



Difficult phase in Oscar's most difficult race

In 25 days, on August 7, the world will again be fixated on the fate of the Blade Runner

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IT'LL be a case of the pitbull terrier versus the rottweiler – pitbull Gerrie Nel striving to convince Judge Thokozile Masipa to lock Oscar Pistorius up for life, and rottweiler Barry Roux battling to detangle the athlete from a knotty web of contradictory statements and multiple pleas.

In 25 days, on August 7, the world will again be fixated on the Paralympian, whose world came tumbling down after he shot model Reeva Steenkamp, his girlfriend, on Valentine's Day last year.

First to present his closing arguments would be Nel, who is likely to argue for a conviction that will see Pistorius spending 25 years behind bars for premeditated murder, with no option of parole, as he believes the Paralympian killed Steenkamp in cold blood following a lovers' tiff.

"You killed her, admit it, you killed her. Say I shot and killed her. I will say that she ran away screaming. She ran to the bathroom to get away from you. You knew Reeva was behind the door and you shot her," Nel said abrasively while cross-examining Pistorius in April.

Nel was ruthless, accusing Pistorius of lying, tailoring his version of events as the trial went along and bawling his eyeballs out every time he tied himself up in knots.

But when he closed his case on March 28, Nel had not explored the crime of passion issue fully.

While he had presented lengthy Whatsapp messages in which Steenkamp had detailed her "fear" of her lover, and the disdain with which he treated her, at the close of the State's case there was nothing concrete indicating the new lovers had a squabble so hectic that the athlete had resorted to snuffing out Steenkamp's life.

The challenge for Nel, therefore, will be to prove to Judge Masipa that the pair fought in the early hours of February 14, and that Steenkamp ran to the bathroom, locking herself in the toilet cubicle to hide from her enraged lover.

This he could do by relying on evidence of Pistorius' neighbour Michele Burger, who said she had heard "terrified, blood curdling

screams" of a woman.

"Her screams were blood-curdling and petrified. It was the most helpless scream I have ever heard. She sounded very scared. She screamed terribly for help," Burger said, although Roux argued it was Pistorius as he screamed like a woman when anxious.

While Burger's evidence still does not fully prove the couple had fought, Nel need not worry as "the State has presented a lot of evidence which seems inconsistent with his (Pistorius's) version", says Professor James Grant of the Wits School of Law.

It was Pistorius who was in trouble and there was no way of redeeming him, at least from being locked up for murder, said Grant.

Having pleaded putative self-defence – danger was approaching and I had to protect myself – the athlete changed his defence to involuntary action – I was not thinking so shots just went off – when he took the witness stand in April.

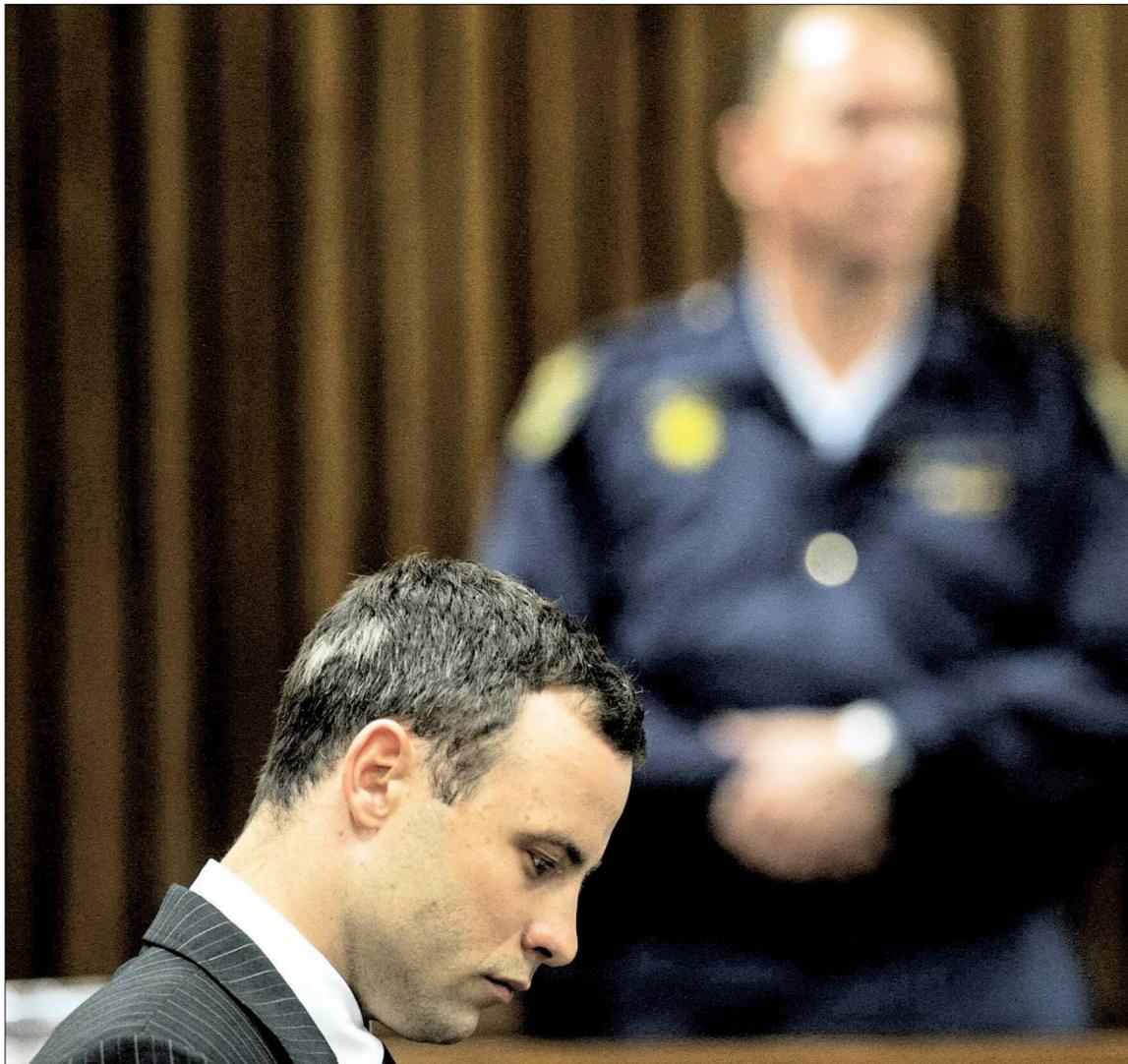
His own witness, Professor Merriyl Vorster threw a monkey wrench into the works in May, introducing a third defence by testifying that Pistorius suffered from a general anxiety disorder (GAD). This meant he had diminished capacity – while he was not insane, he could not fully comprehend the nature of the criminal act he was committing due to his anxiety.

The GAD argument was, however, disputed by a team of three psychiatrists and a psychologist who assessed Pistorius (for 30 days) at the Weskoppies psychiatric hospital.

Even arguments for culpable homicide – it was a mistake that a reasonable person would have made in such circumstances – seemed to have been dealt a blow by Pistorius himself.

The defence called Professor Wayne Derman, who said Pistorius had an exaggerated "flight or fight" response due to his vulnerability on his stumps. He chose to confront danger rather than flee as running away was virtually impossible.

Pistorius's response to a noise from his bathroom – grabbing his gun and firing four bullets through a locked toilet door to eliminate danger – was exactly how a reasonable



FINISHING LINE: Paralympian Oscar Pistorius sits in the dock during his murder trial at the High Court in Pretoria on July 2.

disabled person would have responded under the circumstances.

But with culpable homicide, said Grant, "a lot depend(s) on you showing that you actually made this mistake and the best person to show how this mistake occurred is the accused himself and the accused in this case did a very poor job".

"I think the problematic side of

the defence was Pistorius himself. When you take the State's case... the witnesses, the forensic evidence that Reeva was shot first on the hip and would have had time to scream... while Oscar was standing virtually outside the door... you'd start to think... start asking him to do some explaining and the difficulty is that when he did explain

he ended up undermining his own credibility and in some way for me I think Oscar is in trouble," Grant said.

"Can Roux save Pistorius of being convicted of murder? I say no, I think too much damage has been done."

Grant said the defence team of Roux and advocate Kenny Oldwage

had done their "job and unquestionably followed instruction" so they couldn't be blamed for the grave Pistorius had dug for himself.

"I think it's entirely unfair to blame him (Roux) for mistakes made in the trial.

"A lawyer like Roux... (it's) virtually certain that mistakes that occurred were not due to oversight

by Roux or Oldwage..."

The ultimate decision, though, will be made by Judge Masipa, having considered all evidence presented in court by the 37 witnesses called by the State and defence teams, as well as the closing arguments to be presented on August 7 and 8.

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Contradictions abound at this year's National Arts Festival

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IN THE dark and damp underbelly of the Settler's Monument, an austere '70s facebrick landmark set in the mountain overlooking Grahamstown, the artist Bridget Baker installed a reproduction of a basket used in the 19th century to "land" colonials on a boat that would take them to shore.

With the ropes suspending it breaking through the ceiling of this makeshift basement gallery, it was easy to believe that this faux artefact had somehow been lodged in this building since the colonial era, though the edifice only dates back to the mid-'70s, coinciding with the advent of the National Arts Festival, which celebrates its 40th anniversary this year.

A handwritten letter by Baker's father is pinned to the basket, weaving another time period into it, but you can only read it if you step through a small opening in a wall of bricks behind which the basket is located.

Baker allows the viewer to choose from what distance they are willing to view the object and thus history itself.

More important, this complex twisting or collapsing of time-periods that Baker's exhibition, *A Temporary Admission*, evokes, continuously echoed throughout this year's festival – from remarks by the new Minister of Arts and Culture, Nathi Mthethwa to the vast array of period pieces, from *Ubu and the Truth Commission*, *The Bram Fischer Waltz* to Princess Zinzi Mhlongo's *Dinner with Alisa*, which revisits a master-servant black-white dynamic in Argentina in the 19th century.

With historical works seen through a contemporary lens, or this multitude of histories seen in juxtaposition, the festival operates as this time machine that takes you back and forth, serving as the means for makers and consumers of these cultural products to grasp how the past impacts on the present



CLOWNING AROUND: Fabricate is an exhibition of handspring puppets at the Pringle Hall during the Grahamstown Arts Festival.

PICTURE: BONGIWE MCHUNU

or the constant presence of our history – in much the same way that Baker's basket appears to be set into the monument, as if it has always been lodged there.

Perhaps it is the nature of cultural production, which opens up this ambiguous temporal space where multiple histories can be intertwined, or is it our unfinished history that prompts this condition?

Could it be Grahamstown itself and its vexed past, which encompasses the annihilation of the Xhosa who were settled in the environs?

It always seems as if small towns wear their histories more brazenly on their metaphorical sleeves.

The latter condition tends to present a red flag for politicians and artists (who are more alike than either party would care to admit) as they tend to always charge head-on

into the territory of history, kicking up the sand that covers it as they lay down their own tracks. Mthethwa probably had no intention of raising any dust from the annals of history when he arrived in Grahamstown on the day of the opening.

His carefully scripted speech to the media seemed to be guided by a forward-looking sentiment; engaging with the festival's present-day role as a "nucleus for social building. There is no doubt that the festival continues to bring together artists from different backgrounds, races, classes and cultures to express and celebrate our unity and diversity. This has taken the country forward".

Nevertheless, there were contradictions in his rhetoric, as different time periods became jumbled: while he suggested the festival was born

from "the shameful historical pages of our conflicted colonial and racist past", he also said that the last four decades of the festival had laid the foundation for our "non-racial, non-sexist and democratic society", implying this had already been achieved.

Many in the room wondered whether the former minister for Safety and Security had any knowledge of the festival, past or present. The chief executive officer of the festival, Tony Lankester was quick to step in and point out that the festival was established to celebrate the works of Shakespeare.

This is not a neutral topic and harks to colonial ties, but nonetheless, in its day, it would have been in opposition to the National Party's policies, where Afrikaans was prized above all other languages,

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including English.

In the hands of many local theatre-makers Shakespeare's works have functioned as the foundation for plays that have interrogated hegemonic rule, corruption (moral and political) and racism.

These dated works, like Baker's faux 19th century basket, provide the ideal vehicle to address history. At the festival this year this phenomenon came almost full circle with Marthinus Basson's *macbeth, slapeloo*, an Afrikaans translation, which zones in on the theme of guilt.

Our history is not straightforward and artists complicate it because of their tendency to identify those points of friction between the past and the present. Mike Van Graan's didactic *Return of the Ancestors*, where he imagines Steve Biko and Neil Aggett returning to the present to gauge the state of our democracy, is a good example of this approach.

This is not an unexpected mode: contentious artist Brett Murray, the creator of the infamous *Spear*, uses the pseudo-communist visual rhetoric to expose the ironies inherent in the corrupt practices of a former liberation party, which betray its exploitation of a capitalist system.

This collapsing of the boundaries between the past and the pres-

ent could be considered as a means of redressing the past and tackling problems in the present-day from another angle and, as such, this mode in cultural practice does work at advancing social cohesion as per Mthethwa's understanding of the role that artists must pursue and the festival should facilitate.

However, he was very clear in his address to the media that artists should not cause "social discontent" with works guided by "derogatory intentions".

In this way he implied that the project of social cohesion inevitably entailed suppressing anything that could cause offence to anyone. So while artists were free to dig into our history they should steer clear of aspects that might be uncomfortable for other people. Would this not limit social cohesion?

Aside from the fact that this would render almost every work on this year's programme unfit, there was a strong racial slant to this observation, in which he suggested that not only were "African children" able to discern the correct manner to address "elders" but that the philosophy of ubuntu that promotes caring and sharing and is the basis for social cohesion is one that cannot be engaged "through the lens of colonials but indigenous people".

This comment implied that not only were white artists or those not perceived to be indigenous, which could include Indian, Chinese or African artists from other parts of the continent, not able to participate in this project of social cohesion via the arts, but that the "colonial" framing of culture, which encompasses everything from a Shakespearean or Beckett play to the festival itself, should also be rejected.

Ironically, and significantly, the artistic director of the festival, Ismail Mohamed, defended Mthethwa on social media, though he was not present at the media briefing. So while many dismissed Mthethwa's off-the-cuff remarks as a consequence of his ignorance about the

arts, Mohamed's support of the minister implies these ideas could have an impact on this annual platform, though it is hard to imagine how they could be implemented without the notion of social cohesion being nullified in the process.

Contradictions abounded at this year's festival: for while it was touted as being one that celebrated its 40th anniversary, which coincides with the country's 20th anniversary of democracy, there were no works or exhibitions on the main programme that dealt with the festival's history or that euphoric moment in the mid-'90s when the country was finally liberated from apartheid, or more important, that dealt with the inherent conflict between the intersection of these two anniversaries.

Was this just a gross oversight on the part of the artistic director, or was this part of a deliberate effort to sidestep history?

There were some dated artworks from bygone eras such as by those by Sam Nhlengethwa and Marion Arnold on the Goodman Gallery's self-congratulatory *14/30* exhibition, and some revivals of some early post-apartheid classics such as Kentridge's *Ubu and the Truth Commission* and Sylvaine Strike's *Black and Blue*. Nevertheless there was no concrete effort to engage with both anniversaries.

Presenting dated works that affirm political or social attitudes that coincide with our post-apartheid outlook conceal rather than reveal uncomfortable history and the complex origins and life of this festival.

This "work" was left up to its visitors to try to extrapolate from works like Baker's *Temporary Admission*, which through its title alludes to the way in which art cannot fully resolve any political or psychic demand, as it is rooted in the slippery world of subversion and imagination.

■ The festival ends today. Read all our coverage on www.iol.co.za