

## Rebuilding the Nation: On Architecture and the Aesthetics of Constitutionalism in South African Literature

Elizabeth S. Anker

*The South African Constitution is widely regarded as one of the world's most progressive, and this essays looks to a series of novels concerned with the nation's transition beyond apartheid in order to examine the challenges of transformative constitutionalism. Through readings of Nadine Gordimer's None to Accompany Me, Zakes Mda's Ways of Dying, and Ivan Vladislavic's The Folly,<sup>1</sup> it explores the prevalence of the language and imagery of architecture in describing national rebuilding and South African constitutional jurisprudence alike. The essay ultimately argues, however, that the architectural metaphor casts post-apartheid recovery as a success story that belies political and economic reality.*

**Keywords:** South Africa, constitutionalism, transitional justice, political metaphors

There is little question that we are currently experiencing a second great age of the constitution. Although the late eighteenth century is often deemed the “age of democratic revolution” and constitution making,<sup>2</sup> recent years have witnessed the unprecedented globalization of the constitution as a form, as new constitutions have in particular been adopted in previously colonized and Soviet bloc nations. For emergently independent states, constitution writing has been a primary vehicle for formalizing and celebrating that nation's sovereignty and self-determination, at the same time as constitutionalism has been vital to generating the perception of democratic membership and belonging in many nation-states. Beyond the constitution's symbolic freight, constitutions emblemize and define the precise nature of democratic participation, consecrating equal representation in a political community.

Elizabeth S. Anker is an associate professor in the English Department at Cornell University and is an associate member of the faculty of Cornell Law School. Her first book is *Fictions of Dignity: Embodying Human Rights in World Literature* (2012), and she has also published on the relationship among literature and animal rights, sovereignty, democracy, and an array of law related topics.

1 Nadine Gordimer, *None to Accompany Me* (London: Bloomsbury, 1994); Zakes Mda, *Ways of Dying: A Novel* (South Africa: Oxford University Press Southern Africa); Ivan Vladislavic, *The Folly* (Cape Town, David Philip Publishers, 1993).

2 R. R. Palmer, *The Age of Democratic Revolution: A Political History of Europe and America: 1760–1800*, 2 Vols. (Princeton: Princeton University Press, 1959–1964); Linda Colley, “Empires of Writing: Britain, America and Constitutions, 1776–1848,” *Law and History Review* 32.2 (May 2014): 1–30.

Although nationalism is frequently derided as a reactionary, defensive structure of attachment, what Sanford Levinson has termed *constitutional faith* is thus instead seen to mark a commitment to democracy, rights, and other liberal principles.<sup>3</sup>

The proliferation of constitutions around the world has spawned substantial intellectual attention, giving birth within the legal academy to the burgeoning field of “comparative constitutionalism.” Not surprisingly, scholars have attributed the internationalization of the constitution with wide-ranging consequences, troubling and praiseworthy. There is little doubt that the spread of constitutionalism is an overwhelmingly positive development, whether because it has enabled totalitarian states to transition to democracy or encouraged respect for human rights. In turn, there has been a frequent temptation to view constitutions as curatives or panaceas inherently poised to quell and resolve political discord and upheaval. Yet at once, salient concerns about the current preoccupation with the constitution have simultaneously been raised. Indeed, for some the many costs and contradictions that have accompanied that form’s global migration render it merely the latest guise of empire and the neoliberal economic order—albeit operating under cover of international law. As critics have complained, the onus to adopt a constitution can function as a mandatory standard of compliance that enforces conformity to an array of protocols establishing international political legitimacy. Economically, constitutions can also act as rent-seeking devices geared to console foreign investors, regardless of whether their actual terms create political, fiscal, and other stability. Moreover, as Levinson cautions, constitution worship can incite almost religious belief in both a constitution’s and an underlying political community’s origins<sup>4</sup>—meaning that constitution worship can fuel some of nationalism’s most toxic tendencies.

Within this climate, the post-apartheid 1996 South African Constitution has widely been regarded as one of the world’s most progressive,<sup>5</sup> surpassing the status historically ascribed to US constitutional jurisprudence. In 2012, Supreme Court Justice Ruth Bader Ginsberg famously conceded: “I would not look to the US Constitution, if I were drafting a constitution today. I might look to South Africa.”<sup>6</sup> The South African Constitution has further been lauded as a “human rights manifesto.”<sup>7</sup> Much of that acclaim, no doubt, extends from the central role it played in transitioning the nation beyond apartheid and forging post-apartheid South African democracy. Indeed, the 1993 Interim Constitution momentarily announced itself as a “historic bridge” between a “deeply divided” past to a renewed future aimed at the “promotion of national unity,”<sup>8</sup> and such high-flown terms have subsequently been applied to describe the permanent 1996 Constitution’s standing within both South Africa and international, comparative law.

3 Sanford Levinson, *Constitutional Faith* (Princeton: Princeton University Press, 1988).

4 *Ibid.*, 14.

5 “Introduction,” *Limits to Liberation after Apartheid: Citizenship, Governance & Culture*, ed. Steven L. Robins (Athens, OH: Ohio University Press, 2005), 2.

6 Ariane de Vogue, “Ginsburg Likes S. Africa as Model for Egypt,” *ABC News*, February 3, 2012.

7 Makau Mutua, *Human Rights: A Political and Cultural Critique* (Philadelphia: Pennsylvania University Press: 2002), 126.

8 Postamble, South African Interim Constitution, 1993. [www.polity.org.za/html/govdocs/legislation/1993/constit0.html?rebookmark=1](http://www.polity.org.za/html/govdocs/legislation/1993/constit0.html?rebookmark=1).

This tendency to glorify the South African Constitution pervades not only legal and political discourse but also popular imaginings of that document. Just as it has become an object of scholarly adulation, it has inspired exorbitant public veneration, making it one of the key symbols of post-apartheid political, economic, and social transformation as well as of the nation's creed of equality and inclusivity. Countless watershed controversies in post-apartheid politics have been resolved through constitutional jurisprudence, and this official role played by the Constitution is mirrored in popular allegiance to it. As a former director of education for Robben Island put it to me, the Constitution is the kind of thing that "people carry in their handbag." Jean Comaroff and John Comaroff capture popular constitutional reverence in parallel terms when they describe it as "shelved, in many homes, alongside the family bible and books of prayer"<sup>9</sup>—echoing Levinson's insights into the American phenomenon of constitution worship.

Yet the story of the South African Constitution is simultaneously a case study in the inherent limits of the constitution as a form—and especially of transformative constitutionalism. The South African Constitution was fashioned in the cauldron of apartheid's historic injustices and the legal system's complicity with those abuses. One of its primary goals was therefore to radically overhaul not only South African society but also the legal order. As an innovative code of law, the Constitution sought to provide a framework that would guide and motor more thoroughgoing patterns of sociopolitical renovation and rebuilding. But the fact remains that South African recovery is far from a clear-cut success. From its inception, the transitional process was informed by legal and political setbacks as well as compromises, and South Africa continues to be afflicted by a score of deeply entrenched problems—economic, social, and political. The nation remains beset by staggering crises in housing, poverty (with one of the most unequal income curves in the world), unemployment, HIV infection, segregation (which some estimate is greater than under apartheid), undocumented immigration, corruption, cronyism, and a spate of other problems. Taken together, these woes raise troubling concerns about the real-world potential of transformative constitutionalism, whether viewed as a blueprint for concrete change or a legal-political ethos.<sup>10</sup>

This essay wrestles with the many paradoxes surrounding both post-apartheid national healing in general and South African Constitutionalism in particular, exploring how and why that document continues to be enthusiastically celebrated for its vision and accomplishments despite the ongoing difficulties facing South Africa. I stage these queries by way of representations of South African rebuilding in three

9 Jean Comaroff and John L. Comaroff, "Reflections on Liberalism, Policulturalism and ID-ology," *Social Identities* 9.4 (2003): 445–74. See also the tendency to fetishize law within the postcolony as almost "magical." Jean Comaroff and John L. Comaroff, "Law and Disorder in the Postcolony: An Introduction," *Law and Disorder in the Postcolony* (Chicago: Chicago University Press, 2006).

10 For a powerful statement of skepticism about the success of South African renewal, see the *South Atlantic Quarterly* 2004 special issue "After the Thrill Is Gone: A Decade of Post-Apartheid South Africa," coedited by Grant Farred and Rita Barnard. Nelson Mandela's recent death likewise engendered an outpouring of more cynical assessments of South African post-apartheid recovery and Mandela's ambivalent role in that process. Zakes Mda, one of the novelists this essay discusses, offers an especially bracing interpretation of Mandela's legacy. See "Nelson Mandela: Neither Sell-Out nor Saint," *The Guardian*, December 6, 2013.

novels published in the early 1990s: Nadine Gordimer's *None to Accompany Me* (1994), Ivan Vladislavic's *The Folly* (1994), and Zakes Mda's *Ways of Dying* (1991). Although markedly different in form and style, each of these transition-era texts imagines national recovery by figuratively conceiving of the state as a residence devised to house and incorporate a divided body politic. Such architectural imagery has been a prevalent way to describe both nations and constitutions alike throughout history and across diverse national contexts, and I argue that these novels contemplate certain pitfalls not only of nationalism or of South African constitutionalism in apartheid's wake but also of the explanatory metaphors widely employed to describe constitutions. In the process, they exploit a slippage between nation and constitution that registers the current preoccupation with the constitution as a form both internationally and within South Africa, while subverting the contemporary faith in the inherently redemptive energies of constitutional jurisprudence. Contrary to the current tendency to embrace constitutionalism as an antidote to the liabilities of nationalism, these texts show how constitutional faith can encourage its most noxious energies.

In different ways, Gordimer's, Vladislavic's, and Mda's novels each depict the apartheid state as a compromised structure in need of transfer or reconstruction, and as such they further invite analysis as national allegories. Much, of course, has been written about the problems with the impulse to reduce postcolonial literature to such a category of writing.<sup>11</sup> Yet these novels nonetheless unfold dramas of rebuilding that rely on a homology between the residence or house and both nation building and constitution writing, thereby testing the explanatory salience of the common architectural metaphor for conceptualizing those dual and increasingly interrelated tasks.

As I argue, moreover, these novels enact the constitution of dwelling places in ways that index disabling failures that have, for many critics, impeded South African recovery. *None to Accompany Me*, *The Folly*, and *Ways of Dying* all rely on the metaphors of architecture to contend with more than simply the difficulties of national reform; in addition, that imagery probes the perennially fraught status of wealth, property, and land ownership in South Africa, as proprietary relations were enshrined in the post-apartheid Constitution. While recalling the apartheid era's many episodes of forced dispossession and physical displacement, these novels forecast an ongoing situation of homeless and alienation for South Africa's disenfranchised populations. In so doing, Gordimer, Mda, and Vladislavic raise hard questions about the ability of a constitution to institute meaningful political transformation and socioeconomic renewal. Taken together, their narratives counteract the stories of constitutional redemption and faith that have dominated political discourse in the intervening years since South Africa became a self-proclaimed beacon for democracy.

For many nations including South Africa, the constitution has come to represent one of the most visible and important emblems of both rights and equality as well as the nation itself. This phenomenon has at times led to what some parody as "constitution worship" or a "theology" of the constitution and its precise language.<sup>12</sup>

11 See Frederic Jameson's notorious "Third-World Literature in the Era of Multinational Capitalism," *Social Text* 15 (Autumn 1986): 65–88.

12 Relative to the United States context, see Levinson, *Constitutional Faith*; Jack M. Balkin, *Constitutional Redemption* (Cambridge: Harvard University Press, 2011).

Yet regardless of the chauvinistic aspects of constitutional devotion, specific metaphors for constitutions have over history played critical roles in cultivating both constitutional support and national belonging. Perhaps most longstanding of such figures is the “body politic.” Indeed, ideas about the human body and biology are implicit to the very genealogy of the word *constitution*, evident in the Oxford English Dictionary’s (OED’s) fifth entry for the word, which defines it as the “physical nature or character of the body in regard to healthiness, strength, vitality, etc.” In addition, constitutions have widely been seen to operate as “machines,” “living trees,” “voices,” and—as this essay considers—buildings or houses. In key ways, such metaphors adumbrate the imaginative dimensions of constitutionalism, akin to Eric Slauter’s argument that they liken the “composition” of a state to the creation of a work of art.<sup>13</sup> Constitutions, there is little question, provide aesthetic shape and design to the structure and meaning of the nation. Yet at once, important scholarship has also debated the deeper and often darker implications of these different metaphors, asking what norms, exclusions, and biases they can smuggle in.<sup>14</sup> As scholars acknowledge, even though such metaphors productively define the organization and scope of a legal system and political body, they can transmit conservative or even reactionary ideas about that community. In other words, constitutional metaphors can directly help to rationalize the failures and contradictions of a legal order and larger political regime. This is to say that constitutional metaphors are fundamentally doubled: they serve to engender a democratic culture yet are simultaneously riddled with foreclosures and exceptions.

To focus specifically on the architectural metaphor, it suffuses the terminology employed to describe constitutions and their authors. Those valences are also explicit in the basic etymology of the word *constitution*, which the OED includes in its first entry as “the act of constituting, making, establishing,” and its definition later details the outcomes of that labor: “The way in which anything is constituted or made up; the arrangement or combination of its parts of elements, as determining its nature and character; make, frame, composition.” Drafters of constitutions (and founders of nations) are typically referred to as framers or architects. Likewise, the imagery of pillars, foundations, building blocks, and supports is widespread in constitutional language, whether in popular tributes or legal reasoning. Taken together, this grammar of architecture registers key features of constitutional law and jurisprudence. Much as walls protect a building’s interior from outside forces, constitutional rights and other guarantees safeguard a populace against internal and external threats, including the vagaries of public opinion. Likewise, the notion of an abode or habitation elucidates how a constitution can unify a populace into harmonious, familial cohesion. And by no means last, architecture vivifies how a constitution’s framework or skeleton can order and regiment public life, incorporating a diverse nation into an integrated, balanced collective regulated by clear rules and foreseeability.

More than any other symbolism, architectural metaphors have provided the dominant imagery through which the post-apartheid South African Constitution has

13 Eric Slauter, *The State as a Work of Art: The Cultural Origins of the Constitution* (Chicago: Chicago University Press, 2009) 41.

14 See also Slauter.

been envisioned. This imagery of architecture in key ways elucidates the affirmative labor of democratic rebuilding in apartheid's aftermath. Yet as I will show, the metaphors of architecture also carry resonances that, in the context of South Africa, become exceptionally charged and vexed. A striking number of novels from the transitional era plot the distinct though interrelated tasks of constitution-writing and national renovation through dramas of land, development, and domestic space. Whereas those dual projects of nationalism and constitutionalism can exist in tension, the equation between constitutionalism and national reconstruction is overt and transparent within Nobel Prize-winner Nadine Gordimer's *None to Accompany*, published in 1994 at the height of the transition period. The novel's realist plot is dense with incidents that conflate the personal with the political, as is common in South African fiction. To locate the novel historically, May 1994 witnessed the nation's first fully democratic elections and the inauguration of Nelson Mandela as the first black president, and that September marked the beginning of negotiations by the forty-four members of the newly appointed constitutional committee as they began to draft a permanent constitution that would supersede and replace the 1993 interim version.

*None to Accompany Me's* narrative focuses on fictionalized events leading up to the inception of this process. The novel's main character, Vera Stark, is a human rights activist and lawyer who, near the novel's conclusion, is invited to join the constitutional committee, and that pending appointment occasions a series of almost philosophical dialogues about the stakes and hurdles of transformative constitutionalism. At one point, Vera and a friend self-consciously weigh a constitution's "practical" outcomes against its ability to "reconcile" with "coherence" the nation's competing interests (281). Another conversation instead laments the vigilante violence and "gangster methods" rampant during apartheid's long unwinding, as the third person omniscient narrator foretells the incapacity of "any Bill of Rights" to redress all of "the messianic claims for exclusive destinies" that reverberated throughout political discourse (262). While decrying the factionalism exacerbated by attempts at compromise, Gordimer cautions against placing excessive faith in constitutional jurisprudence. Querying whether a constitution can be truly universal or non-"exclusive," *None to Accompany*—on the eve of the real Constitution's drafting—anticipates what has subsequently proven a frequent lament: that the Constitution fell short of redressing the sociopolitical tumult experienced by post-apartheid South Africa.

Most importantly, Vera doubts her own qualifications for serving on the constitutional assembly, fearing that she is ill equipped to assume the weighty mission of "making terribly important decisions." In fact, her personal circumstances do involve forms of white guilt and complicity that allegorically map onto the injustices of apartheid and risk undermining her responsibilities as a framer of the new South Africa. Vera's private rather than professional life triggers her self-recriminations, however. In particular, her thorny romantic past is what sheds light on the complicated labor of constitutionalism. What's more, Vera's romantic and ensuing domestic crises recurrently play out in controversies over land and residential space—controversies that in actuality continue to haunt South African politics and law. One key episode midway through the novel is explicitly triggered by concerns shifting property rights during the transitional era and the feuds those changes incited. As a

human rights lawyer, Vera is charged with inspecting a plot of state-owned land about to be privately commercialized, and in the process Vera and a colleague are both nonfatally shot. Recounting the fictional dispute that precipitated the incident, Gordimer's narrative adopts the distanced vantage of media reportage. As the narrator explains, the government land under investigation was about to be sold to "speculators and developers," rather than preserved "to solve the enormous land and housing crisis" (188). The narrative thus converges on the very fault lines that would later preoccupy deliberations by the actual constitutional assembly at great length. The contending mandates to respect private property while remedying race-based land and housing shortages consumed the constitutional committee for substantial time during the year following the publication of Gordimer's novel. As one of the most "tightly negotiated and contested" provisions in the new constitution's bill of rights, the "property clause" was decried as ultimately a "package deal" that left African National Congress (ANC) constituencies in particular "bitterly unhappy."<sup>15</sup> Whereas proponents of private property defended property rights as indispensable to a free market economy and foreign and other investment, opposing blocs maintained that a conservative approach to property would perpetuate "colonial relations" and "entrench the legacy of the past" in a country where white farmers then owned 81% of the land.<sup>16</sup>

Within *None to Accompany Me*, such conflicts are brought to bear on Vera's own body, scarring her with wounds that mirror the injuries subsequently inflicted on the nation through battles that overtook negotiations within the constitutional committee. This plot development thus foresees what has become, for many, the primary setback in the country's reconciliation process: the failure to meaningfully redistribute property illicitly owned by whites under apartheid.<sup>17</sup> For critics, post-apartheid rebuilding has preserved pre-existing class hierarchies and financial privileges, entailing that wealth has disproportionately remained in the hands of whites. The legal-financial dispute that literally wounds Vera accordingly materializes parallel conflicts that analogously maimed the South African body politic in its attempts to transcend the racialized wealth disparities enforced by apartheid. This incident thereby magnifies the nation's ongoing fixation with the construct of property and its legal status, while suggesting why those endemic conflicts have perpetuated cycles of violence destined to block other paths to reconciliation.

Beyond this episode, numerous other occurrences in *None to Accompany*—along with Gordimer's choice of imagery and language—reinforce the connection between residential space and the construction of not merely a nation but specifically a constitutional democracy, eliding nationalism and constitutionalism. Multiple plot details revolve around the changing of hands of apartments and other residences, including

15 Katharine Savage, "Negotiating South Africa's New Constitution: An Overview of the Key Players and the Negotiation Process," in *The Post-Apartheid Constitutions: Perspectives on South Africa's Basic Law*, eds. Penelope Andrews and Stephen Ellmann (Athens, OH: Ohio University Press, 2001): 164–193. For the complaint that the ANC simultaneously "trafficked in anticapitalist rhetoric during the anti-apartheid struggle" yet "did not reject capitalism in principle," see Michael MacDonald, "The Political Economy of Identity Politics," SAQ 103.4 (Fall 2004): 629–56.

16 *Ibid.*, 176–77. Gloppen ultimately concludes that the constitution's protection of property rights will "hamper radical change," 236. See also 209, 231.

17 For such a critique, see Grant Farred, "The Not-Yet Counterpartisan: A New Politics of Oppositionality," SAQ 103.4 (Fall 2004): 589–606.

the uncanny reemergence of those spaces. When the character Didymus bewails the decrepit housing conditions in his historically black neighborhood, that complaint equates unfit living space with political decay. As Didymus cynically surmises, “it’s about not occupying the past, not moving into it, but remaking our habitation, our country, to let us live within the needs of space and decency our country can afford” (184). Here, Didymus relies on the metaphors of architecture to conceptualize national degeneration and rebuilding alike.

These architectural figures further correlate Vera’s personal foibles not only with the *longue duree* of colonialist property relations but also with her task as a future framer of South Africa’s new constitution. Vera’s own home, not incidentally, was “acquired dishonestly” through infidelity to her husband (304). Vera herself thus possesses and inhabits a domicile that paradoxically is predicated on the violation of its own sanctity. Although Vera’s betrayals remain undisclosed despite the dissolution of her marriage, they render her and her house “[o]ld partners in crime” (id.). The novel accordingly presents us with a custodian of South Africa’s renewed national imaginary who is nonetheless wracked by widely generalizable forms of both complicity and culpability. It is in reaction to her guilt that Vera therefore decides she must relinquish her home before she can take up the mantle of drafting the new constitution. The novel’s penultimate chapter opens with Vera in the symbolic act of signing her home’s “deed of sale,” a ritualized gesture allegorically implied to simultaneously inaugurate the new South Africa. This homology between Vera’s residence and the juridical-political edifice of the state casts the latter, too, as compromised by disloyalties that necessitate its abandonment in favor of a more just and inclusive structure. Between Didymus and Vera’s reflections, *None to Accompany Me* self-reflexively invokes the architectural metaphor to contemplate transitional South Africa’s relationship to its former political-legal framework and design. Should that order’s architecture be dismantled and surrendered in its entirety, the route Vera takes? Or should it be preserved and refurbished, as Didymus argues?

These deliberations check the idealistic desires and fantasies that have often been projected onto the South African experiment in constitutional transformation. Much as Vera’s personal betrayals are left unexcavated at the novel’s end, Gordimer’s allegory confronts the many concessions, disavowals, and avoidances that enabled the foundation and erection of the rebuilt South Africa, probing whether they were implicitly sanctioned by the new constitution. Although it remains unclear whether Vera’s wealth transfer facilitates her moral recovery, her misdeeds are neither publicized nor apologized for. In this respect, we might say that Vera’s failures index the willed denials and broader refusals that have directly enabled the magnitude of constitution worship in South Africa. Indeed, Vera’s own characterization of her future labor on the constitutional committee satirizes the exorbitant hopes invested in constitution writing, when she describes constitutions as “the nearest humans will ever get to the myth of being God on Creation Day” (315).

Other novels that meditate on South African reconciliation similarly draw on architectural metaphors. They do so, however, in terms that are less explicitly about constitutionalism per se than the crucibles of national unification and reincorporation. Whereas *None to Accompany Me* offers a realistic and self-aware commentary on constitution writing, other transition-era novels obliquely meditate on national



renovation through motifs that are only tangentially tied to the specific acts of constitution writing and jurisprudence. Ivan Vladislavic's *The Folly*, published like Gordimer's novel in 1994, humorously parodies tensions over land and housing through an otherworldly fable that centers on the construction of a home. The novel's allegory follows the interactions of "Mr. and Mrs. Malgas" with the vagabond Nieuwenhuizen after he arrives on a plot of land adjacent to their middle-class home and sets out to improve it by building a new residence from scratch. Vladislavic's parable is dense with at times conspicuous symbolic commentary. The Malgases are referred to as "Mr. and Mrs.," rendering them exemplars of South African privilege, and Mr. Malgas owns a hardware business, which allows him to assist Nieuwenhuizen in his construction project. Likewise, the name Nieuwenhuizen is Dutch for "new houses," with the plural registering his character's universalizable status. By no means last, Nieuwenhuizen squats on an overgrown, garbage-strewn wasteland—an apt diagnosis of the state of democracy and human rights under apartheid.

The narrative opens with a snapshot of "Mr. and Mrs." safely ensconced in their living room watching the evening news. Although the reports inspire terror, they nonetheless continue dinner, an incongruity that lambasts their privileged self-enclosure and the fears sanctioning it. Notably, the news is replete with tales of "burning shanties" (2)—another emblem for the imploding state. This image also invokes the specter of settlement fires, frequent calamities caused by makeshift structures and plundered electricity in the many temporary settlements populating the countryside. *The Folly* thereby foregrounds the wealth disparities dividing South Africa, while linking the Malgases' habits of consumption to their garrisoned home and obsession with "security" (26). Some of the novel's prescience here inheres in its anticipation of the regimes of spatial governance, security, and surveillance that have overtaken many South African residential neighborhoods in the decades since apartheid, producing a phenomenon that some term the *Californianisation* or *Brazilianisation* of the urban landscape.<sup>18</sup> As critics lament, such enclaves have only exacerbated and entrenched the lines of segregation on which apartheid was established. But although *The Folly* is conspicuously silent about race, the Malgases are spokespeople for anxieties that both jeopardize South African democracy and have legitimized the state's bunkered sheltering of elite white entitlement. *The Folly's* opening scene accordingly offers a strikingly different perspective on the valences of the architectural metaphor, highlighting its predatory and exclusionary undercurrents. For the Malgases, their residence barricades them against external threats, with its framework reinforcing their good fortune and justifying exclusion and intolerance. This fortified residence vivifies the innate doubledness of the imagery and language of architecture, demonstrating how it can endorse the logic of the border and the purified, homogenous community.

Nonetheless, the bulk of *The Folly* charts the ceremonialized creation of Nieuwenhuizen's fantastical home, an undertaking that proceeds through highly

18 Sally Engle Merry, "Spatial Governmentality and the New Urban Social Order: Controlling Gender Violence through Law," *American Anthropologist* 103.1 (March 2001): 16–30; "Introduction," *Limits to Liberation after Apartheid: Citizenship, Governance & Culture*, ed. Steven L. Robins (Ohio University Press, 2005), 11; see also Werry.

ritualized performances. When he arrives and pitches a tent, the effort to secure its stakes “cause[s] him to fly into the air like a marionette, with all his limbs jangling” (9), and the house’s construction requires equally lavish gestures. As one passage relates: “he flung the hammer in his right hand forward with all his might, pivoted on his heel toppled sideways, flew into the air, flapped after the hammer like a broken wing, went rigid as statue in mid-air, hung motionless for a long, oblique instance, and crashed to earth with a cry of triumph” (77). With Nieuwenhuizen acting as a founder of sorts (albeit an absurd one), national rebuilding is here cast as a spectacle, which eventually inspires a crowd of observers to gather. Nieuwenhuizen’s exaggerated motions vastly exceed, and therefore are disproportionate to, the outcome of his labor, problematizing their symbolic import as well as the end to which that symbolism might be enlisted. This disconnect is especially pronounced given that Nieuwenhuizen’s home is ultimately exposed as illusory, rendering its dramatic creation all the more incommensurate to underlying reality. In turn, *The Folly* raises questions both about the ritual enactments required to inspire allegiance to the nation and the legal-political structures resulting from those theatrical endeavors. Are Nieuwenhuizen’s affected behaviors necessary to restore faith in the nation? Or is their grandiosity superfluous and a diversion from mundane reality? And what type of edifice must he erect in order to successfully remake the abandoned plot of land on which he inaugurates his new life?

This gap separating Nieuwenhuizen’s artistic aspirations from their outcome further raises questions about not only the combined perils and opportunities of national rebuilding but also constitutionalism—the legal framework whose architecture in reality provided the primary vehicle for reconstructing the barren, ravaged landscape of South African democracy. On the one hand, we might take Nieuwenhuizen’s carnivalesque performances as acts of radical hope embodying the ritualized energy necessary to consolidate a people, as well as belief in a nation. They accordingly dramatize the role of culture and the imagination in securing the abstract realms of law and politics, rendering those abstract dictates socially intelligible. But on the other hand, the melodramatic surplus of Nieuwenhuizen’s antics indexes the basic fragility and insecurity not only of nationalism or democracy but also of the kinds of redemption furnished by transformative constitutionalism. In *Walled States, Waning Sovereignty*, Wendy Brown explains state sovereignty in terms that map onto the themes of *The Folly*. Analyzing the recent multiplication of walls and other physical barriers that increasingly reify territorial limits, Brown argues that they “dissimulate declining state sovereignty with a spectacle of its rectitude and might” in ways that “resurrect the imagined space and people of the nation that sovereignty would contain and protect.”<sup>19</sup> These fortifications make visible sovereignty’s “theological remainder,” ritually substantiating it in the very face of its evanescence. By extension, we might conclude that Nieuwenhuizen’s theatricality gauges the incompleteness of South African democracy, while illustrating the grandiosity of the ritualized enactments required to conjure and reinvent faith in the nation. As I have claimed, the constitution has fulfilled precisely such a symbolic role in South African political discourse, and *The Folly*’s portrait of the almost magical powers that extend from Nieuwenhuizen’s

19 Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone, 2010), 104.

visionary creation also speak to the countless dreams and yearnings that have been channeled into constitution worship.

In fact, the chimerical nonexistence of Nieuwenhuizen's house seems to be precisely what requires the spectacle of its creation. Nieuwenhuizen's antics inversely correlate with the material unreality of his house, and we might further look to *The Folly* to unfold analogous concerns about constitutional faith, probing how such worship can mask or dissimulate the failure and neglect of the very principles that a constitution formally enshrines. Myths of founding and origins are often popularized at precisely those moments when a society experiences the breakdown or miscarriage of its core values; as such, we can see how nationalist myths can divert attention from and submerge those larger failures, which in South Africa directly pertain to the tenuous status of the rights and protections codified in the post-apartheid constitution. As a figure for the reconstructed South African state, then, we might ask whether the insubstantiality of Nieuwenhuizen's dream house is cognate to the equally ephemeral human rights legally consecrated in the constitution. Were his house a reality, his histrionic displays would not be necessary for its verification; the sheer illusoriness of his vision compels his exaggerated behavior. Indeed, Nieuwenhuizen himself admits that his dream house fulfills such goals: "... to raise us up above the mire of the everyday, to give us perspective, to enable surveillance of creeping dangers" (75). Vladislavic here further links the aspirational value of Nieuwenhuizen's home to the rise of the security state. As for the Malgases, the narrative suggests how the kinds of mythologies of the nation that are often commemorated through constitution worship can both capitalize and prey on conservative, reactionary fears that reinforce the very sociopolitical hierarchies and divides that a democratic constitution purports to level and mitigate.

Just as the architectural metaphor is central to *The Folly's* insights into national healing, Vladislavic's narrative is dense with metafictional commentary that likens its own written composition to the building of Nieuwenhuizen's house, conflating multiple levels and kinds of draftsmanship and framing. This homology parallels architectural construction with other modes of writing and codification. Nieuwenhuizen's development of his "plot" of land is cognate to the novel's own designs on an intelligible narrative, and Vladislavic's third-person narrator repeatedly likens the physical properties and elements of writing to those of construction. For instance, Mr. Malgas is eventually recruited as Nieuwenhuizen's conspirator, and Nieuwenhuizen meticulously supervises his labors in terms that equate them with written inscription: "when he judged that Malgas had mastered the full stop, he added the colon and ellipsis to his repertoire, although he was careful to keep the combinations simple" (84).

We can extrapolate from this slippage between writing and architectural design to further meditate on other distinct challenges of constitutional draftsmanship. Throughout *The Folly*, the building blocks of a text are juxtaposed with lengthy yet disunified catalogues of construction implements and tools. One such indented and decontextualized passage reads:

[p]articolored. Castanets, chromium-plated, Clackerjack (regd. T. M.). Willow-pattern Frisbee. Mickey and Minnie, blessed by Pope (Pius). Pine-cone. Crucifix, commemorative, blasa-wood and papier-mache, 255 m × 140 mm. Calendar, Solly Kramer's, Troyeville, indigenous fauna painted with the mouth, 1991. Clock, Ginza, broken (ToCH?)

Vladislavic's narrative neglects to decipher this seemingly random tally of artifacts that nonetheless suspends the momentum of its plot—a word that, again, simultaneously denotes Nieuwenhuizen's activities, the narrative's own form and structure, and South African rebuilding. Precisely that ambiguity, however, endows those objects with talismanic status, in effect aesthetically performing the South African preoccupation with property. The South African transitional process produced an almost religious fetishization of property and wealth, and these itemizations of totemic objects in *The Folly* dramatize an analogous obsession that stalls the narrative's internal progress. These catalogues that arrest the narrative's pace act as diversions that parallel how South African national reconciliation was jeopardized by a similar sanctification of property.

These decontextualized, disjointed lists further problematize the relationship between part and whole—a conundrum that is equally endemic to democracy, novels, and constitutions. To be successful, a constitution must subsume its isolated provisions into a reconciled, integrated document, even while some rights or guarantees will be naturally fated to take precedence over and cancel others. *The Folly's* many itemizations of unrelated objects thus allow a meditation on this further hurdle of constitutional draftsmanship and framing, raising questions about the symmetries between narrative constitutionalism and the legal genre of the constitution (70, 76). All novelistic plots aspire to impose structure and design, integrating their disparate parts, events, and characters into a coherent and inclusive whole—at the risk that certain themes or constituencies will overshadow and marginalize others. This, of course, is a tension that also lies at the heart of democracy, with its perennial struggles over both membership and representation. Yet precisely such tension between part and whole is democracy's essence, which is to say that it is deeply generative. It is a truism that popular sovereignty is both activated and actualized through the latent indeterminacy and open-endedness within the category of the people, and that fluidity is one that constitutional language also aims to both recall and harness.<sup>20</sup>

In designing the constitution of his literal and figurative house, Nieuwenhuizen confronts other obstacles to converting his imaginative vision into reality, and, in the end, his plan is exposed as mere fantasy. Although he outlines the structure's intended perimeter by planting nails and joining them with string, nothing concrete materializes from that blueprint. Malgas worries throughout whether Nieuwenhuizen even has a strategy, as he doubts: "To call it a plan was to grant it a semblance of purpose and order it evidently did not deserve. It was a shambles" (102). Relatedly, Malgas agonizes over his role as interpreter, as "frantic for meaning" he searches for a "thread" (103), acting as a literary critic, or proxy for the reader. When all is said and done, however, no amount of wishful thinking is sufficient to transform Nieuwenhuizen's design into something tangible and real. Even though Malgas provides him with building supplies, those resources do not guarantee its fruition. Malgas hopes that routine and repetition will endow the house with actuality, so he "practice[s] seeing the new house until it came out of his ears" (118). But here, too, *The Folly* offers a prophetic forecast for post-apartheid South Africa, given that Nieuwenhuizen's

20 Jacques Ranciere, "Who Is the Subject of the Rights of Man?" SAQ 103.2/3 (Spring/Summer 2004): 297–310.

charade is unmasked as both illusory and a self-indulgent diversion of Malgas from his own life and responsibilities.

Along the way, *The Folly* offers multiple explanations for why Nieuwenhuizen's dream was destined to fail. Most immediately, he confronts a scarcity of resources—a shortage that decries the wealth disparities still afflicting South Africa. No amount of cunning or “concentration” is sufficient to transform Nieuwenhuizen's lack of assets into plenitude or prosperity (116), and his own destitution forestalls his ambitions. The mere outlines of Nieuwenhuizen's blueprint do not prove an adequate foundation; sheer codification and writtenness don't do the trick of effectuating material change. Although Malgas becomes equally passionate about the house, it is only a matter of time before that fantasy “smash[es] spectacularly” (132). When Malgas and Nieuwenhuizen bicker over their ruin, even the idealistic Nieuwenhuizen makes recourse to the language of possessive individualism, asserting entitlement over “my goods,” “my furniture,” and “my house” (132–33). Malgas responds with comparatively antagonistic rhetoric, disputing his authority: “Who the hell do you think you are? [...] The architect? The landlord?” (133). The atomizing rhetoric of rights and property derails their collaboration, fracturing the experiment in democratic community temporarily enabled by the aspirational house. We can only speculate whether *The Folly* by extension impugns the ineffectuality of the real-world blueprint—namely, the constitution—that offered the legal backbone for South African recovery. Yet regardless of whether the constitution itself can be read as the allegory's intended referent, the collapse of Nieuwenhuizen's project into the combative rhetoric of egoistic claims indicts the liberal rhetoric of rights and property for reinforcing the very socioeconomic divisions that the South African Constitution aimed to ameliorate and guard against.

In such ways does the ruin of Nieuwenhuizen's architectural plan also lend itself to being read as a cautionary tale in the perils of popular sovereignty. Nieuwenhuizen eventually resumes his transient, homeless lifestyle, but before he leaves a crowd gathers to observe the spectacle of his creation. This congregation of “the people” or “the wider society,” “all speaking at the same time and pressing together in a mass,” is initially restrained by protective blockades (145). However, these masses are only temporarily kept at bay before they “surge... forward” over the barriers (149), invade the private camp, and “strip... [it] of everything of value,” leaving behind mere “wreckage, rags, and kindling” (150). The crowd similarly succumbs to possessive self-interest as it plunders and eviscerates the remnants of Nieuwenhuizen's dream. His aspirational plan is ransacked and overrun by popular will, although that outcome simultaneously captures why his efforts both depended on and were menaced by the people's consent. The crowd embodies the revolutionary energies that must be at once harnessed and domesticated in all acts of transformative, redemptive constitutionalism. Constitutions gain explanatory authority by both stimulating and gratifying certain fantasies and longings; yet the plot of *The Folly* also depicts those affective attachments turned predatory, egoistic, and rapacious. The genre of the constitution was borne of revolutionary fervor, even though a constitution's basic design is geared to curb and restrain those same yearnings. Within *The Folly*, however, such a delicate equilibrium proves impossible to sustain, consigning Nieuwenhuizen to his state of chronic homelessness.

In this respect, the fate of Nieuwenhuizen's plan, beyond displaying how readily projects of radical political transformation can authorize dangerous self-delusions,

offers a lesson in certain hazards specific to constitutional myth-making. For a while, skeptical Malgas is seduced by the prospect of the home, believing he can see and occupy the chimerical residence. As the neighbors imaginatively traverse the pretend house, its architecture enables beliefs that are unmasked as self-congratulatory and narcissistic. As the narrative relates: “At the end of every sparkling corridor they saw their own reflections in full-length mirrors and polished stone, in smoked-glass partitions and lacquered panels, and all these silent witnesses to their containment conspired to give Malgas the courage of his convictions” (120). Nieuwenhuizen’s dream house reflects back his and Malgas’s preexisting commitments, confirming rather than contesting those biases and merely “mirroring” the status quo. Their travel through the house also inspires a ritual of naming and enumeration, and that task of linguistic classification further conjures and reinforces their narcissistic fantasies. The neighbors linger over the home’s ornate decorative features, such as its “sways and festoons” and “alabaster plinths” (id.), as their rhetorical pronouncements hypostasize idealized, inflated visions of reality. Yet the fact remains that their performative declarations never leave the realm of aspiration, and this disconnect recalls parallel criticisms of the post-apartheid South African Constitution that in intervening years have, for many critics, proven true. *The Folly* thus asks: Would even the most carefully executed plan for South African recovery have proven inadequate to transform dream into reality? What are the limits of codification, framing, and written inscription; are they a diversion from other activities more likely to induce material change? And what self-serving fancies can constitutional faith smuggle in? Is any constitutional blueprint destined, like Nieuwenhuizen’s home, to merely “flicker and flare,” with “parts of it crumpled up like sheets of paper,” as the bold principles it codifies fragment and fall apart, forsaking the real-world demands of law and practice (141)?

Zakes Mda’s *Ways of Dying* similarly employs the motif of homelessness to register the plight of the South African body politic during political upheaval, while also relying on architectural metaphors to adumbrate key ambivalences of national reconstruction. Published in 1991, the year following Mandela’s release from prison that also saw the unbanning of the ANC, *Ways of Dying*, however, captures an earlier moment in the transitional process, before the task of drafting a permanent constitution was front and center on the nation’s mind. As such, it enlists the imagery of architecture to speak less explicitly to the specific burdens of constitutionalism and more broadly to national renovation overall. Its own fantastical political allegory, the novel follows the itinerant, destitute, and mentally challenged “professional mourner” Toloki. Toloki is a near farcical character, and Mda’s satire often relies on dark humor. Toloki refuses to bathe, which makes him a pariah, and wears a heavy black velvet suit; yet he simultaneously aspires to “live in the history books as the founder of a noble profession” (17). Such characterizations identify *Ways of Dying* as another tale of origins and beginnings, even as the narrative invokes a self-consciously communal voice. Although a distanced perspective recounts Toloki’s misadventures, the narrative frequently adopts the voice of a collective “we” that avers both responsibility for and ownership over the novel’s plot. A passage in the first chapter explains:

Just like back in the village, we live our lives together as one. We know everything about everybody.... We are the all-seeing eye of the village gossip. When in our orature the

storyteller begins the story, ‘They say it once happened...,’ we are the ‘they.’ No individual owns any story. The community is the owner of the story, and it can tell it the way it deems it fit. We would not be needing to justify the communal voice that tells this story if you had now wondered how we became so omniscient in the affairs of Toloki and Noria. (12)

This pluralized “eye” appropriates Toloki’s story as public property, but not without underscoring the disciplinary force underlying that requisition. Despite Toloki’s eccentricities, the narrative prelude usurps his story only to ironically celebrate him as a forefather or founder. This collectivization at once renders Toloki’s tale broadly applicable and highlights the distortions that subtend the genesis of any group-based political identity. And whereas Toloki inaugurates a profession grounded in rituals of dying, *Ways of Dying* is replete with other characters whose plights instead embody the arduous trials of rebirth, such as in Noria’s epically protracted pregnancies (81).

Although such details inject *Ways of Dying* with a magical realist flavor, it portrays a South Africa devastated by violent upheaval and literally strewn with corpses, although Toloki exploits those realities by conniving the recently bereaved into paying for his histrionic funeral lamentations. Beyond Toloki, Nefolovhodwe is another character who capitalizes on death, although here through the coffin trade. Nefolovhodwe’s coffins are so versatile and sturdy—such as the “Collapsible Coffin,” which is easily transportable and can fit any size corpse (125)—that they inspire a black market in recycled caskets. Coffins, of course, carry their own symbolism as structures devised to house the body politic, in another fatalistic emblem for the condition of South African democracy.

From the start, Toloki’s homelessness is linked to the burdens of historical memory; the fact that Toloki “is not the type who forgives and forgets” produces his isolation. Initially, Toloki lives a nomadic existence, taking refuge in a “quayside shelter” with all his “worldly possessions” stored in a “shopping trolley” (14). Much of the novel charts his attempts to find a home, however, a plot thread that casts Toloki as an avatar of black bewilderment and social malaise in the midst of South Africa’s transition. Here, as in Gordimer’s novel, individual crises in living space comment on nationwide housing and other shortages. In Mda’s novel, moreover, those crises are explicitly attributed to cyclical histories of government interference with housing, as in the recurrent bulldozing of settlement neighborhoods only for them to be rebuilt (119). Yet Mda’s linguistic playfulness parodies rather than overtly excoriates such contentious political histories. For instance, the narrative at multiple points mulls the “polite” or politically correct terminology for such itinerant communities (40), referring to them as “these shanty towns or squatter camps or informal settlements or whatever you choose to call them” (147). As in *The Folly*, such passages underscore the fraught role played by language and naming in remaking South Africa, even while they amplify the context that renders Toloki’s quest to find, erect, and inhabit a home symbolically loaded.

Toloki’s pursuit of a home is eventually facilitated by a renewed liaison with his childhood friend Noria, and for Toloki residing within the “close-knit community” of Noria’s “squatter camp” represents a luxury (48). Noria’s former shack was burned down in an act of communal retaliation, and Toloki’s efforts to rebuild that structure—and by

implication, the nation—are what forge their partnership. Like Nieuwenhuizen, Toloki's ambitions for their home are grand. He strives to create a “really elegant” “masterpiece,” “much better than the one... before,” composed of materials of “all the colours of the rainbow” (58) and producing “a collage in bright sunny colors” that “would certainly be at home in any museum of modern art” (67). Mda here seems to parrot the “rainbowism,” or spirit of multiculturalism, that has along with *Ubuntu* been central in recent decades to the rebranding of South Africa. *Ubuntu* and related appeals to indigenous epistemologies have been a source of much controversy, however, despite their formal incorporation into political and legal discourse and practice. The former constitutional court justice Albie Sachs, for instance, cites *Ubuntu* as a key principle of harmonization that informed his legal reasoning while on the court and defends *Ubuntu* as a constitutionally acknowledged standard.<sup>21</sup> Although the 1996 constitution contains no explicit mention of *Ubuntu*, it was codified in the 1993 Interim Constitution in an appended section on “National Unity and Reconciliation,” which explained: “[t]here is a need for understanding but not for vengeance, a need for reparation but not retaliation, a need for *ubuntu* but not for victimization.”<sup>22</sup> For Sachs, Mandela, and other celebratory proponents, *Ubuntu* is a counter-individualist philosophy oriented toward determinations of responsibility and indebtedness, as opposed to the socially atomizing lens of legal entitlements and rights.

For others, *Ubuntu* is predominantly a market-based ideology that collaborates with white privilege and greases the wheels of neoliberalism's economic motors.<sup>23</sup> Relatedly, the rhetoric of *Ubuntu* has been decried for masking ongoing (if not spiraling) ethnic hostilities through its fantasy of multicultural harmony or for spuriously disseminating an overly congratulatory account of post-apartheid reconciliation.<sup>24</sup> It is this more cynical perspective on rhetoric like *Ubuntu* that—on the eve of that idiom's official inclusion in the 1993 Interim Constitution—*Ways of Dying* seems to marshal through its satire of “rainbowism.” Relative to Toloki's shack, such an ethos represents a form of wish fulfillment that, although gratifying for Toloki, falsifies reality. Although he and Noria believe that they wander a vast, opulent “private garden” and relax at “an above-ground pool” adjacent to their shack (113), those imaginings belie reality.

Yet despite their illusory status, Toloki, Noria, and their neighbors gain much consolation from those fictions. The narrative emphatically attributes positive outcomes to Toloki's creative labors, emphasizing their role in community building.

21 Interview with Elizabeth Anker at Cornell University on August 30, 2013. See also Drucilla Cornell, “A Call for Nuanced Constitutional Jurisprudence,” *Ubuntu and the Law: African Ideals and Post-Apartheid Jurisprudence*, eds. Drucilla Cornell and Nyoko Muvangua (New York, Fordham University Press, 2012), 329.

22 Postamble, South African Interim Constitution, 1993.

23 For a comprehensive discussion the dualities of discourses of *Ubuntu* that in particular examines its role in sports culture, see Mukti Lakhi Mangharam, “‘Ubuntu Sports Inc.’: The Commodification of Culture in South African and American Sports,” *Safundi: The Journal of South African and American Studies* 12.1 (Jan 2011): 27–46. Mangharam asks whether it serves “as a convenient platitude to appeal to urban youth in attempts to smooth over racial and economic divisions” (41).

24 For a critique of how the rainbow national ideology perpetrates violence and “glosses over the struggle to achieve” citizenship, see Neil Lazarus, “The South African Ideology: The Myth of Exceptionalism, the Idea of Renaissance,” *SAQ* 103.4 (Fall 2004), 607–28.



Toloki's "ability to create" extends to visual art (199), and the narrative, again like in *The Folly*, describes a crowd that gathers to marvel at his drawings, although here with an affirmative outcome:

Others come and look at Toloki's work, and say it is the work of a genius. In the same way that they read meaning in the shack he and Noria built, they say that the work has profound meaning. As usual, they cannot say what the meaning is. It is not even necessary to say, or even to know, what the meaning is. It is enough only to know that there is a meaning, and it is a profound one. (200)

Mda's narrator avers the value of Toloki's imaginative labor, lauding the sheer act of creation as inherently "meaningful" regardless of its underlying content. In the aftermath of apartheid, the basic cultivation of hope is in and of itself salutary, especially if it engenders a collective experience of belonging. Indeed, the suggestion is that Toloki's artworks are compelling *because not in spite of* their open-endedness, which allows them to be endowed with universally relevant content. Toloki's creations replenish the social imaginary, and this function, too, mirrors the innovative self-fashioning undertaken through the labor of constitutionalism, a form of invention that similarly seeks to enshrine comprehensive ideals that will prove applicable to the vast diversity of human experience. Of course, that very capaciousness carries the risk that those ideals will become repositories for idiosyncratic, self-serving longings and ambitions—as occurred for Malgas and Niewenhuizen. Nonetheless, the expansive "meaning" inspired by Toloki's art directly returns us to the imaginative work achieved through the architectural metaphor for the South African Constitution. Much as Noria's murdered revolutionary son Vutha could "recite" "the Liberation Code and the Declaration of the People's Rights" despite not knowing English (179), the accommodating, elastic scope of such creations and creeds is what renders them powerful.

But beyond their virtues, the fact remains that Toloki's utopian aspirations are engineered by the allure of the commodity and economic consumption. Even as his desires fail to mitigate his poverty, they are revealed as manufactured by neoliberal ideology and a regime of property rights—in other words, by the enabling logic of apartheid. Having completed the shack, he covers its walls with decorations:

[H]e makes a paste to use for plastering the pictures from the magazines and catalogues onto the walls.... On some sections, he plasters pictures of ideal kitchens.... Then on two walls, he plasters pictures of ideal gardens and houses and swimming pools, all from the *Home and Garden* magazines. By the time he has finished, every inch of the walls is covered with bright pictures—a wallpaper of sheer luxury. (111)

These advertisements that channel and shape Toloki's dreams not only mask the structural reality of his impoverishment but also are fabricated by neoliberalism's falsifying portraits of domestic life—in other words, by the very values and forms of white privilege that authored his chronic homelessness and destitution. The walls of Noria's reformed shack are cloaked in superficial tokens of economic prosperity that aggressively distort reality, and those colorful though flimsy coverings serve to assail

the willed delusions on which all national myth-making relies—in particular when it smuggles in comforting narratives of economic rehabilitation and multicultural harmony.

*Ways of Dying's* satire of South African recovery thereby prompts related questions about the success stories that, since its own publication, have been naturalized by the architectural metaphor in South African political and legal discourse, whether that metaphor pertains to the nation or the specific form of the constitution. Those reservations together expose the dark side of constitutional metaphors and how they can mask and condone failures of social justice. Just as Toloki's faux furnishings disingenuously disguise the brute reality of his hardship, we might ask whether analogous emblems for national and constitutional redemption similarly cover over and apologize for the shortfalls of South African renewal. Toloki's decorations no doubt make him happy, but they remain decoys that blind him to his own disenfranchisement. Within *Ways of Dying*, those fantasies are furthermore direct bequests of apartheid's core philosophical and economic warrants. *Ways of Dying* thereby interrogates the many fables of renewal and belonging that have ushered in South African transformation—including those associated with the constitution. Will the constitution, too, be exposed as mere wallpaper superimposed on a decrepit, unreliable architectural structure, as a soothing facade that has failed to transform the ideal into the real?

To conclude, other episodes in *Ways of Dying* complicate the architectural metaphor and its transformative capacities from a vantage also reminiscent of *The Folly*. Much as Noria's former home was destroyed by mob violence—or by popular sovereignty run amuck—the novel contains another parable for the volatility latent to popular will. Whereas Toloki's shack offers an optimistic figure for national reconstruction, it is juxtaposed with other “burning shacks” that unfold competing stories of the outcomes of popular sovereignty. While “on the road,” Toloki happens on a small village that recently enlisted such a structure as an instrument of violence. In order to punish a group of “bandits” who were “terrorizing” the town with rape and criminality, the villagers imprisoned them in a “burning shack” turned “funeral pyre” (66). Having usurped the authority of law by acting as “prosecutors” and “judges,” however, the villagers are not purified by this exorcism but rather “numbed,” as it leaves the village “forever... enshrouded by the smell of burning flesh” (id.). This seeming allusion to the practice of necklacing returns us to the fine line separating principled insurrection from vigilantism—or to the organic relationship between revolution and terror that gave birth to the constitution as a democratic form. The same framework that, for Toloki, offers shelter, nourishment, and the materialization of his dreams under divergent circumstances functions as a tool of violent oppression. To be sure, such episodes call Mda's own collectivized narrative voice into radical doubt. The narrative's communal “we” on the one hand echoes the rhetoric of founding, framing, and constitutionalism, donning the authority of the “we the people” of popular sovereignty. Yet on the other hand, *Ways of Dying* begins by conceding that its “communal voice” requires “justifying”—precisely because of the inherently lethal power of that terrifying, authoritarian “omniscience.”

Nadine Gordimer's *None to Accompany Me*, Ivan Vladislavic's *The Folly*, and Zakes Mda's *Ways of Dying* thus explore the challenges of post-apartheid national

rebuilding while also depicting the merits and costs of political myth-making—myth-making that in South Africa continues to be conducted under the banner of the constitution. As I've argued, these three very different transition-era novels together illuminate the doubled, or ambivalent, nature of the symbols and narratives of redemption that are vital both to national renewal and to popular constitutional allegiance. They do so in an intellectual and political climate wherein enormous energy and faith have been projected onto the constitution as a form, contributing to the widespread belief that constitutions carry near salvific capacities and powers. This belief has led the South African Constitution to be touted as one of the world's most visionary, progressive, and capacious examples of that genre, just as the nation is widely held up as a paragon of post-colonial democracy. In contrast, Mda's, Gordimer's, and Vladislavic's novels undercut the dual success stories of post-apartheid recovery and of the constitution's globalization with healthy skepticism.

In addition, these narratives trouble the usual symbolism through which both the nation-state and constitutions have historically been imagined. Mda, Gordimer, and Vladislavic all enlist the architectural metaphor to grasp the stakes and demands of national rebuilding, and they do so in terms that simultaneously evoke the parallel labor of transformative constitutionalism. In the end, however, they problematize the assumptions naturalized by the emblem of the reconstructed or refurbished house, even while they elucidate that metaphor's explanatory salience. In the South African context, the imagery of architecture has too often served to cast the nation's recovery as fruitful and complete, especially insofar as images of the rebuilt nation suggest corresponding accounts of the successful redistribution and repurposing of land and property. Such symbolism, that is, tells stories that are aggressively misleading, particularly in light of the gross wealth disparities that continue to divide South Africa. Gordimer, Vladislavic, and Mda's novels thereby open up some of the contradictions implicit to imaginative frameworks like the architectural metaphor that, even while they productively engender affective experiences of belonging, risk whitewashing long histories of disenfranchisement and dispossession in the process.<sup>25</sup>

25 Many thanks to Debjani Ganguly, Ato Quayson, and Neil ten Kortenaar, as well as audiences at Católica School of Law, Cornell University, Harvard University, Prague Law School, Sciences Po Law School, and Stanford University, for their generous feedback.