorneys"]
and

[hereinafter referred to as "the Client(s)"]

WHEREAS

The Client(s) has instructed the Attorneys to institute proceedings for damages/loss of support against one or more of the following:
1. The Griqualand Exploration and Finance Company Limited
2. Gencor Limited
3. African Chrysotile Asbestos (Pty) Limited
4. Msauli Asbes Limited
AND
The Attorneys will take the matter on a risk basis or contingency basis. That is, they will be able to recover costs and fees only in the event of their being successful.

NOW THEREFORE it is agreed that:

1. The Attorneys shall not be entitled to recover their fees and disbursements from the Client(s) save in the event of success in which case the Attorneys shall be entitled to receive in settlement of their fees and disbursements, 15% of the capital sum that may be awarded to the Client(s) by any court or in terms of any settlement agreement, as well as such party costs as may be recoverable from the Defendants.

2. No further amounts shall be payable by the clients to the Attorney.

3. This arrangement remains in force whatever the degree of success that is reached, that is regardless of size of the award or settlement amount.

SIGNED and DATED at this day of 2002.
WITNESSES:

1.
SIGNATURE OF CLIENT

2.
SIGNATURE OF CLIENT

SIGNED and DATED at this day of 2002.
WITNESSES:

1.
For and on behalf of NTULI, NOBLE & SPOOR INC

2.
For and on behalf of NTULI, NOBLE & SPOOR INC

Figure 5.4 Ntuli, Noble & Spoor, fees agreement form

(4) The client questionnaire

The longest of the registration forms was the client questionnaire, which provided crucial documentary evidence for the case, including information about work history, evidence of disease, compensation status, dust levels at work, use of safety equipment, knowledge of asbestos risk and financial loss. The canon of uniformity in document design played an important role in providing the empty blanks for AIG community legal workers to fill in on the questionnaire. In ‘exemplar artifacts of bureaucratic knowledge,’ Jacob (2007: 253) observes, the design of the document ‘must be mobilized to capture and preserve attention.’

The attention captured and preserved by the design of the NNS questionnaire concentrated on obtaining information and identifying documents that could satisfy a delictual claim (from the Latin *dēlinquere*, to be at fault, to violate the public conscience) in the common law. Gencor’s mining operations, Spoor proposed to show, met the test of a delictual claim, in which unlawful neglect is determined ‘in circumstances where the omission incites moral indignation and offends the legal convictions of the community’ (Spoor, 2001a). The ‘common law of delict,’ as Spoor notes, is meant to serve as ‘an essential instrument required to ensure that employers comply with their legal responsibilities’ (Spoor, 2001a). Delictual claims, in other words, function not just as the legal grounds, at the level of the individual plaintiff, for the compensation of personal injury. They also serve as socially sanctioned deterrents to prevent employer wrongdoing, warranted by the community’s sense of justice and its expectation that employers must provide a duty of care for their employees.

In South African law, a delictual claim depended on establishing five elements: (1) harm to the plaintiff; (2) conduct on the part of the defendant; (3) wrongfulness of the conduct; (4) a causal connection between the conduct and harm; and (5) fault or blameworthiness.¹¹ The blanks on the questionnaire, as designed according to the canon of uniformity, provided the semiotic space to *entextualize* ex-mineworkers’ or surviving family members’ stark testimony of suffering and corporate guilt as evidence of these necessary legal elements. (We examine in this section how the design of the questionnaire guided entextualization; in the following section, we look at entextualization in terms of Spoor’s composition of the founding affidavit.)

The following testimony from an ex-mineworker’s widow Kgakgamatso Gloria Phumo illustrates how the design of the questionnaire drew attention to instances of harm to the claimant and Gefco’s wrongful conduct, laying the groundwork for the needed causal link between the company’s conduct and the harm to the mineworker. The first section establishes the work record of the widow’s husband and why he quit working at Gefco:

GEFCO WORK HISTORY

WHEN DID YOUR HUSBAND WORK FOR GEFCO? HOW LONG DID HE WORK FOR GEFCO?

Her husband worked for GEFCO from 1957–1990.

WHAT DID HE DO THERE? DID HE WORK ABOVE OR UNDERGROUND?

He transported asbestos; he was a driver. He worked above ground.

HOW LONG WERE HIS SHIFTS?

He worked from 6am to 7pm. He worked roughly 12 hour shifts.

WHY DID HE STOP WORKING AT THIS JOB?

He started feeling sick and was unhealthy so he stopped working.

DID GEFCO PAY YOU ANY MONEY WHEN HE STOPPED WORKING?

No.

In another section, Phumo describes the harm that came to her husband when he experienced progressively debilitating symptoms:

ILLNESSES

DID HE SEE A DOCTOR ABOUT HIS SICKNESS?

Yes.

WHERE IS THE DOCTOR LOCATED?

At Batlharos.

DID A DOCTOR TELL HIM WHAT HE HAD?

Yes. He had a cold and chest pain and then the doctor told him that it was from asbestos dust but they didn't do x-rays.

WHEN DID HE START FEELING SICK?

He started feeling sick in 1999. The doctors always gave pills but it never helped. At first, he had chest pain which later went to his legs.

WHEN DID THE SICKNESS START GETTING BAD?

1999 it was very bad.

DID HE SWEAT A LOT AT NIGHT?

Yes. He would get cold and then get a lot of blankets and then get hot.

DID HE COUGH?

Yes. He felt that there was something inside but couldn't get it out.

Finally, two sections document the ex-mineworker's experience of exposure in the workplace, illustrating Gefco's negligent conduct and its differential distribution of risk to white and black mine employees:

PROTECTION AGAINST ASBESTOS

DO YOU REMEMBER HIM WEARING ANY PROTECTIVE GEAR WHEN HE WORKED? WHAT WAS THAT PROTECTIVE GEAR?

No.

DO YOU KNOW IF OTHER WORKERS WORE PROTECTIVE EQUIPMENT?

Yes. Some whites had masks.

DO YOU KNOW WHO GAVE THE PROTECTIVE EQUIPMENT?
NA

WARNINGS ABOUT EXPOSURE

DID YOU KNOW IF GEFCO EVER TOLD YOUR HUSBAND ANYTHING ABOUT ASBESTOS DUST?

No. They never told him anything but he was bothered by the dust.

DID HE GO TO ANY TRAINING SESSIONS?
No.

DID THEY EVER INSTRUCT HIM IN PROTECTIVE EQUIPMENT?
NA

DID GEFCO EVER TELL HIM THAT ASBESTOS COULD MAKE HIM SICK?

No. They never told him that asbestos would make him sick.

WAS HE A MEMBER OF A UNION?
No union.

DID THE UNION EVER TELL HIM ANYTHING ABOUT DUST?
NA

No doubt the most poignant line in the questionnaire contains the modal shift from the hypothetical possibility in the question ‘Did Gefco ever tell him asbestos *could* make him sick?’ to the undeniable inevitability in the widow’s answer: ‘They never told him that asbestos *would* make him sick’ (italics added). The widow’s testimony drew the causal link between Gencor’s conduct and the wrongful harm that was caused to her husband, investing her account with the capacity to incite moral indignation, that Gencor’s blameworthy behavior had violated widely shared norms of justice.

As may be seen, the refractive pressure of the questionnaire’s design turned the widow and her family’s lived experience into the needed components of a delictual claim. Under the canon of uniformity, the repeatability of categories on the registration forms reframed and remediated villagers’ verbal testimony, transforming the plain speech of ordinary villagers into written legal evidence. And it also created a situation in common among registrants, as an emergent group of people who formed the collective base of the case. In the registration campaign, the unit of insurgent lawfare was mass legal action. The goal was to amalgamate the thousands of individual claims, in light of their common interest, in the founding affidavit against Gencor.

The Founding Affidavit

In South African law, the founding affidavit in a civil case is the statement sworn before a commissioner of oaths setting out the facts in support of an applicant's desired relief from the court. The founding affidavit in the Gencor case listed 'Herman Kubari and Others' as the 'Applicants,' and Gencor, Gefco, Msauli and African Chrysotile Asbestos as the 'Respondents.' Through the 'power of substitution,' Spoor occupied the position of 'I, the undersigned' who 'do hereby make oath and state' the particulars of the case. The Applicants included 12 named individuals whose personal affidavits were attached. These were claimants Spoor had assembled by sifting through the registration questionnaires to find the 'right combination' to serve as the public face of the case. The 13th Applicant, as already noted, was the AIG, represented by Stephen Kotoloane's affidavit. From the 14th Applicant on into the thousands were 'persons ... too lengthy to be said forth,' the masses of people registered by AIG community legal workers 'who have either contracted an asbestos related disease (an ARD) or who are at substantial risk of contracting same.' The names and details of these Applicants were listed on an attached schedule. For all these people, Spoor was 'duly authorized to depose to this affidavit on their behalf,' to establish before the court the scope of Gencor's wrongdoing, supported by extensive documentary evidence of harm, unlawful conduct and their causal connection.

The two modalities of the AIG/NNS alliance – the grassroots registration drive on the periphery and professional practice in the metropolitan legal sector – intermingled in the founding affidavit. In addition to the 13 personal affidavits, the founding affidavit contained 'research by suitably qualified experts into various aspects relating to the merits and quantum of the claims. These experts include – medical specialists, occupational health specialists, epidemiologists, actuaries, scientists and historians.' Part of the research incorporated into the founding affidavit was a literature review of the 'major developments of medical knowledge about asbestos' from 1898 to 1962, to demonstrate that the 'harmful effects of asbestos are well known and recognized for a great many years' and thereby to show the wrongfulness of Gencor's conduct in ignoring the admitted dangers of asbestos. The founding affidavit also included a timeline of Gencor's involvement in asbestos mining and an overview, based on its annual financial reports, that established Gencor's ownership of Gefco, Msauli and African Chrysotile and its consequent legal responsibility for their operations. In addition, Spoor managed to obtain reports of dust levels and air quality control from the Department of Minerals and Energy, comprising 15,000 pages of documents which, as Spoor notes in the founding affidavit to block Gencor's unbundling, have only begun to be examined. The mass of documentary evidence in the founding affidavit grew to over 6000 pages, organized in 14 volumes. As we will see, in the agonistic arena of the law, the sheer volume

of documentary evidence on the part of the plaintiff is meant to exert an epistemic force on the defendant, as more evidence than can possibly be refuted, thereby applying a pressure to settle without going to court.

Documentary evidence drawn from elite sectors was also at times woven into the verbal testimony of the 13 individual Applicants, as is evident in the lead affidavit of Herman Kubari. To make the causal link between employer conduct and wrongful injury, Kubari's affidavit begins by recounting the conditions at the Riries mine where he worked as a crusher operator:

4. I was employed by Gefco at Riries mine as a crusher: my duties entailed the following:
 - 4.1. To push asbestos stones with bare hands and feet into the crusher machine which was situated at the plant. The rubber coverage of the crusher machine which was supposed to prevent asbestos dust from emanating from the crusher machine itself was defective for the whole period I was there. Consequently, my co-workers and I had to cover the rubber cover with our hands in an attempt to avoid asbestos dust escaping into our work environment.
 - 4.2. I had to remove asbestos filled bags from the crusher machine at a tremendous pace to keep up with the filling process. The bags were thereafter removed. We had to sew the bags shut with needle and thread.
 - 4.3. During these procedures we were exposed to great volumes of asbestos dust. Our hair, clothes and faces were covered with vast quantities of asbestos dust.
 - 4.4. We noticed the foremen wore masks to cover their noses and mouths, but we were too afraid to ask the purpose and accepted matters as such.
 - 4.5. We worked 12 hour-day shifts. We were 12 in a team who worked at the crushing machine.
 - 4.6. At the end of the working day our faces, hair and clothes were habitually covered with asbestos dust and no shower facilities were supplied at the mine.

A few sections later, Kubari's affidavit describes the onset of illness:

6. Toward the end of my employment at Riries mine, I started to feel ill. My nose started to bleed and I started coughing. I decided to resign. I visited Dr. Grobler at Kuruman, who gave me cough syrup.

Kubari had fluid and blood drained from his lungs four times in 2000. In 2002 Kubari went to the Klerksdorp Hospital where he was biopsied. He stayed in the hospital for three weeks, but when he received 'no specialized treatment,' he 'insisted to be discharged.'

At this point, Kubari's personal testimony is interrupted and the register of the affidavit shifts dramatically as a radiological report from the Klerksdorp Hospital, dated 16 July 2002, is inserted into the document in quotes to

indicate the passage is being moved from its original context, as a 'secondary source' distinguished from Kubari's verbal testimony as the primary source:

'Lobulated soft tissue masses are seen extending throughout the left pleural space. There is associated collapse of the underlying left lung. Note that the pleural masses extending along the mediastinal pleura and there is strong suspicion of infiltration of tumour into the mediastinum. It is difficult separating tumour tissue from descending thoracic aorta. Generally there is a plane of cleavage between the heart and the tumour but, in places, there is strong suspicion of infiltration of the pericardium. There is loss of definition of the left diaphragmatic crus raising suspicion of early infiltration into the abdominal cavity'.

'Post contrast film show moderate peripheral enhancement of tumour with central areas of low attenuation suggesting necrosis. There is also an encysted pleural collection in the left lower zone'.

'Comment: The appearances are of advanced mesothelioma'.

It is uncertain why Kubari did not receive treatment at Klerksdorp, but in any event he returns in the affidavit to Dr Grobler, who referred him to the Kuruman Hospital, which then sent him to the Kimberley Hospital for another biopsy. These wanderings through the medical system – the neglect and wasted time – are painful to read. Mesothelioma was confirmed, and as Kubari's affidavit says:

11. Currently I am still receiving chemotherapy and get painkillers for the immense pain I am suffering. This therapy I am receiving makes me tremendously ill. So much that I have to stay at home for long periods of time, during which I receive no remuneration.

Herman Kubari died on 25 January 2003. In a special arrangement, he received compensation before the Gencor settlement in March of that year.

The rhetorical power of Kubari's personal affidavit comes in part from the plain style of his verbal testimony and in part from how his private suffering is confirmed by the impersonal and technical style of medical diagnosis, as the metropolitan authority of specialist knowledge serves to warrant the ordinary speech of personal experience. This combination of offsetting discourses, moreover, underscores the composed character of the individual affidavits. They are not simply transcripts of speech, presented as a literal record of what was spoken. Rather they *entextualize* the verbal testimony (and sometimes, as in Kubari's case, other documents) in a particular genre of legal writing, the affidavit.

As Greg Urban notes, the term *entextualization* refers to 'the process of rendering a particular instance of discourse a text, detachable from its local context' (Urban, 1996: 21). The notion of entextualization, in this regard, helps explain how discourse-rendered-as-text can become portable and mobile, able to move from its place of origin and be inserted into

other texts and contexts. Spoor's entextualization of Kubari's verbal testimony shows, for example, how spoken discourse can be mixed with texts from quite different social locations (such as Kubari's medical diagnosis), retrofitted to new contexts of use and meaning by professional practice. As Urban notes further, when entextualization involves replication (when Spoor, for example, renders clients' speech as the verbal testimony of the affidavit), the relation of 'original' and 'copy' inevitably poses the question of the asymmetrical distribution of rhetorical agency.

Spoor's rendering of Kubari's testimony was itself enabled by a chain of prior documents, in particular the power of attorney and mandate that delegated to Spoor the 'power of substitution,' with its authority to speak on behalf of his clients. We have already seen in the mass registration drive of the Gencor case how the dialectic of agency and submission played itself out in the fashioning of 'form-made persons,' as asbestos-related disease sufferers were transformed into clients and claimants by 'giving instructions' that delegated to NNS the authority to act in their interest. Here we look at the dynamics of agency and submission at the point of production, to examine how a lawyer's authorship of verbal testimony remediates the claimant's spoken discourse, transforming it into a written affidavit.

The legal significance of verbal testimony sworn under oath is that it is treated as truthfully spoken, as a factual account unless disputed. Its spoken character invests the affidavit with an aura of authenticity and truth telling that comes from the eye-witness authority of personal experience – as something that really happened to a person and therefore can reliably be believed. As Spoor noted retrospectively, composing the affidavits was in part an act of ventriloquism, of trying to capture the speaking voice of the individual. This is evident, for example, in the plain-spoken register of Kubari's testimony, rendered as the everyday speech of an ordinary worker, and how it creates an ethos of honesty, straightforwardness and the credibility of first-hand experience. And yet, as Spoor further acknowledged, composing the individual affidavits was also inevitably the act of a 'specialist in litigation,' a textual representation of the plaintiff that sought on the one hand to evoke the sound of the person's voice, but on the other was designed to speak on the person's behalf, 'to articulate the circumstances,' Spoor said, 'better than the person can do.'¹² In this sense, the truthfulness of verbal testimony as it appears in individual affidavits like Kubari's does not only derive from its fidelity to what the plaintiff actually said but is also a matter of rhetorical artifice – not a deception but the *technê* of making prior statements (the 'original') count as a certain kind of truth (the 'copy'), recognized as legal evidence.

A similar process may be observed in the affidavit of Gloria Phumo (one of the 13 individual affidavits in the founding legal documents) whose client questionnaire we examined earlier. The brief note at the end of the questionnaire that she was having a difficult time supporting her family is amplified in her verbal testimony. She recounts the events surrounding the

illness and death of her husband, who never received any compensation and whose cause of death was listed on the death certificate as 'dyspnea chest pain' but almost certainly was mesothelioma. The trials of the widow's family, first recorded in passing on the client questionnaire, reappears in the affidavit as a causal sequence of immiseration, as the husband's illness and death plunges the family further and further into poverty and suffering. As Phumo says concerning her husband's illness, 'Due to the state he was in, I had to nurse him, wash him, feed him, and clothe him,' revealing the invisible uncompensated labor of family members who absorbed the burden of caring for asbestos-related disease sufferers and then are left with no provisions for the future.

The individual affidavit goes on to explain the consequences of her husband's death:

16. Due to my own medical condition, (I am an epileptic sufferer), I am unable to do work to support my family.
17. I have two young children who were dependant on my husband's income and as a result we were forced to sell our house at Sedibeng in order to be closer to Tshwaragano Hospital where my husband received treatment. The money that was generated through the sale of our house, had to be spent on school fees, medical expenses, traveling and food. We now live in a shanty house which consists of only one room that is built with corrugated iron. We are totally dependant on my widowed sister, who is also a pensioner and sometimes provides us with the bare necessities. My children who are still in school are forced to go without food on most occasions.
18. Due to my husband's illness he was unable to make provisions for our present and future needs which resulted that my children and I are left destitute.

The numbered sections move with an implacable narrative force but they also interrupt and fragment the narrative, turning the widow's testimony visually into individual units of documentary evidence. Just as the AIG's grassroots maps were remediated in Robert Jones' scientific studies and David Goldblatt's photographs, the widow's testimony undergoes a passage of form, a rhetorical transformation that reorganizes the flow of speech, breaking it up and recontextualizing it according to the textual conventions of the affidavit.

As Michael Silverstein and Greg Urban (1996: 4) write, 'entextualization both reflects and constitutes asymmetrical social relations'. Such a view, of course, helps make sense of lawyer-client relations, with their power of substitution and delegation of authority. We must be careful, however, not to see the case of the legal affidavit as simply the replacement of an 'original' with a 'copy,' whereby Kubari's or Phumo's speaking voice is the originating source, which is then appropriated secondarily through the exercise of professional power and rendered as text. We must

acknowledge that the composition of affidavits is not unidirectional (the client's words transformed by the lawyer) but bidirectional (running as well in the other direction from text to discourse).

The special authority invested legally in verbal testimony derives not just from its originality (coming directly from the first-hand experience of the plaintiff) or its 'naturalness' as speech (before the artifice of writing) but rather from its position in a network of texts, including: the oath sworn before the court, which authorizes the inclusion of the testimony in the legal record; the power of attorney and mandate that delegates the power of substitution to the lawyer; and the generally accepted textual conventions of the affidavit as a well-known, highly formulaic genre of legal writing. There is a sense in which the originating discourse – Kubari's or Phumo's spoken account – is *already* framed as text. The lateral diffusion of rhetorical agency that occurs when Kubari and Phumo speak under oath ends up being concentrated vertically in the rhetorical agency of the lawyer, as Spoor recontextualizes Kubari's and Phumo's spoken words as verbal testimony in a written affidavit. These are the prestructured realities – and rhetorical transformations – of lawyer–client relations. They are not, as Jacobs says, a 'zero-sum' game but they are not exactly symmetrical either.

The Settlement

In the founding affidavit to block the Gencor unbundling, Spoor notes that in 'the time available to us we have barely begun to record and collate the mass of verbal testimony from [Gencor] ex-employees ... including geologists, engineers, mine managers and even past directors of the company who have indicated a willingness to consult with us.' It is hard to miss here the gamesmanship of insurgent lawfare – and the wry pleasure Spoor must have felt – in hinting that he possessed a mass of incriminating testimony from Gencor insiders that he had only begun to analyze. The point of the founding affidavit was to provide overwhelming evidence from multiple spheres – the massive number of claimants, the volume of documentary evidence already assembled and the veiled threat of worse to come. Its rhetorical force was to dissuade Gencor attorneys from going to court, to persuade them they would have no chance trying the case but would be better off agreeing to an out-of-court settlement.

This, of course, is exactly what happened, and the founding affidavit was never adjudicated before the law and Spoor's legal reasoning was never tested. The NNS motion to interdict Gencor's unbundling was heard in the High Court in Johannesburg between 19 and 22 November 2002, with a ruling promised for January 2003. By that time, however, Gencor was already negotiating a settlement, and the case never reached a legal conclusion. An out-of-court settlement was signed on 13 March 2003, creating, as we will see in the next chapter, the Asbestos Relief Trust (ART) and a new political economy of certifiable asbestos-related disease.

In the end, the founding affidavit was filed away, entering the vast uncharted domain of untried legal cases. Still, the verbal testimony of the 13 Applicants (the 12 named individuals plus the AIG) lingers in file drawers as eloquent, formerly unheard voices mobilized by grassroots activism, their individual affidavits giving powerful witness to the suffering of ex-mineworkers and their families and to Gencor's corporate crimes.

Notes

- (1) On Concerned People Against Asbestos (CPAA), see McCulloch (2005b) and Waldman (2007, 2011: 53–60, 113–114).
- (2) This discussion of the Cape plc legal case draws on Falender (2002), McCulloch (2005b) and Spoor (2001a).
- (3) Before the Cape plc case, Leigh, Day & Co. had attempted twice to establish the standing of Southern African workers to sue in British courts. In the first instance, a 1995 case discovered compelling evidence of the negligent mercury poisoning of workers at Thor Chemical's Cato Ridge plant in Natal but was settled out of court, and the question of legal forum was never adjudicated. The second case, representing a worker who developed throat cancer at RTZ's Rossing uranium mine in Namibia, was thrown out in 1998 by the statute of limitations, again taking the issue of forum off the judicial agenda.
- (4) Cape achieved significant concessions. For one, the documents involved in the settlement were destroyed. In addition, Cape was absolved of any responsibility for rehabilitating its former mines and dumps, passing on the costs to the new South African government. Earlier, in January 2001, Richard Spoor wrote to Enver Daniels, the Chief Law Advisor in the UK, warning that, with the settlement of the Cape case near at hand, there needed to be close attention to keeping Cape from evading its responsibility for rehabilitation.
- (5) Linda Waldman contrasts the 'relative isolation experienced by Griquatown residents with the networking and mobilisation process taking place in Prieska' to explain the more negative reactions in Griquatown, where 'this isolation undermines citizens' ability to frame asbestos disease litigation as an international victory and as a case of justice being done' (Waldman, 2007: iii).
- (6) These papers include Spoor (2001a, 2001b, 2003a, 2003b).
- (7) Spoor foresaw that such a scale would require extensive resources far beyond NNS means. He reached an understanding with London-based Thompson Solicitors, a labor law firm with a long record of representing British asbestos workers, which agreed to fund the case and provide legal assistance. Thompsons paid for two lawyers: Spoor, who worked out of the NNS office in Nelspruit, and an attorney located in Kuruman.
- (8) Richard Aitken used the term 'institutional virtue' in a letter to me of 9 February 2016, recalling the role of Moffat Mission in the Gencor case. Noting the 'entire edifice of an ecclesiastical authority standing behind' Moffat, Aitken wrote: 'It was precisely that institutional virtue that we had called upon to underwrite our capacity to insulate the participant asbestos claimants from legal abuse, or at least the hypothesis of abuse that seemed to hang in the air for so many.'
- (9) Richard Aitken to Right Reverend Itumeleng Moseki, 10 October 2002.
- (10) Brenda Sethibeng, interview by Lundy Braun, 21 September 2003.
- (11) As normative elements, 'wrongful' means a failure of conduct, for example, that an employer should have known better or taken steps to prevent injury or disease, while 'fault' refers to the degree to which wrongful conduct offends the public conscience.
- (12) Richard Spoor, discussion with author, 20 August 2015.

6 'The Lawyer Stole the Money': The Political Economy of Certifiable Asbestos-related Disease

On 16 June 2010 – Youth Day in South Africa, the national holiday that celebrates the 1976 student uprising in Soweto – Julius Malema, who was then chairman of the ANC Youth League, addressed an overflow crowd at Bathlaros Stadium, about half an hour's drive from Kuruman. The event was sponsored by the Asbestos Kgatelopele Community (AKC), a local group from Maruping that had broken with the AIG to set itself up as the authentic grassroots opposition in the Kuruman district to the Asbestos Relief Trust (ART). At the center of Malema's speech was the rumor being circulated by the AKC that Richard Spoor had stolen the ART money and that was why sick people with asbestos-related diseases were not receiving compensation. As Malema informed his listeners:

Comrades I am glad to announce that last night we managed to get the contacts of that Mr. Spoorman who stole your money. We searched for him until we found out that he is hiding somewhere in Pretoria, we are going to make sure that he comes back to Maruping and brings back your money. (Leburu, 2010: 2)

This farfetched tale about Spoor fit into an older pattern of rumors about imaginary sums of money 'from overseas' that were somehow blocked or stolen, kept from villagers by shadowy forces – rumors that tapped into a long history of desperate poverty, social abandonment and unmet promises (AC, 2001: 65). Malema's appearance on behalf of the AKC was meant to turn these longstanding feelings of deception and betrayal against the ART and its AIG ally.

By 2010, discontent with the ART was stirring in the villages. The great expectations released by the founding of the ART in 2003 – the promise of relief from the disaster of life in the former asbestos mining districts – had faded, as the inexorable logic of the trust's eligibility

standards for compensation unfolded at the grassroots level. Everyone knew someone or had heard about someone whose claim had been rejected but who was just as sick and needy as those who got compensation. There was talk, moreover, that some people received compensation money but did not deserve it, or that trust officials were hoarding the money or spending it on themselves. Disappointment with the ART created fertile ground at the grassroots level for rumors like ‘the lawyer stole the money.’

The point of this chapter is to examine the aftermath of the Gencor settlement and the dilemmas of the payout-for-personal-injury model of compensation in post-liberation South Africa. With the establishment in 2003 of the ART – and then in 2006 the smaller Kgalagadi Relief Trust (KRT), following an out-of-court settlement with the Swiss asbestos giant Eternit – the AIG’s situation and the nature of its work changed. For one thing, shortly after the Gencor settlement, the AIG’s alliance with Moffat ended and the AIG left the mission, setting up an office in Kuruman and registering with the state as an independent nonprofit organization. In addition, the coming of the ART and KRT meant the focus of the AIG’s textual labor shifted from the legal front of registering claimants in the Gencor and Eternit cases to helping villagers assemble the paperwork needed to file compensation claims with the trusts or the state system. Most of all, the AIG found itself at a new point in its history, entangled in the uses and limits of the trusts and the state compensation system, confronting daily how the promise of compensation played out unevenly in the lives of villagers in the Kuruman district. As we will see, the AIG was tested in the post-settlement years by circumstances no-one could have foretold when the Gencor case ended in 2003.

The Political Economy of Compensation

The earliest known workers’ compensation systems are found in ancient Sumeria. The Nippur Tablet No. 3191, c.2050 BCE, contains the law of Ur-Nammu, King of Ur, which provided monetary compensation for personal injuries such as fractures or loss of limbs. The Code of Hammurabi, from 1750 BCE, included what amounts to a catalog of body parts, listing the different payments for the loss of a hand, an eye, a leg, and so on. Similar systems appear in ancient Greek, Roman and Arabic law, setting the monetary value of death or personal injury. In its early forms, compensation was usually calculated in terms of *impairment*, or the physical capacity the worker lost or had damaged. This way of reckoning value differs from (but is also a precursor to) the idea of *disability* in modern industrial-age state compensation systems, where the locus of value shifts from lost life and limbs to wages lost due to the inability to work. By the early 20th century, state compensation systems began to recognize occupational disease, as well as workplace injuries, as grounds for compensation (Guyton, 1999).

Compensation systems monetize the burden of risk by creating schedules that cross-reference various types of work-related disease and injury to their respective monetary values. The act of scheduling compensation recognizes – and implicitly accepts the fact – that risk is an inevitable part of work, bound to occur under the prevailing conditions of production, whether due to accident, hazardous materials, faulty machinery, employer neglect or some other cause or combination of causes. Compensation systems are designed to deflect potentially subversive questions about responsibility for health and safety in the workplace by prefiguring risk, quantifying it into knowable entities, making death and injury routine and official, inscribed in schedules that replace irreplaceable loss with monetary equivalences.

Compensation schedules often use tables to represent the moral, legal and economic equivalence of personal injury and money. As a graphic design, the tabular form makes physical loss and the amount of payment allotted to it appear as interchangeable measures of value, organized in predictably ordered rows and columns of recognition (the injury) and restitution (the payment). This is evident, for example, in the ART's compensation schedule which divides the four asbestos-related diseases recognized by the trust – pleural thickening, asbestosis, asbestos-related lung cancer and mesothelioma – into levels of severity, with corresponding increases in the amount of compensation, as may be seen in Figure 6.1.

Compensation schedules are semiotic devices meant to *contain* the burden of risk at work, in the double sense of *representing* risk graphically, as something that can be predicted and displayed in the typographic space of the page, and *absorbing* risk's convulsive materializations and meanings in workers' lives. By assigning a price, through the payout of claims, compensation schedules are designed to contain the threat of personal vengeance or other forms of popular non-state sanctioned justice, to halt blame for the causes of death and injury and eliminate any further recourse to action. In the unfolding sequence, compensation figures as the

Compensation categories & amounts	4 categories – ARDs 1, 2, 3 & 4
ARD 1 ~ R38,000	Asbestos related pleural thickening and/or asbestosis, with mild or moderate lung function loss
ARD 2 ~ R78,000	Asbestos related pleural thickening and/or asbestosis, with severe lung function loss
ARD 3 ~ R174,000	Asbestos related lung cancer
ARD 4 ~ R349,000	Mesothelioma (Pleural or peritoneal cancer)

Figure 6.1 Asbestos Relief Trust, compensation schedule

moment of closure when matters are settled, questions are dropped and the people injured sign off in exchange for the cash benefit.

The *Deed of Trust Creating the Asbestos Relief Trust* (hereafter, Trust Deed) charged the ART with setting up a private, legally sanctioned compensation system that carried out functions normally performed by the state, such as determining eligibility for compensation, processing claims and administering benefits.¹ The Trust Deed gave the newly established ART and its board of five trustees² broad discretion in devising the ‘administrative mechanisms’ needed to fulfill the terms of the Gencor settlement. To do this, the ART established the paperwork needed to certify claimants’ eligibility for compensation according to the dual criteria established by the Trust Deed: (1) ‘reasonable proof’ of the claimant’s exposure working on or living near mines and mills owned by the founders of the ART, based on work records or proof of residency; and (2) a diagnosis certified by an expert medical panel of asbestos-related disease, based on clinical examination, x-rays, the use of spirometers to measure lung function, biopsies and other standard medical procedures. The Trust Deed spelled out, in effect, the kind of documentation needed to verify a claim. The ART, for its part, created the bureaucratic apparatus to connect the various medical, legal and work records needed to file and process claims.

The ART’s bureaucratic apparatus consisted in large part of professional services outsourced to perform necessary functions in the paperwork of the trust’s operations. These included:

- actuarial experts who determined the quantum of awards;
- physicians in Kuruman and elsewhere who conducted medical examinations;
- the expert medical panel at the University of Cape Town Lung Institute who read the medical findings to determine whether claimants were entitled to compensation and to what degree;
- the team from Canon who digitized over 810,000 Gefco and Msauli work records;
- the IT specialists who developed customized software for the trust; and
- the claims handlers who helped villagers assemble records and fill out the paperwork needed to file a claim.³

The bureaucratic apparatus that the ART set up to manage the paperwork of a private compensation system infused small amounts of new capital into the South African economy, creating its own mini-political economy in order to carry out the terms of the Gencor settlement. We will see shortly how this political economy affected the AIG, especially in regard to the claims-handling sector of the trust’s operation. The point to emphasize at the outset, however, is that the central commodity brought into being by the ART’s upstart economy was certifiable asbestos-related disease. Accordingly, the first task of the trust was to monetize disease, to

create exchange values for the burden of risk imposed on mineworkers and the general population living in the vicinity of asbestos mines and mills without their knowledge. The Trust Deed gave the ART six months to set up a formula of benefits, during which time no awards, with a few exceptions, were made.⁴

As J.M. teWaterNaude points out, the Gencor settlement differed from the Cape plc case, in which all 7500 individuals listed as litigants were compensated (Naude, 2014: 4–5). The Gencor settlement, in contrast, was open ended, with the anticipation that over a 25-year operation the trust would compensate future claimants who had not yet developed asbestos-related disease, given its long incubation span. Compared to the set list of beneficiaries in the Cape case, at the time of the Gencor settlement the number of successful claims to be expected was not yet determined.

The trust turned to the health care actuary Greg Smith, of Fifth Quadrant Actuaries and Consultants, to do the following: (1) to estimate the number of claims that would be registered over the 25-year life of the ART and, of this total, how many would be certified for compensation; and (2) based on these projections, to set the amount of individual benefits, taking into consideration pain and suffering, loss of wages and medical expenses incurred by qualifying claimants. Smith drew on published scientific findings as well as some commissioned work to estimate that: 16,800 individuals would register claims with the trust; 5036 (later raised to 5162) claims would be certified; and, of the qualifying claimants, approximately 3% would have lung cancer, approximately 11% mesothelioma and the rest – well over 80% – would have impaired lung function, although Smith did not predict the ratio of ARD 1 and ARD 2. As it turned out, Smith's estimates were on target, as may be seen in the total of more than 16,000 claims the ART had processed by 2014, of which 5400 or approximately 30% were certified as compensable asbestos-related disease (BizNews, 2014).

At first glance the 30% certification rate of claimants may seem low and disappointing, somehow letting many needs and much suffering go unaddressed. What must be understood, however, is that if the ART did a thorough job of screening potentially eligible claimants – which, to its great credit, it did do through active outreach, in part with the AIG, in the former asbestos mining districts in South Africa and in labor-sending regions in Lesotho, Swaziland, Botswana and elsewhere – the number of qualifying claims would end up around 30%, or roughly equivalent to the incidence of asbestos-related disease found in the available epidemiological studies. In other words, it was because of the scope of the screening – growing out of the ART's desire for eligible ex-mineworkers not to fall through the cracks – that only 30% qualified for compensation.

The scientific underpinnings of Smith's actuarial projections gave epistemic authority to the ART's 30% compensation rate, verifying its accuracy and confirming the conscientiousness and validity of the ART's

methods according to metropolitan standards. At the grassroots level, however, the popular understanding of the trust's 30% certification rate was uneven at best. Instead, the Gencor settlement figured initially in popular consciousness as a fulfillment of justice that held the asbestos industry accountable for the disaster it had created. The Setswana term *puna kaledi*, or 'sorry money,' evoked a historic sense of restitution whereby villagers would at last be paid for their pain and suffering.

Popular sentiments in the Kuruman district were similar in many respects to what Adriana Petryna found in the aftermath of the 1986 Chernobyl nuclear disaster, in another place where land and life had been devastated by environmental catastrophe. The grassroots forces mobilized in the insurgent lawfare of the Gencor case shared with Chernobyl survivors a demand for what, in the face of such disasters to life, Petryna calls 'biological citizenship' – the right to biomedical resources, a safe environment and restitution. In South Africa, where the black rural working class had long been disenfranchised subjects of white minority rule, the prospects of citizenship in the post-liberation polity intensified feelings that villagers had a right to the protection of life guaranteed in the new constitution and reparations for years of injury and neglect.

And yet, as Petryna (2002: 6, *italics added*) notes, there is a tension between the '*massive demand for but selective access to* a form of social welfare based on medical, scientific, and legal criteria that both acknowledge biological injury and compensate for it.' In the case of the ART, villagers' needs vastly exceeded the terms of eligibility set legally by the Trust Deed. Epistemic differences separated the ART's administration of *selective access* to compensation – based on the professional expertise of actuarial estimates of medical diagnosis and on the legal conditions of the out-of-court settlements that limited compensation to the mines owned by Gencor and Eternit – from the *massive demand* for biological citizenship and the protection of life in post-liberation South Africa. The 'sorry money' of the popular imagination envisaged reparations as the redistribution of the asbestos industry's ill-gotten gains, made available to all who have suffered from living and working in the former asbestos mining districts.

This emphasis on popular justice put villagers in an uneasy relationship with the 'medical, scientific, and legal criteria' according to which the ART operated, the epistemic regimes of professional expertise (such as actuarial science, biomedical research, clinical diagnosis, trust administration, legal counsel, and so on) that animated the workings of the ART. As Kotoloane and Aitken had worried, villagers' hopes exceeded any realistic outcome that might follow from a settlement with Gencor or Eternit. Shattered expectations and feelings of betrayal materialized as villagers became aware of how the paperwork of the trust sorted the general suffering into categories of eligibility and ineligibility, allotting benefits to roughly one-third of claimants while withholding them from others who were just as poor and needy.

As we will see in a moment, this tension between demand and access – the call for biological citizenship straining against the legal limits of the Trust Deed – shaped the daily encounters of the AIG with villagers and with the political opposition to the ART during the post-settlement period in Kuruman. First, however, we must follow the AIG in the years immediately after the Gencor legal campaign, when it was caught up in struggles over paperwork that occurred in the claims-handling sector of the political economy of certifiable asbestos-related disease.

The AIG and Paperwork Struggles in the Claims-handling Sector

At the time when Richard Aitken left Moffat Mission in 2003, the Gencor case had just been settled. Reverend Larry R. Colvin, the head of the Kalahari Desert School of Theology, took over Aitken's former position as director of the Kuruman Moffat Mission Trust. In a fateful move, Colvin allied himself at the mission with Reza Williams, the husband of Feirouz Williams, the lawyer hired to represent Ntuli, Noble & Spoor (NNS) and work with the ART in Kuruman. Reza Williams was hired initially as a consultant and then became the manager of the Maphakela Centre at Moffat, where he quickly developed a working relationship with Colvin.

This partnership, which was to have unsettling effects on the AIG, was shaped by a specific conjuncture in Kuruman following the Gencor settlement, when the new economy of certifiable asbestos-related disease created by the ART converged with the ANC's turn at the national level to the entrepreneurialism of free-market economics. In a dramatic and controversial development, the ANC shifted from the radical populism of the 1955 Freedom Charter – with its commitments to nationalizing key sectors of the economy, undoing the social and economic inequality inherited from years of apartheid, segregation and colonialism, and promoting a popular participatory democracy – to the neoliberal orientation of the 1996 Growth, Employment and Redistribution platform (GEAR).⁵ A tonal shift occurred in South Africa as a new business mentality began to replace the consciousness-raising spirit of the struggle years. The watchwords became 'economic freedom' and 'economic empowerment,' making it socially acceptable, as part of the ANC's plan for national prosperity, to be an entrepreneur in the black economic empowerment schemes of the corporate sector and in the tender capitalism that ransacked the state treasury.

In tune with GEAR's market mentality, the Williams-Colvin leadership considered ways to leverage the mission's assets, to capitalize on Moffat Mission as a heritage site in South Africa's tourism economy rather than as an outpost of the new democratic public sphere, which had been the vision of the AIG/Moffat alliance. Little came of plans to build a swimming pool, upgrade accommodations at the Maphakela Centre or link up with the small private game reserve across the highway from the

mission. More ominous was the fact that, as Stephen Kotoloane noted, Williams and Colvin quickly became aware of the AIG's funding capacity, including the R100,000 it had received from the financial services conglomerate SANLAM, the ART and other donors. Under the terms of the constitution, the AIG's funds were held by Moffat as the fiscal agent.⁶ Following Aitken's departure, the external funding he had secured from foundations and charitable philanthropies for community-based projects at Moffat dried up, shrinking the financial resources of the mission. Williams and Colvin had no interest in continuing Aitken's grassroots activism, and they turned instead to the new political economy of certifiable asbestos-related disease established by the Gencor settlement, projecting a role for the mission in the claims-handling sector.

As was true with the other professional services it outsourced, the ART did not have the personnel or the infrastructure to assist all individuals in putting together the necessary paperwork to file a claim, given the volume being registered. The ART's claims-handling policy took time to work out, and in the earliest days of the trust, before procedures were fully in place, there was a certain boom-town mentality at Moffat Mission, fueled by the ANC's new entrepreneurial spirit, about the prospects of a freewheeling for-profit claims-handling economy created by ART's outsourcing. As the ART was working out a viable policy about who would be approved to handle claims and how fees would be set, Williams and Colvin formed a claims-handling operation at the mission, the Moffat Asbestos Alliance (MAA), with the AIG providing fieldworkers to recruit potential claimants, serve as translators and lend popular legitimacy to the enterprise.

It is worth noting that Moffat could have set up a nonprofit claims-handling service with funding from the ART or elsewhere to cover staff and overheads. Such an initiative would have been very much in line with the grassroots activism of the AIG/Moffat alliance during Aitken's directorship. Instead of seeing claims handling as a service to the community, however, Williams and Colvin conceived of the MAA as a moneymaking opportunity. From the ART's side, by paying for each claim submitted, the trust hoped to provide financial incentives to screen as widely as possible – a proactive approach to identifying potentially eligible claimants that highlighted the integrity of the ART in carrying out the terms of the Trust Deed. Nonetheless, despite these good intentions, by monetizing each claim handled the ART inadvertently encouraged MAA's market mentality, in which profit came from the volume of claims produced, with quality control as a secondary consideration.

The potential conflict lurking between the ART's desire to screen as widely as possible and the MAA's profit-driven operations quickly came to a head. The result was an ongoing paperwork struggle between the ART and MAA, a struggle over the MAA's access to the paperwork of claims handling as a newly available profit center in the political economy of

certifiable asbestos-related disease. In May 2004, when the MAA submitted over 200 claims – some of which were incomplete – the ART agreed to pay over R1000 per claim, but decided to stop accepting claims from the MAA.

This step by the ART, however, did not end the struggle between the trust and mission forces over access to the paperwork of claims handling. After the MAA terminated operations, Williams set up Moffat Asbestos Claims Handlers (MACH) as an independent operation, with an office in Kuruman, that used the mission's name and a silhouette of Robert Moffat on its logo to extend the semiotic authority of the mission to MACH. Williams also took with him some of the leading AIG activists who had been part of MAA. When the ART objected to Williams being the manager of MACH as a conflict of interest, since his wife was involved in trust affairs, Itumeleng Sithole replaced Williams as the titular MACH manager, although Williams continued to be involved behind the scenes.

In any case, at Williams' initiative, the MAA proceeded to form a partnership with a local doctor. Since the ART paid for medical examinations of claimants as well as for claims handling, this was a potent profit-making combine to take into the villages, to do medical screenings with a portable x-ray machine and register claimants. It was also, at least in theory, a good idea for such mobile units to operate on behalf of the ART and its goal of screening as widely as possible. The problem, however, was the quality of the x-rays produced by the portable machine. This became an issue when the ART was forced to reject MACH x-rays because they were unreadable or just marginally readable but insufficient for diagnostic purposes. The MACH x-rays' lack of legibility meant, in effect, that they were non-exchangeable – they could not be monetized – in the claims-handling economy of the trust. The paperwork struggle between the trust and mission forces effectively ended when MACH x-rays were disqualified. By 2006 the ART was no longer accepting claims from MACH, and the enterprise dissolved.

As the paperwork struggles of the ART and the mission unfolded, the MAA and MACH's entrepreneurial market-oriented approach to claims handling put the AIG in a difficult position. On the one hand, the Williams-Colvin leadership needed the AIG, as translators and community representatives, to give MACH access to potential claimants. On the other hand, the Moffat leadership was trying at the same time to gain greater control of the AIG as part of its claims-handling workforce by defining the AIG as a department of the mission instead of an independent village-based organization in an alliance with the mission. This meant treating AIG coordinator Stephen Kotoloane as a subordinate who, according to his terms of employment in the AIG constitution, reported to and required permission from the Moffat director Colvin to carry out AIG activities.

The new political alignment at the mission posed a sharp risk, Kotoloane recalled, to the AIG's standing in the villages and its reputation

in the NGO sector. There were the dangers, he noted, of being overly identified with Moffat, as the mission's community programs fell apart, and of being aligned with its claims-handling wing, given its mercenary interests and the problematic character of its work. During this time of crisis in the early post-settlement period, Kotoloane says, it felt like Williams and Colvin were trying to split the AIG, luring some to work for MACH, while restricting the AIG's capacity as a grassroots organization to act on its own. Kotoloane and the AIG executive committee quietly began to explore the possibilities of rewriting the constitution in order to drop its connection to Moffat, leave the mission and establish itself as a nonprofit organization in town.

It appeared, for all intents and purposes, that the custodial relationship codified in the constitution, as discussed in Chapter 4, had come back to haunt the AIG. Instead of mobilizing Moffat's moral authority to vouch for the civic virtue of the AIG and to buffer it against charges of self-seeking financial misconduct, as the original intention of the constitution had been, the gamble of making the AIG an official dependent on the mission looked like it had backfired. If anything, the mission's standing in the constitution as the AIG's fiscal agent and its mandate to appoint the AIG coordinator appeared to give the Williams-Colvin leadership considerable powers over the AIG, putting its standing as an independent organization in jeopardy.

All of this came to a head in May 2005, when Colvin filed charges of insubordination against Kotoloane and suspended him as AIG coordinator. The main charge was the failure on Kotoloane's part to report along established lines of authority and keep his employer, namely Colvin as director of the Kuruman Moffat Mission Trust (KMMT), properly informed. Colvin's memorandum of charges listed eight alleged infractions. Violation of the AIG constitution or attempts to change the constitution figured prominently in Colvin's list, accounting for five of the eight numbered charges that form the grounds of the case against Kotoloane (see Figure 6.2).

As a quasi-legal bureaucratic event, the disciplinary hearing of the charges against Kotoloane by the Moffat board involved two documents – the AIG constitution and Colvin's memorandum of charges. For Colvin, the rhetorical task was to invest the memorandum of charges against Kotoloane with the textual authority of the constitution, to persuade Moffat board members that Kotoloane had indeed violated certain clearly stipulated clauses of the constitution that defined the relationship between the AIG and Moffat. This attempted transfer of textual power across documentary fields, from the constitution to the memorandum of charges, however, failed to take place. Colvin, in effect, was unable to recontextualize the constitution in a way that persuaded the board that insubordination had taken place. The board dismissed the case and apologized to Kotoloane.

You are hereby charged with acts of gross insubordination and bringing the institution of the Kuruman Moffat Mission Trust into disrepute, breach of your duty of good faith towards your employer and/or alternatively being dishonest in the course of your employment.

- Not informing the Director of the KMMT of all meetings of the Executive Committee of the AIG as required in the Constitution.
- Allowing funding proposals to go forward to potential donors without the written consent or knowledge of the Director of the KMMT. (This comes even after a written notice was issued for six months.)
- Having knowledge of and/or assisting in the writing of a proposed new Constitution for the AIG that would remove the AIG from KMMT and placing your signature on the above state document.
- Blatantly assisting and attempting to adopt another Constitution for the AIG without prior knowledge of the Director and attempting to remove AIG from KMMT.
- Not notifying the Director of the KMMT of the abovementioned document.
- Allowing the above document to be presented at an AIG general meeting on 16th March 2005 with the AIG without following proper procedures as outlined in the Constitution.
- Presenting the above document to a staff member of the Asbestos Relief Trust, a donor, for commentary without knowledge of the Director.
- Asserting that your loyalty is not with KMMT.

You will be notified, in a timely manner, should any additional charges be made during the process of the continuing investigation.

Figure 6.2 Larry Colvin, Kuruman Moffat Mission Trust, list of charges against Stephen Kotoloane

Kotoloane's acquittal did not directly refute the lines of authority established in the constitution so much as it ignored them, rendering moot and unenforceable the relationship between the mission and the AIG set forth in the constitution and making it clear by implication that the constitution could not be used to control the AIG. After Kotoloane's acquittal, the AIG constitution was for all practical purposes defunct, not overturned or nullified but rather depleted of the active force it once had. When Colvin sought unsuccessfully to use the constitution as the grounds of Kotoloane's insubordination, the document lost its rhetorical footing and any hold over what people did, freeing the AIG from a constitution

that no longer matched the present realities at Moffat. And so the AIG left the mission, registered as a nonprofit organization and opened an office in Kuruman.

The subsequent fate of the AIG was determined by a reconfiguration of forces that replaced the old relation between Moffat and the AIG with new networks linking the AIG to the ART and the municipal government in Kuruman. As the insubordination charges were brewing and the AIG executive committee was actively discussing leaving the mission, Kotoloane consulted with key allies, including Sophia Kisting who was on the ART board of trustees, the ART chair John Doidge and local officials in municipal government, gaining their support in leaving the mission.

In the early years of the post-settlement period, the AIG weathered the organizational crisis with Moffat. Key AIG members moved to new positions. Itumeleng Sithole left MACH and went to work for the ART. Addison Oepeng also left MACH, which was by then in the process of folding, and went to work for the AIG at its new office in town and, along with Kotoloane and Lucia Mokgab, became the mainstays of AIG office operations until Oepeng retired in 2011. Kotoloane credits Sophia Kisting for her involvement in this redeployment of AIG forces.

The AIG's achievement as a grassroots organization must be measured in part by the role the AIG created for itself on the periphery of mainstream institutions and the standard literacies of elite sectors, where villagers encountered the world of bureaucratic forms and procedures, first in the Gencor case and then in the trust's compensation system. The AIG realized that paperwork was the nexus where the interests of villagers and the ART met and had to be sorted out. In the next section we see what this work looked like on a day-to-day basis, during a morning at the AIG office in Kuruman.

AIG Office Work

It is 1 November 2010, and between 9am and 1pm five people visited or phoned the AIG office. At the time, the AIG was located in the offices of the Duvenhage and van der Mervwe law firm, an approved ART claims handler whose suite also included a small ART office managed by Brenda Sethibeng. Stephen Kotoloane, Addison Oepeng and Lucia Mokgab were the three paid AIG members who staffed the office. The division of labor in the office was gendered along traditional lines: Kotoloane and Oepeng conferred with visitors; Oepeng consulted the Gefco and Msauli work records that the ART had digitized and worked with contacts at the Chamber of Mines to track down missing work records; and Mokgab performed clerical tasks. Conversations with visitors took place in Setswana, except for the phone call which Kotoloane conducted in Afrikaans. The AIG office staff spoke to me in English, and Kotoloane and Oepeng translated in summary what had transpired.

Visitor 1: The man from Ncweng

The first visitor was a middle-aged former mineworker from Ncweng who said he had filled out the paperwork to register a claim in the state compensation system and received a letter from the Medical Bureau for Occupational Diseases (MBOD) saying his claim had been approved. He never got any payment, however, and was confused about what to do next. In this case, as Kotoloane explained, the man was encountering the built-in grounds for misunderstanding in the state system that the AIG office had to deal with on a regular basis. This is because the state system has two stages of documentation. First, the mineworker submits to the MBOD the following documents to determine eligibility for compensation:

- Work history
- Clinical examination
- Chest x-ray
- Lung function test
- Information on whether the person has been certified previously
- Histological report on lungs and heart if person is deceased

Based on this information, the MBOD rules on eligibility and notifies the claimant of its decision. In order to be paid, those determined to be eligible for compensation must then submit a second set of documents to the Compensation Commissioner of Occupational Disease (CCOD):

- An application form, with the letter from MBOD
- Verification of work history
- Certified copy of the applicant's ID
- Set of fingerprints
- Salary information (to determine lost wages in calculating amount of compensation)
- Banking details (to deposit the benefit)

It is this two-stage application process, with its two separate sets of documents, that makes for confusion. As a senior MBOD official told the Asbestos Collaborative, once ex-mineworkers receive the letter from MBOD, they often do not realize they must send further documentation to the CCOD and think the compensation money is about to arrive.

As a recurrent situation, Kotoloane's explanation of the two-part process was well-rehearsed, a routine part of AIG office work that clarified the two-stage system and provided the man from Ncweng with an active connection to the paperwork of the state compensation system, which had been stalled.

The case of the man from Ncweng and the state system's two-part process of filing claims is a good example of Kotoloane and Oepeng's expert understanding of a cluster of salient documents and the paper trails involved in filing compensation claims, whether with the trust or with the state. It is important to note that the AIG did not function as claims

handlers who prepared the final forms to file. This, as already mentioned, was handled mainly by law firms authorized by the ART. The AIG served rather as an intermediary between villagers and the official submission of documents. The service the AIG invented for itself was that of explaining the paperwork of the metropolis from the point of view of the periphery, mediating the institutional workings of the written record at the local level in order to influence outcomes for villagers at the ART or MBOD.

In this respect, the paperwork of the AIG resembles what has been called ‘literacy mediation’ (see Baynham & Masing, 2000; Malan, 1996; Robins, 1996) and ‘literacy brokering’ (see Lillis & Curry, 2006), whereby groups or individuals function socially and linguistically to bridge local and wider contexts. For the AIG, routine office work included assembling and activating a ‘genre set’ or ‘genre system’ – a term that denotes how a set of linked documents interact to accomplish a common purpose within a distinct domain of activity.⁷ In compensation cases, the genre system consists of mundane documents like work records, ID cards, fingerprints, medical reports, x-rays and lung function tests, application forms and bank details. Each document in the genre system has its own history, institutional presence and field of activity. A medical record that results from an examination in a doctor’s office has a very different provenance from a savings account in a bank or the work records of former mineworkers. Each has a high degree of regularity in its textual features, and each functions in predictable ways in the material practices of separate rule-governed bureaucracies. But none presumes or predicts the other. Rather, it was the bureaucratic networks that the MBOD or ART set up to process claims that activated the movement of the documents. The interested activity of AIG office staff supplied the rhetorical motive locally that connected documents and set the genre system into motion for the claimant, thereby producing (or failing to produce) the interaction of the documents desired.

What the AIG came to understand is that there is a *trajectory* to texts, that the forms and records villagers had to manage in making claims are, as Theresa Lillis notes, both *portable*, in that they can be carried by individuals as part of their personal documents or accessed through databases, such as the digitized Gefco and Msauli work records that Oepeng regularly consulted, and *mobile*, in that records and forms can travel to alternative discursive locations, where they intersect with the trajectories of other portable and mobile documents, as in registering a claim (Lillis, 2014: 113–117; also see Maybin, 2017). For the AIG, the paperwork of filing a claim involved recontextualizing documents by moving them from their separate domains of origin and imbuing what would otherwise be disparate and unconnected documents with a joint purpose. This mobilization of texts amplified their potential uses and meaning. The chilling fact is that assembling such a file of documents was meant to establish the certifiability of asbestos-related disease, as monetized by the political economy of compensation created by the Gencor settlement and the state system.

Visitor 2: The young woman from Ga-Mopedi

The second visitor was a young woman from Ga-Mopedi whose father, an ex-mineworker, died in 2004 of mesothelioma, although the family had filed no claim subsequently. She came to the office to see if it was still possible. Kotoloane, who lived in Ga-Mopedi, knew the woman's father and took around an hour to explain what he described later as the 'circumstances and conditions' of the compensation system, in particular the stipulation that the time to file claims with the trust expired three years after a potential claimant's death. This, of course, was disappointing news to the young woman.

The young woman's visit exemplifies a routine side of the AIG's office work that contrasts dramatically with the man from Ncweng. Instead of connecting an ex-mineworker or surviving family member to the compensation system, in the case of the young woman from Ga-Mopedi there was nothing that could be done. The person seeking restitution had already been bypassed by the system, remaining outside the official paperwork where no action is available to pursue with the trust or the state. On the broadest level, this is the predictable outcome of modern compensation systems that use pre-existing statutory standards to determine eligibility and administer benefits under the present socio-economic order in which 'massive demand' is far greater than 'selective access' is designed to provide for. In the case of the ART, as the AIG was well aware, the standards set by the terms of the settlement were applied with every effort to be fair, consistent and honest. Still, as Kotoloane's encounter with the young woman from Ga-Mopedi demonstrates, the terms of eligibility themselves inevitably banish a class of people from access to the paperwork of the system altogether, casting them into a semiotic neverland where their claims cannot enter the official record. The encounter between Kotoloane and the young woman took place in what we might call the negative space of paperwork, a textual vacuum where people are excluded from filling out forms because their time has expired or because of some other technicality. This negative space forms at the margins of paperwork, where motives are vexed and needs remain unsatisfied. Frustration, self-blame, anger and feelings of powerlessness are the byproducts of such encounters with the 'red tape' of official paperwork, as the specific terms of selective access eliminate people from a system whose benefits they would otherwise be entitled to.

Visitor 3: The woman with two small children from Heuningvlei

The third visitor was a woman who had come from Heuningvlei with two small children. Her father worked at the mill in Heuningvlei and had recently died of an undiagnosed respiratory ailment. There was no post-mortem histological examination of his cardiorespiratory organs, to which

mine and millworkers were entitled by ODMWA statutes. This was a difficult case, Kotoloane knew right away, because the medical evidence necessary to establish a claim was already buried, as had happened so many times in the past. Kotoloane discussed the possibility of going back to the hospital to see if there were any existing medical records the deceased millworker's daughter did not know about that could be used to file a claim.

Kotoloane knew, however, that it was unlikely that anything could be done. As he said after the young mother's visit, 'this one had another body that fell through the cracks,' into the negative space of paperwork. For this reason, the AIG and the ART have carried out awareness campaigns, including public service radio announcements, to demystify organ removal and urge surviving family members to have the postmortems that the MBOD provides deceased mineworkers. Noting the limited availability in rural areas of medical facilities that remove the heart and lungs and then mail the organs to the MBOD to be examined, the AIG and ART have lobbied vigorously for wider access to these services as the necessary gateway to compensation for families of mineworkers who died of undiagnosed respiratory conditions.

Visitor 4: The man from Danielskuil

The fourth visitor was an ex-mineworker from Danielskuil who was seeking information about transportation to the MBOD in Johannesburg for the medical examination to which he was entitled. He was referred to the ART office, where Brenda Sethibeng had been setting up taxis to go to the MBOD. As may be seen, this was a simple case of facilitating access by connecting the man to available resources.

Visitor 5: A phone call from Postmasburg

The fifth person was a woman calling on the phone from Postmasburg, inquiring about 'her claim.' Kotoloane took the call, and Oepeng checked the list of claims filed at the trusts, where her name did not appear. Kotoloane called her back and, after further discussion, realized she was talking about an *insurance* claim, not a claim to the trust or the state compensation system. Having sorted this out, the phone conversation ended, although it left Kotoloane and Oepeng laughing and wondering why the woman had called the AIG in the first place.

The woman's phone call may appear to be no more than a fleeting moment based on a simple misunderstanding that eventually got cleared up. From another angle, however, the episode represents a state of disorientation that is an inevitable part of bureaucratic paperwork. As the AIG office staff well knew, people at times experience an aimless sense of wandering from one office to another, filling out forms or gathering records that seem to accomplish little. In the mazes of bureaucracy,

paperwork can be a distractive medium that misdirects people's attention, leading them to make errant phone calls or send forms to the wrong office or not send them at all. The feeling is like being in a funhouse hall of mirrors, not so much lost as in a perpetual state of bafflement, where you know you are inside a system but no path seems to lead out and every turn hits another dead end.

For the AIG, paperwork consisted not only of documents that were readily stamped and approved, creating 'form-made' persons and moving people's purposes along through the system. As the morning visits to the AIG office show, paperwork was also, as Ben Kafka says, 'uncooperative and unpredictable' (Kafka, 2012: 118), producing disorientation, misapprehension, confusion and the foiling of purposes. The day-to-day paperwork of the AIG cannot be understood without identifying the blockages and textual vacuums that form at the margins of the written record – the negative spaces occupied by villagers who have been bypassed and discarded.

For this reason, moreover, it is not particularly helpful to divide the visits to the AIG office according to how successful they were: whether, that is, the AIG helped someone connect to the compensation system, as in the case of the visitors from Ncweng and Danielskuil, or were unable to do so, as in the case of the women from Ga-Mopedi and Heuningvlei. Such a tally sheet fails to recognize the full extent of what occurred during the office visits and what the AIG brought to bear in the negative spaces where the paperwork collapsed, people's hopes were ruined and their needs went unfulfilled. It is more useful to see how Kotoloane and Oepeng operated as grassroots technicians of paperwork in the political economy of compensation, where they encountered the desires of villagers to become successful 'form-made' claimants and the various obstacles to achieving such a status.

What is distinctive about the AIG, compared to other examples of literacy mediators and literacy brokers, is how their work highlights the periphery of the system, as the location both of the AIG's office work, with its semiotic and geographic distances from metropolitan centers, and of the presence in this work of those who have fallen outside the paperwork of the ART and the state compensation system. As Kotoloane and Oepeng underscored repeatedly in our conversations, the AIG's office work involved not only linking villagers at the periphery to mainstream bureaucratic institutions but also mediating the repercussions of the Gencor settlement and its inevitable disqualifications, when people were turned down by the ART or found they could not even apply. AIG leaders realized that by signing the out-of-court settlement with Gencor on behalf of villagers, they had taken on an obligation to confront the uses and limits of the trust as they played out in the lives of villagers.

In turn, this knowledge of the trust placed a great burden on the AIG office because everyone on the staff understood there would be 'massive

demand' but 'selective access.' By 2010, when the episodes above occurred, the AIG had been operating an office in Kuruman for five years and had seen how compensation benefits improved the quality of life for qualifying villagers, how modest purchases of new appliances or furniture made a difference in easing the grinding conditions of poverty. But the AIG office staff also knew with painful certainty that the dashed expectations of villagers were as much an inevitable part of the political economy of compensation as the benefits received by the third who qualified. Any reasonable assessment of the AIG's paperwork must take into account the tempered sorrow that Kotoloane and Oepeng brought to these encounters, as they explained how the system worked, when they knew it bypassed many people and left untold suffering untouched.

In many respects, the year 2010, when the office visits occurred, can be seen as a pivotal moment for the AIG. The volume of claims to the ART had peaked and was in descent – from a high of 425 a month in 2005 to a low of seven in 2013. As a result, the trust decided to restructure its operations, ending the use of claim handlers, turning the filing of claims over to approved medical doctors instead, and closing its local offices in Kuruman, Danielskuil, Burgersfort and Msauli. Following the ART's departure, the AIG coordinated trust-related activity in the Kuruman district, sending potential claimants to trust-accredited medical facilities and helping them retrieve work and other records. As we will see next, in the final section of this chapter, the ART's departure in 2010 also left the AIG at the frontlines, facing a political opposition that had emerged in the post-settlement period to challenge the ART and the AIG.

Rumors and Political Intrigue

Organized opposition to the ART began as early as 2004, with the founding of the Bathlaros-based group Batlaharo Mmogo Reka Dira (BMRD), consisting mainly of ex-National Union of Mineworkers members who believed that all ex-mineworkers who were sick should be paid, not just those who had worked at Gencor mines as the Trust Deed stipulated. The BMRD morphed into the AKC when it was taken over by Cynthia Ndezenka, who moved to the village of Maruping, about 10 miles from Kuruman, where the local AIG affiliate, which was involved in the Gencor case, had recently broken with the AIG leadership. For the incipient forces in Maruping, the case of the ex-mineworker Isaac Matinyane, who died of mesothelioma but was not compensated because he worked at Wandrag – a mine not covered in the Gencor settlement – was a major source of contention with the ART, taken as a sign of the trust's unwillingness to pay those who deserved it.⁸

The first stirrings of the AKC as an oppositional force to the ART and the AIG occurred in late 2008 and early 2009. AKC organized a protest march on the ART office in Kuruman, charging that people with valid

claims were not getting paid while others received compensation who should not have. A series of meetings of the AKC, the ART and sometimes Spoor followed over the ensuing years at various levels of government, from the local municipality of Kuruman to the Premier of the Northern Cape, the Deputy Minister of Mineral Resources and ultimately the Master of Court in Pretoria, the state-appointed judicial officer who had oversight of the ART, as is customary in private trusts. During these attempted liaisons, the ART repeatedly asked the AKC to send a list of people who should have received compensation. Such a list was never sent, however, although the AKC continued to make charges about unpaid or improperly paid claims.

Around the time of the AKC protest at the ART office, a delegation of AKC members visited the AIG office, demanding to see the organization's 'documents.' As Kotoloane recalls, the visit felt like a credibility shake-down, a challenge to the AIG's authority waged at the level of documentation and its legitimizing aura in print culture. The AIG showed the AKC visitors its constitution, certificate of incorporation as a nonprofit and the ART Trust Deed. In keeping with its talismanic sense of paperwork, the AKC also asked to see Spoor's 'constitution' which, of course, did not exist. Kotoloane said that the AKC members did not appear to be completely satisfied, but they asked no more questions and left, apparently having exhausted for the moment their inquiry into the AIG's credentials.

It was also around this time in late 2008 and early 2009 that Cynthia Ndezenka was expelled from the AKC. Ndezenka was a legendary con artist who proceeded to take a bag of work records, ID cards and medical files given to her by gullible villagers to appeal for money to a potential benefactor in Cape Town. The iconography of the ex-mineworkers' papers is striking, as sources of authenticity and exchange value, legible and persuasive surrogates of people in need, which Ndezenka transported from the Kuruman district to the philanthropic sector of the metropolis in the suburbs of Cape Town. Ndezenka had a shrewd understanding of the mobility and portability of texts, and the benefactor gave Ndezenka R5000.⁹

In 2010, when the benefactor came to Kuruman to see how the money was being spent, Ndezenka organized a meeting that AIG leaders and municipal officials attended. As Kotoloane reports, Ndezenka was dressed in an evening gown with a flower in her hair and almost immediately began to attack the mayor of Kuruman for allegedly using the compensation money from the Wandrag mine (which, as just noted, was not covered by either the ART or KRT) to pave the road to Ga-Mopedi. She said that Kotoloane had been fired as the AIG coordinator by the chief at Bathlaros who had asked her to take over the organization. Employing the familiar refrain of the people's vanishing money, she said she saw the trust money in Johannesburg and Pretoria and that she was going to have it transferred to the municipality so villagers could be paid.

The audience, Kotoloane said, were for the most part on Ndezenka's side, caught up by her story of lost money, stolen money, money that exists for the people but has disappeared, money that she will go and get for their benefit. As Addison Oepeng noted, villagers didn't necessarily believe that Spoor had stolen the trust money or that it had disappeared for some mysterious reason, but 'they knew it was possible because the world is a corrupt place.' Oepeng explained that villagers had become suspicious of the trust. The fact that there remained so much money in the trust's account (which, of course, was reserved, according to sound actuarial projections, for future claimants) could easily be taken, he said, as 'a sign the trust was hoarding money and refusing to pay people.' In addition, some villagers 'were starting to say the trust probably was spending it on themselves.' Furthermore, it didn't help, Oepeng said, that Spoor had agreed to keep the terms of the 2006 out-of-court settlement with Eternit that set up the KRT secret, raising questions among villagers about what was being hidden from them.¹⁰

Rumor played a key role in sustaining these local suspicions about Spoor and the trusts and, by extension, the AIG. Although the rumor that Spoor stole the ART money was demonstrably untrue, the *genre of rumor* operates discursively outside the usual procedures of verification. In their pioneering work, *The Psychology of Rumor*, Gordon Allport and Leo Postman defined rumor as 'a specific (or topical) proposition for belief, passed along from person to person, usually by word of mouth, without secure standards of evidence being present' (quoted in Kapferer, 1990: ix; see Allport & Postman, 1947). Rumor, however, is more than simply a matter of misinformation that can be corrected or, even better, prevented in the first place, as Allport and Postman would have it. Rumor is also the result of the inability of elite sectors to fully control information, to forge an official record based on verifiable standards of evidence that can withstand the onslaught of rumor's misinformation and distorted truths.

To put it another way, the problem of rumor begins not so much with questions of accuracy or inaccuracy but of credibility, of whom you should listen to, whose representation of reality counts, who is entitled to speak. In the ongoing struggle of the professional classes to maintain hegemony in the epistemic registers of knowledge production, rumor becomes a way for ordinary people to withhold or hedge consent to fully delegating authority to the experts. As Jean-Noel Kapferer puts it, what marks rumors is not their 'correctness or incorrectness' but rather their status as an 'unofficial source.' In Kapferer's words, '*A rumor constitutes a relation to authority*: divulging secrets, suggesting hypotheses, it constrains authorities to talk while contesting their status as the sole source authorized to speak' (Kapferer, 1990: 13, 14, italic in original). This, of course, does not mean that rumor is never used in elite sectors, as demagogues like Julius Malema and Donald Trump have made all too clear. It means rather that rumor, in its refusal to abide by the dominant epistemic

measures, becomes a readily available rhetorical device for politicians and others to align themselves with the popular classes against the experts.

The point is that the AKC's charges against the ART, precisely because they were rumors, remained unverified and unverifiable, operating in an ideological realm of hypothetical beliefs preserved by the absence of evidence, by the AKC's refusal to compile a list of those wronged by the trust, as the ART requested over and over again. Despite all the meetings between the ART and the AKC, there had been no headway – nor could there be – in agreeing to what constituted the facts at hand or how to establish them. Discussion, in effect, was doomed from the start because the real conflict between the AKC and Spoor, the ART and the AIG was not so much over specific issues as over who was authorized to frame the issues and set the agenda for how the trust's funds should be used.

This stalemate, as already noted, was based in part on an epistemic clash between the professionalized expertise of the ART and the call for popular justice – for *puna kaledi* or 'sorry money' – at the grassroots level. Differing assumptions divided ART officials and villagers. For the ART, the aura of legality invested in the Trust Deed made it axiomatic that compensation was limited to claimants who had worked at or lived near Gencor mines, while it was just as commonsensical to villagers that people's suffering did not differ or have greater or lesser value depending on where they worked or lived. For ART officials, it made perfect sense, according to the available epidemiological studies, that approximately one-third of claimants would be certified to receive compensation by the panel of medical experts at the Lung Institute in Cape Town. To villagers, however, it was just as self-evident that anyone who was listed as a claimant should receive compensation because by giving their name to the litigation they had forced Gencor to create the ART in the first place and to pay for the damage it had done.

These different ways of knowing and understanding, it is important to see, are not a matter of epistemic or cultural relativism but rather require an analysis of social location and the fraught epistemic relations between periphery and center. The underlying conflict between massive demand and selective access reaches across stratified and differentially empowered 'orders of indexicality' that set normative meanings, recognize a hierarchy of discourses and ascribe degrees of epistemic legitimacy. As Blommaert notes, 'systematically reproduced indexicalities are often tied to specific, authoritative actors we call *centring institutions*,' such as the law, medicine, actuarial science, accounting, trust administration, philanthropy and NGOs (Blommaert, 2005: 75, italics in original). The intersection of these domains in the operation of the trust gave the ART its particular socio-epistemic identity as a mainstream institution based on professional expertise.

On the other hand, while it is true that in metropolitan settings such centring institutions typically exert a centripetal pull, generating

'indexicalities to which others have to orient in order to be "social," i.e. to produce meanings that "belong" somewhere,' this differs at the grassroots level, where local orders of indexicality can exert a destabilizing centrifugal force that creates friction with the hegemonic order. The collision of incommensurable meaning-making systems produced a stand-off between the grassroots notion of 'sorry money' and the trust's medico-legal monetization of asbestos-related disease. This was, in effect, a showdown between the forces of popular justice in the villages (as motivated by the recurring question of '*how to get out of our present troubles*') and the official consciousness of the trust (as motivated by the question of its reputation for fair and efficient administration of the Trust Deed). These were the discursive grounds – the epistemic registers – that divided grassroots and metropolitan spheres of influence in the aftermath of the Gencor settlement.

Interwoven, certainly, were material interests. On the part of the ART's professional managerial regime, the interest in establishing and preserving the epistemic authority of the trust was entangled with the ART's institutional need to justify how it spent the settlement money. As we have seen, the ART's credit worthiness (in terms of both its semiotic and economic value) relied on specialized monopolies of expertise and mainstream institutions of professional practice. On the other hand, in Maruping, the AKC had a material interest in prolonging the lack of resolution with the ART in order to maintain a sense of grievance among its membership and invest the organization with an urgent sense of mission.

According to Kotoloane and Oepeng, the AKC's main goal was not to solve problems or negotiate differences but simply to continue as an organization. Unlike the village-based AIG, Kotoloane and Oepeng emphasized, the AKC, which was registered as a nonprofit, was based on individual memberships. The AKC charged R450 to register as a member. In turn, members were charged R2 for each weekly meeting, with occasional levies for special purposes such as the AKC leadership's travel to meetings in Kimberley or Pretoria.

The goal of preserving the involvement of its membership and the flow of fees created a logic of escalation, as was evident when the AKC disrupted an AIG meeting in Ga-Mopedi in 2013. As Kotoloane recounts, an AKC member interrupted the meeting just after it had started, demanding to know who had given the AIG the right to hold such a meeting (which in this case was the chief at Ga-Mopedi, who had invited the AIG) and who the AIG was working for. Kotoloane ignored the questions and gave his standard presentation, at the end of which an AKC member stood up to say:

I'll fight till the death for people's rights, for people's money. It's being eaten. It's been happening for a long time. Now is enough. If you could see, Stephen has a big car and a big house. With your money. Come to Maruping, meeting every Wednesday. The case is now with the Master of Court.

After the meeting, an AKC member told Kotoloane, 'We came to Kuruman. If you had been in your office, we would have killed you. This must be the last meeting.' The next day, Kotoloane filed charges of threat and intimidation with the local police. In response, AKC's lawyer sent Kotoloane a letter demanding R2 million for defamation.¹¹

By this point in 2013, the AKC's attacks on the ART had found a legal outlet, after Sylvia Lucas, the Premier of the Northern Cape, agreed to take the AKC's charges against the ART to the Master of Court in Pretoria. Maruping was a longtime ANC stronghold, and AKC leaders used their political connections in Kimberley to make the usual case of 'maladministration' on the ART's part, arguing that some people who were qualified did not get compensation and some who did were not qualified. In addition, in a special bid to its membership, the AKC demanded from the trust an *ex gratia* payment of R30 million, to be paid to AKC members who were claimants in the Gencor case, whether or not they had contracted an asbestos-related disease, for lending their names to the litigation.

The case was eventually thrown out in 2015 by the North Gauteng High Court, which ruled that the AKC failed to establish *locus standi* in court – that it never made a legal argument for its charges against the ART or produced the list of villagers who should have received compensation or the affidavits it had promised to establish the community's interest in the operations of the ART. The judge said further that it was 'unreasonable' in the first place for the Premier's office to have filed the AKC's complaint with the Master of Court and that the AKC's demand to pay people who do not qualify in terms of the ART Trust Deed was 'irrational.'

The ruling was a devastating dismissal of the AKC's flimsy rumor-dependent legal strategy, but it did not deter the AKC, which has continued to spread rumors and make unfounded accusations against the trusts and the AIG. As recently as 2018, Thabang Selo, an AKC organizer, was quoted in a *Mail & Guardian* news report as saying that there is 'R400-million sitting in an account somewhere' and not getting through to the people. 'We have gone to every office. We have marched to the Union Buildings. No one wants to help us. No one wants to tell us what happened to our money. Maybe now Ramaphosa can help us,' Selo said (Ledwaba, 2018).

The AIG in a World of Rumors and Intrigue

Throughout the unsettled years following the Gencor settlement, the AIG was sustained by its understanding that villagers in the opposition were suffering and in desperate need. To be sure, as a strictly not-for-profit village-based organization, the AIG worried about low-level corruption in the AKC and the fees and levies it charged its members. The AIG knew how the infusion of cash by the ART had created a political economy of

compensation that seeped at its edges into the villages, creating opportunities for grassroots hustles, from the petty criminality of sharks who defrauded ex-mineworkers to the civil society sector and groups like the AKC with political connections, riding on rumor, innuendo and promises that could never be fulfilled but that spoke to real needs.

The AIG's familiarity with the details of the Gencor settlement produced an intimate awareness of how the ART's compensation system played out unevenly in the lives of villagers, giving the activists a special knowledge of what the trust enabled those who qualified for benefits to do and who it bypassed and left untouched. The AIG's stance was to vouch for the integrity of the ART – that the trust was honest and followed the rules it had made – but without justifying the terms of eligibility for compensation set by the Trust Deed. The AIG viewed itself as prior to the ART, as the grassroots network of villages that helped bring the ART into existence. As Stephen Kotoloane put it, the AIG was an ally but not a 'shield for the trust.'¹²

In a world of rumors and political intrigue, the AIG held that villagers were entitled to believe whatever they liked, but that if they wanted accurate information about the trust or the state compensation system they should come to the AIG office. The AIG's stance was meant to be informative – to promote popular understanding of the workings of the trusts and the MBOD – but not neutral in its alignment with villagers' interests and needs. This was enough during the turbulent years to preserve the AIG's standing as honest representatives of the community who had given their word to explain the uses and limits of the Gencor and Eternit settlements.

If anything, the rumors spread by Cynthia Ndezenka and the AKC may have helped, in a curious way, to keep villagers' attention focused on the ART and to mobilize people to visit the AIG office. Visits to the office in Kuruman never declined, and the work the AIG did in the schools, in monitoring rehabilitation sites and in visiting the sick continued at the usual pace.

Notes

- (1) In important respects, the Gencor settlement went beyond the state compensation system. Most prominent was the landmark achievement of including environmental as well as occupational exposures as the grounds for compensation. There were also other distinctive features in the settlement, for example: the compensation for 'mild' lung function impairment (whereas the state system was limited to 'moderate' and 'severe'); the mandate to actively solicit claims from potentially eligible ex-mineworkers or families of deceased mineworkers (whereas the state system had no outreach operations); the emphasis on efficiency in processing claims (whereas the time had reached four years or more in the state system); and the decision to pay the fees for medical examinations (the state provided exams every two years) and claims handling (whereas the state did not cover this cost). Unlike the state compensation system, the ART was pro-active in a variety of ways, including: the training of

doctors and other health care providers to use spirometers, read x-rays and diagnose asbestos-related disease; the funding of a palliative care nurse in Kuruman; lobbying on behalf of ban-asbestos legislation in South Africa; and support for the anti-asbestos movement worldwide.

- (2) Trustees were chosen by various stakeholders: two by Ntuli, Noble and Spoor on behalf of the litigants; one by Gencor; one by Gefco/Msauli; and the fifth agreed on by all parties. Important to the AIG, as we will see in a moment, Sophie Kisting was one of the original trustees; later Phiroshaw Camay, activist and struggle veteran, became a KRT trustee.
- (3) The management of the ART itself was initially outsourced for a period of time to the Maitland Trust, a privately owned firm specializing in fund administration and other fiduciary services. Taquanta Asset Managers, a division of Nedbank, handled the trust's investment portfolio. Lucro Auditing (and earlier KPMG) performed the annual audits of the ART's financial activity. In 2008 the ART bought a unit in a Johannesburg office building to serve as headquarters, and now rents space, as trust operations have been winding down.
- (4) This included benefits for Herman Kubari, the lead plaintiff on the founding affidavit in the Gencor case, who was dying of mesothelioma when the settlement was made.
- (5) On GEAR, see, for example, Bond (2000), Alexander (2002) and Marais (2011).
- (6) Kotoloane claimed that the Moffat leadership of Williams and Colvin used up to R50,000 of AIG funds for other mission purposes. Interview by author, 1 November 2010.
- (7) On the terms 'genre sets' and 'genre systems,' see Devitt (2004).
- (8) Tina Da Cruz, interview by author, 16 June 2011.
- (9) Stephen Kotoloane, interview by author, 1 November 2010. See also Koikanyang (2010: 2).
- (10) Addison Oepeng, interview by author, 21 June 2011.
- (11) Stephen Kotoloane, interview by author, 7 August 2013.
- (12) Stephen Kotoloane, interview by author, 20 June 2011.

Conclusion: Grassroots Activism, Popular Participation and Contextual Spaces



Figure C.1 Photograph by David Goldblatt

Blue asbestos waste on the Owendale Asbestos Mine tailings dump, Near Postmasburg, Northern Cape. 21 December 2002



Figure C.2 Photograph by David Goldblatt

*Tailings dump after reclamation, Owendale Asbestos Mine, Northern Cape.
24 December 2007*

As we saw in the last chapter, the AIG's day-to-day encounters with the paperwork of filing claims with the ART made the office staff in Kuruman acutely aware of the uses and limits of the trust's compensation system. AIG activists witnessed how benefits enhanced the lives of those who qualified and how disqualification played out in the disappointment and frustration of those who did not. At the same time, the AIG also realized that the monetization of disease itself – in the form of scheduled payouts to individual claimants – posed a certain dilemma, namely that compensation always happens after the fact, when it can mitigate pain and suffering but not remove the conditions that led to the pain and suffering in the first place. For the AIG, the payment of individual claims was fully justified by the harm caused by the asbestos industry. The problem was that the payment of damages for personal injury could not prevent the exposure of present and future generations to deadly asbestos fibers or build medical clinics and research facilities to treat asbestos-related disease.

For these reasons, the AIG looked in two directions. On the one hand, the AIG pushed for expanding eligibility for compensation under the ART by: (1) extending the expiration date for filing a claim from three to at least five or, even better, seven years (whereby the woman from Ga-Mopedi

in the previous chapter would not have been excluded); (2) increasing the number of claims based on environmental exposures, a historic but underutilized feature of the Trust Deed which accounted for less than 1% of claims filed (Ndlovu *et al.*, 2013: 84); and (3) lifting the restriction that only spouses and children under 18 of deceased mineworkers were eligible to file a claim. This limitation, the AIG argued, was based on the middle-class nuclear family and failed to take into account how extended families among the black rural working class often depended on mineworkers' wages. The AIG also argued that differences in individual benefits based on job category and projected loss of income should be eliminated because they reproduced the racialized division of labor and wage scales on the mines. As Kotoloane put it, 'the pain and suffering of asbestos-related disease victims are the same' and should be compensated accordingly.

On the other hand, even before the Gencor case ended in 2003, AIG members and allies from elite sectors were raising questions beyond individual compensation about restitution for historic wrongs and social reparations for the protection of life. There was talk, for example, among AIG activists in Kuruman about devoting 3% or 4% of the Gencor settlement money to rehabilitating secondary environmental contamination. Likewise, on the medical front, 'In those early days,' Sophia Kisting writes, 'we dreamt about the possibility of establishing a "Centre of Excellence" in Kuruman to diagnose and effectively manage and provide on-going training on the many asbestos-related health problems encountered' (Asbestos Relief Trust, n.d.). A few years later, Stephen Kotoloane and Richard Aitken raised similar hopes about using funds from the impending 2006 settlement with Eternit to set up a medical and research center in Kuruman. Finally, in a memorandum to the premier of the Northern Cape, presented at a 2010 demonstration in Kimberley, the AIG called for a Superfund/Asbestos Development Fund, with significant state funding to augment the trusts, for rehabilitation, increased compensation and expanded medical services.

The principle of justice at work in the AIG's proposals was restitution: to redistribute the gains of ill-gotten wealth in order to repair the damage done by the asbestos industry and the state and to ensure healthy living conditions for all who reside in the former mining districts. In this regard, the AIG's notion of restitution as amends for historic wrongs resembled the popular understanding of *puna kaledi* or 'sorry money.' A key difference, however, was that the AIG's vision of *social* reparations included individual compensation but also imagined redistributing forms of cultural capital, such as technical expertise, agenda-setting powers and access to forums of deliberation and decision making about the compensation system, the rehabilitation of the environment and the provision of medical care. Building on the participatory shop floor research projects of the Industrial Health Research Group (IHRG) and the 1998 National Asbestos Summit's unrealized call for union and community involvement,

the AIG wanted villagers to be recognized not just as victims of the asbestos catastrophe but as sources of grassroots knowledge and active participants in addressing the disastrous legacy of the asbestos industry.

One of the central questions to emerge in this book from the entangled histories of grassroots activism, insurgent lawfare and workers' compensation systems is how popular participation by villagers living on the margins of the world system was enabled and constrained by the relations of elite and grassroots sectors, experts and lay people, official and popular consciousness, metropolitan and peripheral spheres of influence. In the final pages of this book, I want to step back for a moment to consider more directly the various articulations of popular participation that have already appeared in earlier chapters.

There are two main reasons to do so. The first, as was just suggested, is that the question of participation is inherent to the main themes of the book: participation is what connects or fails to connect grassroots literacy to the written record; it is a measure of rhetorical agency and epistemic power; it determines whose questions count in the production of knowledge and public policy.

The second reason is related to – and helps explain – the first by posing the question of participation more broadly as one of social justice. As Nancy Fraser puts it, 'the most general meaning of justice is parity of participation':

According to this radical-democratic interpretation of equal moral worth, justice requires social arrangements that permit all to participate as peers in social life. Overcoming injustice means dismantling institutionalized obstacles that prevent some people from participating on a par with others, as full partners in social interaction. (Fraser, 2005: 73)

The obstacles to participation that Fraser details are familiar features of life and literacy in the Kuruman district: 'people can be impeded from full participation,' she says, 'by economic structures that deny them the resources they need to interact with others as peers,' as well as by 'institutionalized hierarchies of cultural value that deny them the requisite standing' (Fraser, 2005: 73; see also Fraser, 1990: 56–80).

In Fraser's view, theories of justice must include not only the economic dimension of *distribution* (the 'what') and the cultural dimension of *recognition* (the 'who'), but also the political dimension of *representation* – the question of 'how' people participate in a shared social world. What is especially useful about Fraser's notion of 'participatory parity' is that it provides a normative measure to make sense of many of the key concepts in this book – the asymmetrical access to epistemic agency, the semiotic distance between periphery and center, the stratified orders of indexicality. In Fraser's three-dimensional conception of justice, the question of distribution/redistribution (of semiotic resources, compensation money, medical services, and so on) and recognition (of legal standing, rhetorical

footing, epistemic authority, and so on) hinges on the participation (or its absence) of ordinary people in a deliberative democracy. For Fraser, the 'deep internal connections between democracy and justice' point to the need for participatory institutional arenas in which the vast majority of people, now excluded by elite monopolies of power and influence, can 'engage on terms of parity in decision-making' (Fraser, 2005: 85).

As a textual history of the AIG, this book has been concerned to a large extent with what Blommaert calls '*differential access to forms*, to linguistic/communicative resources, resulting in differential capacities to accomplish certain functions' (Blommaert, 2005: 76, italics in original). For an example, recall how, in Chapter 1, the AIG's 'differential access' to a standard form of mainstream literacy, i.e. the monthly report, provided the pretext for an ART official to refuse to map the AIG's partial realization of form onto function, such as keeping a paper trail, accounting to donors, projecting an organizational presence, and so on. But if differential access to meaning-making resources haunts the relation of periphery and center, Blommaert adds a second key consideration when he notes that the question of 'differential access to contextual spaces, i.e. spaces of meaning ratification where specific forms conventionally receive specific functions' is equally important in understanding how semiotic inequality works in the world, 'resulting ... in differential capacity to *interpret*' (Blommaert, 2005: 76, italics in original).

What Blommaert helps us see is that differential access to the 'contextual spaces' of knowledge production and policy making, as well as access to forms, shapes the available possibilities of popular participation in any given situation. Such contextual spaces, as Richard Bauman and Charles L. Briggs have argued, are not 'discourse external' containers that surround communicative acts but arise instead from processes of contextualization that people draw upon to interpret situations, utterances, texts, and so forth (Bauman & Briggs, 1990). In this sense, context is always performative, always emergent, co-constructed dialogically by relevant participants and hence a matter of practice. But contextual spaces are also the observable results of such practices of contextualization sedimented over time, giving what John Gumperz calls 'systems of contextualization conventions' the appearance of continuity, solidity and stability (Gumperz, 1992). This is what makes the institutional frameworks and forums that concern us here seem to come equipped in advance with densely settled histories, patterns of operation and means of reproduction that can enable, but all too frequently constrain, relations of participatory parity and the capacity of ordinary people to interpret the world in ways that have consequence.

At the risk of being overly schematic, we might identify three different modalities of popular participation – three different linkages between grassroots and elite sectors – that have appeared in earlier chapters. As we will see, each presents a different configuration of knowledge production

and policy making, shaped by differing relationships between popular participation and contextual spaces:

(1) The service function model: ART and AIG

As emphasized at many points in the previous chapter, the terms of the Gencor settlement were set by professionals in well-demarcated metropolitan domains (medical, actuarial, legal, scientific, and so on). The ART's reliance on experts from the professional managerial classes left the AIG's grassroots understandings suspended at the margins of the trust. It is not that ART officials failed to hear – or even to be sympathetic toward – AIG input, such as its proposals to expand eligibility, just listed above. The problem was that the AIG's popular knowledge was separated by its unequal epistemic standing, and no institutional frameworks or forums – no contextual spaces – existed that enabled grassroots activists to participate in and influence the specialized deliberations that made trust policy. The AIG, for example, never held a seat on the ART or KRT's board of trustees. For the most part, the AIG was seen as a service organization and community liaison, good at transmitting accurate information from the trust about the trust but not knowledge generating or policy making in its own capacity.

One problem with this characterization of the AIG as a service organization is that it fails to recognize the extent to which the AIG's routine office work, as well as its proposals to expand or change the terms of eligibility for compensation, grew out of the close reading, textual analysis and interpretation of a host of documents (the Trust Deed, ART policies, ODMWA statutes, MBOD procedures, and so on). This close reading was the necessary foundation of the AIG's work on filing claims, giving AIG activists an intimate familiarity with the paperwork and operating policies of the ART and the state compensation system. The point, however, is that the close reading required of AIG activists cannot be explained simply as the service function of a 'community partner.' It was also a popular form of critical practice, a variant of the 'normal' intellectual work with texts in academia, the professions, the world of letters and other mainstream spaces, actualized on the periphery by organic intellectuals at the grassroots level.

Consider, for example, how the linked processes of decontextualization and recontextualization appear as discursive strategies of inquiry and interpretation in the AIG's proposals to eliminate compensation based on formerly racialized wage scales and expand eligibility for compensation to relatives beyond the nuclear family. The AIG began by decontextualizing ART documents that set the terms of compensation, detaching them from their original contexts of production and use in the trusts, altering their trajectories and moving them, across social locations, to a new contextual space. In effect, the ART documents were (re)localized, their textual

potentialities for meaning making reset in a ‘locus of enunciation’ that subjected them to the geohistorical gaze of the periphery. To put it another way, the AIG’s grassroots scrutiny recontextualized ART documents by reframing them ‘from below,’ bringing to light the ethnocentric assumptions and residues of racial hierarchy that had been naturalized in trust policy and thereby rendered unavailable for analysis. In this sense, the decontextualization of ART documents *made them available* to be recoded as inadequate to the realities and needs of villagers living in the former asbestos mining districts. In turn, the AIG’s recontextualization amounted to the rewriting of metropolitan documents in the epistemic register of grassroots activists to realign the discourse of compensation to the interests of villagers.

As Antonio Gramsci put it in his classic analysis of traditional and organic intellectuals in the *Prison Notebooks*, ‘All men [sic] are intellectuals, one could therefore say: but not all men [sic] have in society the function of intellectuals’ (Gramsci, 1971: 140). In the ART’s networks of expertise, there was no contextual space for the AIG to occupy in the ‘function of intellectuals.’ Popular participation was derailed, limited to the imaginary realm of ‘community work,’ as the ART’s epistemic regime bypassed the AIG. The intellectual work of the AIG’s close reading, textual analysis and interpretation/reinterpretation remained unrecognized and unratiﬁed, outside the ART’s institutional frameworks and forums.

(2) Partial participation and the delegation of rhetorical agency: Lawyer and client relations

In Chapter 5, we looked at the dynamics of agency and submission in the creation of ‘form-made’ persons, such as the clients and claimants of insurgent lawfare in the Gencor case. As we saw, mass mobilizations at the grassroots level combined with Richard Spoor’s revisionist legal arguments to lift the veil of employer immunity in the no-fault state compensation system and thereby to enable ex-mineworkers and surviving family members to gain voice and participate in previously inaccessible legal forums under the common law. This merger of activity across grassroots and elite sectors was a large part of what made the lawfare insurgent.

Still, given the asymmetry of the expert/lay relations of lawyer and client, popular participation in the Gencor case was partial and truncated. As litigants gained legal and rhetorical standing to testify before the court, their participation was qualified by the ‘power of substitution’ clause that delegated to lawyers the authority to speak and act with ‘unfettered discretion’ on their clients’ behalf. Such a delegation of authority, as we saw Marie-Andrée Jacob argue, can indeed enable individuals and groups to achieve particular goals through the institutionally channeled agency of ‘putting yourself in the hands of experts.’ At the same time, these institutional frameworks of professional practice are meant to perform

gate-keeping functions – to exclude parity of participation by the uncredentialed in order to preserve the exchange value of professional work through monopolies of expertise. Spoor’s entextualization of his clients’ verbal testimony as legal evidence in the founding affidavit of the Gencor case is emblematic not just of the textual dynamics of lawyer/client relations but more generally of how monopolies of accredited expertise and their institutional frameworks – in medicine, public health, social work, education, and so on – distribute rhetorical agency across the unequal relations between professionals and laypeople in the administered societies of late capitalism.

This does not mean, of course, that alliances across grassroots and elite sectors – between community groups and professionals from a broad range of fields – should be avoided. It means rather that the relationships with professionals that grassroots organizations must often depend on to gain access to the legal system, medical services, government agencies and other mainstream institutions are fraught with structural and semiotic inequalities that undermine parity of participation. This is in part what produced popular suspicions and class resentments in the aftermath of the Gencor case, giving rise to rumors like ‘the lawyer stole the money’ and making the forums set up to mediate differences between the trust and Asbestos Kgatelopele Community so hopelessly ineffectual. It is also why, as we have seen, the AIG developed a dual approach to the Gencor case and its aftermath, participating from the *inside* as community legal workers, plaintiffs on the founding affidavit, a signatory to the out-of-court settlement and a source of popular understanding of the trusts’ compensation system, and from the *outside* as the community watchdog, monitoring the effects of the case and its settlement as they played out in the lives of villagers.

(3) Participatory research projects: Intertwining popular and elite knowledges

We saw in Chapter 3 the epistemic valuing of shop floor experience and the intertwining of worker-generated and expert knowledge in the Industrial Health Research Group’s (IHRG) research projects. In Chapter 4, we saw how the IHRG’s participatory modes of knowledge production, along with the Asbestos Collaborative’s grassroots-oriented Participatory Rural Appraisal (PRA) workshops, offered models for the AIG’s village-based research, such as the household surveys and the mapping of asbestos contamination. We saw further how AIG maps entered into the research design and AIG activists participated as fieldworkers in Robert R. Jones’ state-funded research on secondary asbestos contamination for Conservation Support Services (CSS).

These three participatory research projects offer variations on the common theme of realigning professional expertise to grassroots

knowledges, revealing different institutional frameworks and forums of popular participation and different styles of addressing the issue of *whose* questions are being raised:

- The PRA workshops that Fano Endor ran for the Asbestos Collaborative in 2001 provided a well-established Freirean methodology for villagers to identify the sources of their troubles and to plan actions accordingly. The professional input was that of a facilitator in solidarity with local communities, to raise consciousness (*conscientização*) at the grassroots level through a 'pedagogy of the oppressed.'
- The IHRG's union-based participatory research projects, on the other hand, were more explicitly joint activities in which the focus of research (*whose* questions) emerged as the result of agenda-setting dialogues across social divisions between elite and grassroots sectors. The goal was not simply to activate worker-generated knowledge at the grassroots level but to intertwine shop floor understandings with the professional knowledges of radicalized occupational health activists.
- The CSS research project offers a brief glimpse into what popular participation in government-sponsored research on secondary asbestos pollution might look like in practice, as the basis of large-scale public works projects to remove or contain the sources of asbestos contamination in the built environment, derelict dumps, the tailings used in roads, and so on. As we saw, this was one of the main goals of the 1998 National Asbestos Summit taken up by occupational health activists like Sophia Kisting, as well as by villagers from Ncweng and elsewhere. If the vision remains unrealized, its moving parts are nonetheless relevant as an anticipation of what could be: popular participation at the grassroots level (as field researchers, policy planners, abatement workers, and so on); the meshing of elite and grassroots knowledges (such as the CSS's integration of AIG maps into its research design); and the allocation by the South African state of major resources to research secondary asbestos pollution, to redistribute technical expertise in rehabilitation (in a skills transfer from Eko Rehab's monopolistic grip) and to ensure healthy conditions of life (the biological citizenship guaranteed to all South Africans by the post-apartheid constitution).

It is important not to delude ourselves about the prospects of participatory parity in contemporary class society, where the necessary resources and contextual spaces of knowledge production and policymaking are so unequally distributed or non-existent. Parity of participation figures here in our reading of the CSS project (and more generally) as a critical horizon, an indispensable if counterfactual normative condition that enables us: (1) to see the limits of 'open access' to participation in the formally inclusive institutional frameworks and forums of late capitalism

(i.e. voting, corporate multiculturalism, compulsory public education, equal economic opportunity programs, and so on); and (2) to imagine the capacity of alternative and subaltern ‘contextual spaces’ to engender new social solidarities and new social futures.

Nancy Fraser’s formative work on subaltern public spheres has been especially useful in drawing attention to the ‘discursive arenas where members of subordinated social groups invent and circulate counterdiscourses, which in turn permit them to formulate oppositional interpretations of their identities, interests, and needs’ (Fraser, 1990: 67). As she suggests, it is not the contextual spaces themselves but the social interactions they enable that produce and disseminate ‘counterdiscourses’ and ‘oppositional interpretations.’ In the realm of asbestos activism, such ‘discursive arenas’ have reached across grassroots and elite sectors to intertwine shop floor and village-based grassroots knowledges with radicalized professional expertise. Asymmetrical divisions of labor and the semiotic gaps they produce cannot simply be dissolved or wished away in the present social order but, as participatory research projects have shown, they can be recalibrated and realigned, away from the monopolistic hold of gate-keeping institutions at the center to contextual spaces at the margins that foster relations of solidarity, joint agenda-setting and parity of participation *with differences*.

The upshot, it seems to me, is that grassroots organizations like the AIG are not so much in need of *more* knowledge and information, as though they were empty and had to be filled up by well-meaning benefactors from the NGO world of capacity building, skills transfer and human capital development. Instead, the need at the grassroots is to change the modalities of participation in knowledge production in order to change the nature of the knowledge produced. The shift, as we have seen, is toward a vision of *socially useful knowledge* – knowledge that referred, in the annals of working-class radicalism, to learning that was devoted to neither capitalist utility nor bourgeois cultivation of self but rather to the urgent question of ‘*how to get out of our present troubles*’ (see Johnson, 1979).

The last time I saw Stephen Kotoloane was over several days in August 2013, not long after members of the Asbestos Kgatelopele Community had disrupted the AIG meeting in Ga-Mopedi. The threat of violence had shaken Kotoloane, seeming all the more ominous against the backdrop of heightened political violence at that time in South Africa. But he had not been rattled at the core. Kotoloane knew why the disruption had happened and how popular discontent grows out of desperate living conditions. He also knew that the era of compensation and its fraught entanglements were passing and the ART was winding down. Our conversation turned to the AIG’s next step, away from the dilemmas of the payout-for-personal-injury model of compensation to a new focus on

secondary asbestos contamination in school buildings and the prospects of building a coalition of the AIG, parents, students, teachers and their union to lobby for rehabilitation and safe schools.

Stephen Kotoloane died two years later in 2015. He never saw the coalition fully develop, and his legacy was turned over to his daughter Prudence who now directs the AIG. What has stayed with me, though, from that last visit, was Stephen's abiding equanimity in the face of the AKC and his foresight, looking ahead with a renewed sense of urgency, to the creation of a new coalition – to continue the work the AIG started over a decade ago through new alliances across grassroots and elite sectors and new contextual spaces on the periphery for popular participation.

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