

## Name Changes as Symbolic Reparation after Transition: the Examples of Germany and South Africa

By Mia Swart\*

### A. Introduction

Almost half of all Holocaust victims remain nameless statistics. Just over three million names of Jewish Holocaust victims are known today, representing little more than half of the victims.<sup>1</sup> It is estimated that when all names are retrieved from published and unpublished documents the total number may rise to four million, which leaves two million unknown names.<sup>2</sup> Since memory is closely connected to the identity symbolized by a name, those who cannot be named cannot be remembered. To retrieve a name is to rescue a person from oblivion.

As in the case of the Holocaust, but for different reasons, many of the names of victims of Apartheid are not known. This is especially true if one accepts a broad definition of 'Apartheid victim'. How does one define the term 'victim' in this context? Since this article is concerned with the memorialisation and significance of the names of victims, some attention will be paid to the definition of Apartheid 'victim'.

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\*Mia Swart, BA LLB (UCT) LLM (Humboldt) PhD (Leiden), Senior Lecturer, University of the Witwatersrand, email: Mia.Swart@wits.ac.za. I wish to thank the Alexander von Humboldt foundation for funding to pursue this research.

<sup>1</sup> The most frequently cited number for the total number of Jewish victims of the Holocaust is six million.

See for example WOLFGANG BENZ, *DIMENSION DES VOLKSMORDS: DIE ZAHL DER JÜDISCHEN OPFER DES NATIONALSOZIALISMUS* (1991). ISRAEL GUTMAN, *ENCYCLOPEDIA OF THE HOLOCAUST* (1995).

<sup>2</sup> Whereas the names of Western European Jews have largely been recorded, many names of Holocaust victims in Central and Eastern Europe have remained unknown. Some names of Holocaust victims were found in official records. Most of the deportation lists for Germany and Western Europe still exists (and has served as the basis for memorial books). For Central and East Europe however, equivalent records (including ghetto and execution lists) have disappeared. Researchers have however tried to reconstruct the fate of many central and eastern European Jews from other records. Edward Anders, Juris Dubrovskis *Who died in the Holocaust? Recovering Names from Official Records*, 17 *HOLOCAUST AND GENOCIDE STUDIES* 116 (2003).

An important way of reclaiming a name is to name a place or a street after a victim. Names hold great symbolic value in the process of memorialisation. This article will focus on the changing of street names in post World War II Germany and post Apartheid South Africa. Whereas every transitional context is unique, common trends and features in the practice of name changes after political transition can be discerned and will be discussed here.

The changing of street names, a neglected aspect of transitional history. The changing of street names is representative of name changes more generally. Most of the justifications and reservations pertaining to changing street names also apply to the changing of place names generally. The seemingly administrative procedure of awarding a street name can be a powerful expression of political change. The changing of street names has at least three functions: that of 'vehicle for commemoration',<sup>3</sup> that of constituting a form of symbolic reparation for human rights abuse and the function of constructing a politicised version of history. It will be argued here that whereas the first two functions are positive and relatively uncontroversial functions, the political function of constructing history through name changes is prone to manipulation and should therefore be viewed with caution.

The changing of names can also be considered as a mechanism of transitional justice. As form of symbolic reparation street names can assist in restoring dignity and public recognition to victims. Teitel has remarked that reparations of this kind rehabilitate victims.<sup>4</sup> Street naming in itself can of course not achieve such rehabilitation but should rather be understood as part of a package of restorative measures. I will start by sketching the legal framework for accepting the practice of name changes as reparation for gross human rights violations. I will then look at how changing street names in Germany (specifically Berlin) and South Africa has assisted and is still assisting in changing the cultural and political landscape after transition. Although street names are described as 'ostensibly visible, quintessentially mundane, and seemingly obvious'<sup>5</sup> I will argue that the changing of street names can constitute a meaningful form of symbolic reparations and should be appreciated as a legal (and not merely political) instrument of change.

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<sup>3</sup> Maoz Azaryahu, *The power of commemorative street names*, 14 ENVIRONMENT AND PLANNING D: SOCIETY AND SPACE, 311 (1996).

<sup>4</sup> See also RUTI TEITEL, TRANSITIONAL JUSTICE (2000) 125. 137.

<sup>5</sup> Azaryahu (note 3) 311.

## B. Name Changes as Symbolic Reparations

Where do name changes fit into the scheme of reparations for gross human rights violations? Both South African law and international law provide for the payment and making of reparations as a result of gross human rights violations.

International law reflects consensus about the obligations of states to make reparations for violations of human rights. The most prominent international instruments containing a right to reparation are the 1948 Universal Declaration of Human Rights,<sup>6</sup> the 1966 International Covenant of Civil and Political Rights, the 1948 Genocide Convention and the 1984 Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment.<sup>7</sup>

In South Africa the policy regarding Apartheid reparations was made in the context of the Truth and Reconciliation Commission (TRC). It was stated in the Final Report of the South African TRC that the general statutory obligations imposed upon the TRC created a legitimate expectation<sup>8</sup> on the part of victims of gross human rights violations that this part of the TRC's mandate concerning the payment of reparations would be fulfilled.<sup>9</sup> These legitimate expectations could be converted into legally enforceable rights in terms of section 26 of the TRC Act.<sup>10</sup> This section states that persons are entitled to apply for reparations by virtue of having been called a victim and having been referred to the Reparation and Rehabilitation Committee (RRC) either by the Amnesty Committee or the Human Rights Violations Committee.

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<sup>6</sup> Specifically articles 9 (5) and 14 (6) of the Declaration.

<sup>7</sup> See also the United Nations Security Council Resolution on the Establishment of the UN Compensation Commission (1991) and the study by the United Nations High Commission on Human Rights (UNHCHR) concerning the right to restitution, compensation and rehabilitation for victims of gross human rights violations and fundamental freedoms (1993).

<sup>8</sup> *Truth and Reconciliation Commission Report* Vol. 6 (2003) 100. According to the report the principle of legitimate expectation has been accepted in South African law in the case *Administrator of the Transvaal and others v Traub and Others* 1989 (4) SA 731 (A) at 761 and has also been enshrined in the South African Constitution.

<sup>9</sup> *Id.*, 99.

<sup>10</sup> Promotion of National Unity and Reconciliation Act, Act 34 of 1995.

Taking into account the complexity of the TRC process and the fact that virtually every non-white South African can be said to be a victim of human rights abuse the RRC recommended that the various forms of reparations were not to be implemented in isolation of each other but complement each other so as to acknowledge both those victims that testified before the Commission as well as those who comprise the broader South African collective.<sup>11</sup>

The South African Constitutional Court, in the important *Azapo* case, provided examples of the following kinds of reparations: bursaries and scholarships for the youth; occupational training and rehabilitation; surgical intervention and medial assistance; housing subsidies, and tombstones and memorials.<sup>12</sup> The changing of names fits into this series of measures.

The InterAmerican Court of Human Rights has been at the forefront of developments concerning reparation in the form of moral restoration to victims of gross human rights abuses.<sup>13</sup> In its groundbreaking decision of *Velasquez Rodriguez* the court held that the failure to pursue criminal justice after grave state wrongs is not simply a matter within the state's discretion. Failure to enforce norms regarding prosecution and punishment triggered international law duties of reparations.<sup>14</sup> According to the academic Ruti Teitel, the fact that amnesty policies were adopted in Latin America strengthened the message of *Velasquez Rodriguez*.<sup>15</sup> It can be argued that the amnesties granted in South Africa (coupled with the lack of prosecutions so far) also strengthen the obligation to make reparations.

In the view of the Inter American Court of Human Rights moral damages may result from 'the psychological impact' suffered by the victim or survivors due to the

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<sup>11</sup> Truth and Reconciliation Commission Report (note 8).

<sup>12</sup> *AZAPO and Others v The President of the Republic of South Africa* 1996 (8) BCLR 1015 (CC) 1020 para. 45

<sup>13</sup> For an overview of developments see 'Conference: Reparations in the Inter-American System' 56 *American University Law Review* 1375 – 1464 (2007).

<sup>14</sup> *Velasquez Rodriguez Case*, Judgment of July 29, 1988, Inter-Am.Ct.H.R. (Ser. C) No. 4 (1988).

<sup>15</sup> *Id.*

violations,<sup>16</sup> or as in the case of *Aloeboetoe*, the assault on the dignity and self worth of victims, family and tribal members.<sup>17</sup>

The *Aloeboetoe* case spelt out the most extensive instances of moral damages to date and makes specific mention of street names as form of moral reparation. The events in this case took place in December 1987. Seven Saramaccan Maroon boatmen, including a fifteen year old boy, were detained by a squad of Surinamese soldiers in southern Suriname. The seven men were forced at gunpoint to lie on the ground, where military men proceeded to stomp and urinate upon them.<sup>18</sup> The men were blindfolded and forced into a military truck that carried them to a solitary place along a country road. Ordered down from the truck, the men were given shovels to dig their own graves.<sup>19</sup> Seven of the Maroons were killed and one escaped. Moral damages in this case were based on the death of loved ones, denial of information about victims and the inability to obtain and bury their bodies. The government of Suriname was ordered 'to name a park, square or street in a prominent section of Paramaribo after the Saramacca tribe.'<sup>20</sup> The government was also ordered to pay a sum of money to each survivor (consisting of family and dependants), to make a public apology, return bodies for burial as well as the implementation of other far reaching socio economic measures within the affected communities.<sup>21</sup>

The 'Street Children' case presents another example of innovative jurisprudence by the Inter-American Court. This case involved an ongoing pattern of violent acts against youths by the Guatemalan security forces. The court ordered that an educational centre should be named after the victims with an accompanying memorial plate.<sup>22</sup> This measure was intended to vindicate the memory of the victims.

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<sup>16</sup> *Velásquez Rodríguez* (note 14), para 50.

<sup>17</sup> *Aloeboetoe et al. Case, Reparations* (Art. 63(1) American Convention on Human Rights) Judgment of September 10, 1993, Inter-Am.Ct.H.R. (Ser. C) No. 15 (1994) para 18.

<sup>18</sup> The men were accused of belonging to the Jungle Commando, a small band of rebels under the leadership of Ronnie Brunswijk, a former bodyguard of Colonel Desi Bouterse. The seven victims denied belonging to the guerrilla operation.

<sup>19</sup> *Aloeboetoe* (note 17), para. 1-6.

<sup>20</sup> *Id.*, para 20.

<sup>21</sup> *Id.*, para 33.

<sup>22</sup> *Villagran Morales v Guatamala*, Inter-Am Ct. H.R. (ser. C). No.32 (Sept. 11 1997).

Moral reparations are essentially compensatory and not punitive. The moral reparations made in Latin America were intended to repair shame and humiliation and restore dignity.<sup>23</sup> These reparations also involved the recognition and commemoration of names. The Truth and Reconciliation Commission in Chile recommended moral reparations to 'publicly restore the good name of those who perished from the stigma of having been falsely accused of being enemies of the state.' Days after taking office president Patricia Aylwin recited the names of the disappeared in a public address in a stadium where political prisoners had been detained under the junta. As he read the names of the disappeared their names simultaneously flashed on the stadium's electronic scoreboard.<sup>24</sup>

It is not longer appropriate to understand acts such as name changing and the commemoration of names as extra legal acts. Acts commemorating the names of victims of human rights violations can now also be understood as an aesthetic extension and performative practice of international law and politics.<sup>25</sup>

### C. The Definition of Victims

After political transition, place names and street names are often changed to recognise and honour the victims of atrocities and conflict. But it is not always clear who falls into the category of 'victim'. The definition of Jewish victims of the Holocaust has been relatively uncontroversial. There is agreement that the word 'victims' refer to those who died during the Holocaust. The definition of 'Apartheid victim' is however a highly contested question. One reason for this is the unsatisfactory definition of victims provided by the TRC Act<sup>26</sup> which draws a

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<sup>23</sup>TEITEL (note 4), 126.

<sup>24</sup> *Id.*, 126

<sup>25</sup> See in this regard the interesting views of Sarah Louise Steele on memorialisation in the Rwandan context: *Memorialisation and the Land of the Eternal Spring: Transformative practices of memory and the Rwandan Genocide*, UNIVERSITY OF MELBOURNE CONFERENCE PAPER (2006) 11 available at [http://www.law.unimelb.edu.au/cmcl/seminars/Passages\\_paper\\_S\\_Steele\\_final.pdf](http://www.law.unimelb.edu.au/cmcl/seminars/Passages_paper_S_Steele_final.pdf)

<sup>26</sup> Persons who, individually or together with one or more persons, suffered harm in the form of physical or mental injury, emotional suffering, pecuniary loss or a substantial impairment of human rights

(i) as a result of a gross violation of human rights; or  
(ii) as a result of an act associated with a political objective for which amnesty has been granted;  
(b) persons who, individually or together with one or more persons, suffered harm in the form of physical or mental injury, emotional suffering, pecuniary loss or a substantial impairment of human rights, as a result of such person intervening to assist persons contemplated in paragraph (a) who were

distinction between 'ordinary' victims of apartheid namely those who were subjected daily to the degradations and humiliations of apartheid- and 'extraordinary victims' those who were subjected to 'substantial' impairment of their human rights.<sup>27</sup> The term 'extraordinary victims' therefore refers to a more limited category of victims. The TRC focused on the extraordinary victims and identified approximately 20 000 such victims.

The TRC's creation of two categories of victims has been widely criticised.<sup>28</sup> Because of the pervasive nature of Apartheid and the systematic racial discrimination it created, it is probably not realistic or desirable to limit the number of victims in this fairly arbitrary way.<sup>29</sup> At the same time it is understandable that some limiting principle had to be found, especially with regard to monetary pay outs. But where monetary compensation can only be paid to a limited number of people, symbolic reparations such as name changes can reach and compensate an undefined number.

#### D. Name Changes as Imposition of Official Memory

According to Jordan, plaques and names constitute a form of collective memory refracted through political and bureaucratic processes.<sup>30</sup> The utilization of street names for commemorative and reparative purposes enables an official version of history to be incorporated into spheres of social life which seem to be completely detached from political contexts or communal obligations, and to be integrated into

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in distress or to prevent victimization of such persons; and (c) such relatives or dependants of victims as may be prescribed.

<sup>27</sup> Penelope E Andrews, *Reparations for Apartheid's Victims: The Path to Reconciliation?*, 53 DEPAUL LAW REVIEW, 1163 (2004).

<sup>28</sup> Richard A. Wilson, *Justice and Legitimacy in the South African Transition*, in THE POLITICS OF MEMORY, 207 (Alexandra Barahona de Brito, et al. eds., 2001); Mahmood Mamdani, *Reconciliation Without Justice*, in 46 SOUTHERN AFRICAN REVIEW OF BOOKS (1996) (book review) available at <[www.uni-ulm.de/~rturrell/antho3html/Mamdani.html](http://www.uni-ulm.de/~rturrell/antho3html/Mamdani.html)>.

<sup>29</sup> Critics of the TRC pointed out that this distinction between ordinary and extraordinary victims excluded the legal pillars of apartheid: forced removals, pass laws, residential segregation and other forms of racial discrimination. By doing so, it shifted the focus from the complicity and benefits of apartheid to whites as a group to the misdeeds of a smaller group of security force operatives. Naomi Roht Arriaza, *Reparations Decisions and Dilemmas*, 27 HASTINGS INTERNATIONAL AND COMPARATIVE LAW REVIEW 178, (2004).

<sup>30</sup>JENNIFER JORDAN, STRUCTURES OF MEMORY, UNDERSTANDING URBAN CHANGE IN BERLIN AND BEYOND (2006), 89.

intimate realms of human interactions and activities.<sup>31</sup> It is precisely because street signs are not laden with sentimentality and not 'charged with the sacred' that they do not meet with the same resistance with which other more formal forms of commemoration (such as monuments and museums) are often met. Street names are deceptive because they may appear mundane and meaningless. Yet this unexpected, seemingly harmless and subtle way of conveying political messages can be particularly effective. What is unique about street naming as a way of reflecting and shaping history is the fact that commemorative street names not only substantiate a particular version of history, but are instrumental in introducing it into spheres of social communication ostensibly outside of the realm of political control and manipulation.<sup>32</sup> But the fact that street names are often subject to such political control and manipulation means that one should treat this political function of name changes with skepticism.

If commemorative street names can be viewed as a form of monument then like all monuments their interpretation is prone to historical relativism. Meaning is not fixed but varies according to subjective criteria. When political regimes change political relativism often occurs when monuments acquire new functions as they are interpreted in a new political context, a context different from the one in which they were erected.<sup>33</sup> Many monuments have become objects of political controversy over forms of historical representation (notably the Holocaust Memorial in Berlin). Monuments are also not universally agreed to be effective representations of memory. One reason for skepticism about the role of monuments is that monuments constitute man-made constructions representing specific (and therefore limited and possibly fallacious) interpretations of the past. A secondly source of skepticism is that the use of monuments is a convention which is inherent in Western societies.<sup>34</sup> It can be asked whether a model used in Western societies is equally appropriate or meaningful in African society.

Political transition rarely leads to the wholesale removal of politically incorrect names. In the context of post World War II and post 1989 Germany some intellectuals argued in favour of the preservation of reminders of former history. They argued that many of these symbols have already lost their power and posed

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<sup>31</sup> AZARYAHU, (note 3) 311- 330.

<sup>32</sup> *Id.*, 330.

<sup>33</sup> Peter Carrier, Chapter 2: *History in Monuments*, in HOLOCAUST MONUMENTS AND NATIONAL MEMORY CULTURES IN FRANCE AND GERMANY SINCE 1989, 33 (2005).

<sup>34</sup> *Id.*, 35.



little threat to new institutions since they were connected to a system that had been deligitimated.<sup>35</sup> It has of course also been suggested that reminders of past oppression can be constructive in the sense of conveying the message 'never again' and that the urban landscape should not be cleansed of all reminders of recent history. The practice of excising the recent past from processes of memorialisation, adopted in post socialist societies such as Romania, has been criticised.<sup>36</sup> In Romania the recent past was not acknowledged in the process of name changes but was treated as an aberration. Commentators have argued that incorporating and accepting the recent past is preferable to excising an unsavoury part of history.<sup>37</sup> A new South African memorial, Freedom Park, is currently being constructed on Salvokop outside Pretoria, on a hill just opposite the Voortrekker Monument. I am of the opinion that the deliberate juxtaposition of the two monuments reconstructs history in an innovative way.<sup>38</sup> It is dangerous to represent a country's history as only consisting of a certain selective, sanitised portion of history. In educating and stimulating debate about the past it could be more effective to keep some reminders of a more recent (albeit tainted) history.

### E. Name Changes in Germany and Austria after World War II

Place names and street names of a city are often mirror images of the historical epochs of a city.<sup>39</sup> Street names demonstrate contemporary ways of thinking and reflect the *Zeitgeist*. In times of historical change or turmoil, it becomes evident which names are seen as dangerous or irrelevant and which names are worthy of recognition. Street names are often used to make demonstrative ideological statements. As can be seen from the examples below, street naming is also a deeply *bureaucratic* process, responding to political wrangling and budgetary demands. The process of naming streets in Paris and later in Berlin provide the best early examples of this.

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<sup>35</sup> JORDAN, (note 30), 88.

<sup>36</sup> Duncan Light, *Street Names in Bucharest, 1990 - 1997: exploring the modern historical geographies of post-socialist change*, 30, *JOURNAL OF HISTORICAL GEOGRAPHY*, 156 (2004).

<sup>37</sup> KATHERINE VERDERY, *THE POLITICAL LIVES OF DEAD BODIES: REBURIAL AND POST-SOCIALIST CHANGE*, 116, (1999).

<sup>38</sup> The Freedom Park Trust Annual Report 2006, <http://www.freedompark.org.za/backend/newsdocs/Freedom%20park%20front.pdf>

<sup>39</sup> WEGWEISER ZU BERLINS STRASSENAMEN MITTE (1995), 6

The French Revolution set a precedent for the use of names of streets for the purpose of political representation. In 1792 the statue of Louis XV in Paris in the Place Louis XV, erected in 1763, was demolished. An enormous figure of Liberty was erected in its place and the square was appropriately renamed Place de la Revolution (today the Place de la Concorde).<sup>40</sup> The practice of commemoration by choosing and changing street and square names in Paris became an important component of French political symbolism.

As the former capital of the Third Reich, Berlin offers a particularly powerful context in which to examine memorial street names. Many street names in Berlin have been affected by historical and political change exemplifying the problematic cultural and symbolic transformation of the city. Each of Berlin's 12 000 streets has its own history.<sup>41</sup>

In 1813, after the reemergence of the Prussian state and after the expulsion of the French from Germany, a Prussian royal decree proclaimed that the street names of the three Prussian residential towns Berlin, Potsdam, and Charlottenburg, were the property of the Prussian state. This amounted to the nationalization of the names and making the naming of places a sphere of influence of the state rather than for the municipal authorities.<sup>42</sup>

The awarding of street and place names in Berlin were not left to chance or fate but was strictly regulated. Between 1918 and 1939 the authority to approve street naming and renaming belonged to the Prussian Ministry of the Interior. The regulations regarding streetnames of 1939 introduced a change of competence and the responsibility of naming streets was shifted to the municipalities or local authorities. The mayor together with national socialist representatives now had the authority to make these decisions. After the Second World War the responsibility for naming streets fell within the competence of the city council. After 1953 the competence went to the ruling mayor in West Berlin and Senator for the Department of Building and Housing.<sup>43</sup> Today the matter is regulated by the Road Act of 28 February 1985.

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<sup>40</sup> KLAUS KATZUR, *BERLINS STRASSENAMEN* (1968) 5.

<sup>41</sup> *Id.*, 8.

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*, 9.

The post war changing of street names formed part of the wider process of Denazification in Germany. Denazification was an Allied policy aimed at transforming Germany by removing Nazi ideology and concepts from public life.<sup>44</sup> It also aimed at purging all Nazis from positions of influence. On 23 July 1945 the American Military Government issued a directive regarding the changing of names of all streets, parks, institutions, and buildings named after objects or persons associated with Nazism or militarism. The directive, entitled 'Liquidation of German Military and Nazi Memorials' stated that the Control Council stated the following:

On and after the effective date of this directive, the planning, designing, erection, installation, posting or other display of any monument, memorial, poster, statue, edifice, street or highway name marker...which tend to preserve and keep alive the German military tradition, to revive militarism or to commemorate the Nazi Party, or which is of such a nature as to glorify the incidents of war...will be prohibited and declared illegal.<sup>45</sup>

The directive further stated that the prohibited monuments, statutes and street or highway name markers must be completely destroyed by 1 January 1947.<sup>46</sup> The appropriate military authorities in each of the military Zones of Germany was made responsible for compiling a complete list of objectionable memorials. Even before this directive was issued such actions had already begun on a local scale partly because of pressure by German anti-Nazi groups. The American Military Government also required the removal of movable monuments and statues associated with Nazism and militarism, and the removal of Nazi emblems, insignia and symbols from statues, monuments and edifices which could not readily be removed.<sup>47</sup> The relevant directives instructed local German authorities to present concrete plans for the implementation of this programme. Military Government Detachments in the field were made responsible for enforcing the provisions of the directives.<sup>48</sup>

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<sup>44</sup> STEFAN BOTOR, *DAS BERLINER SÜHNEVERFAHREN – DIE LETZTE PHASE DER ENTNAZIFIERUNG* 37 (2006).

<sup>45</sup> Directive No 30, *Official Gazette of the Control Council for Germany*, Nr. 7, 31 May 1946.

<sup>46</sup> *Id.*

<sup>47</sup> Elmer Plischke, *Denazification Law and Procedure*, 41 *AMERICAN JOURNAL OF INTERNATIONAL LAW* 823 (1947).

<sup>48</sup> When such plans were approved, they were issued as an order by the local German authority, to be accomplished within a certain time, and disobedience of this order constituted a crime punishable by Military Government. USET directive 'Denazification and Demilitarization of German Street Names and Memorials' 23 July 1945.

After 1945 many of the street names introduced by the Nazis in West and East Berlin were replaced with new names. However hundreds of names stemming from the Nazi time are still in place.<sup>49</sup> After 1945 it was a priority to change all names connected to fascism, monarchy and military names. Altogether 1, 800 name changes were suggested. However only a tenth of this number was officially confirmed in July 1947.<sup>50</sup> In 1951 a large scale name change action was undertaken. Names connected to the military were changed to the names of scientists, artists and writers.<sup>51</sup> In 1985 the Roads Act determined that changes to names originating from the time 1933-1945 were allowed and streets that were named in this period for political purposes could also be changed.<sup>52</sup> The project of changing of names from the Nazi time took a long time and is still not completed.

During the Nazi period names such as Friedrich Ebert street became Hermann Göring street.<sup>53</sup> The square which is currently known as Theodor Heuss Platz was named Adolf Hitler Platz.<sup>54</sup> Street names carrying Jewish names, especially were changed by the Nazis. This meant that Gustav Mahler street, Heinrich Heine street and Offenbach street were changed to carry the names of those who defended the Nazi movement.<sup>55</sup>

After the war, some places once again received their pre-Nazi names. Street names bearing the names of the major Nazis were changed. The street Sommer street became Friedrich Ebert street in 1925 and Hermann Göring street in 1933. In 1947 the name was changed back to Friedrich Ebert street. Along an astoundingly similar 'name route' the street originally named Brandenburgische Kommunikation in 1845 (near the Brandenburger Gate) became Friedrich Ebert Street in 1925, then Herman Göring Street in 1933 and was changed back to Ebert Street in 1947.<sup>56</sup> In 1958 the name 'Hindenburgplatz' (Hindenburg identified with the Nazi

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<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*, 12.

<sup>53</sup> *Id.*, 12.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*, 13.

<sup>56</sup> *Id.*, 87.

dictatorship) was once again restored to its pre-World War II name of 'Platz vor dem Brandenburger Tor'.<sup>57</sup>

Although this article is concerned with naming in the context of the Holocaust and Apartheid, street names in Berlin were of course also changed after the reunification of Germany. In 1989, following the reinstatement of Berlin as the seat of the German government, many streets in the eastern part of Berlin were once again renamed. Monuments reminiscent of the socialist past were removed and modified.<sup>58</sup>

Like Germany, Austria was subjected to denazification policies.<sup>59</sup> Streetnames in Vienna were strongly influenced by the Second World War. After the occupation of Austria in 1938 street names carrying Jewish names or the names of pacifists were changed.<sup>60</sup> A strong effort was made to make the streets '*judenrein*' (free of Jewish names). Interestingly the names *Judengasse* and *Judenplatz* were preserved.<sup>61</sup> After WW II Austria started a full-scale program of denazification on both cultural and topographical levels.<sup>62</sup> Nazified street signs were torn down and their names changed back from Nazi to Habsburg heroes. After the war many streets were

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<sup>57</sup> WEGWEISER ZU BERLINS STRASSENAMEN MITTE (note 39), 182. Paul von Hindenburg was President of Germany between 1925 and 1934 and prepared the ground for the coming to power of the Fascists. In March 1933 he signed the Enabling Act of 1933 which gave special powers to Hitler's government.

<sup>58</sup> After the fall of the Berlin Wall the East Berlin magistracy ordered the removal of all monuments and plaques bearing specific references to Erich Honecker and to the Communist Party (SED). In November 1990 the Social Democratic faction in the district Mitte successfully formed a 'Commission on the Renaming of Streets and Squares in the District of Mitte'. JORDAN (note 30), 85.

<sup>59</sup> See in this regard VERDRÄNGTE SCHULD, VERFEHLTE SÜNDE (Sebastian Meissl, Klaus Dieter Mulley and Oliver Rathkolb eds., 1986).

<sup>60</sup> See PETER AUTENGRUBER, LEXIKON DER WIENER STRASSENAMEN 10 (2004).

<sup>61</sup> *Id.*

<sup>62</sup> JAMES YOUNG, THE TEXTURE OF MEMORY 92 (1993).

renamed after those who died in the resistance against National Socialism.<sup>63</sup> In the immediate aftermath of the war there was also a reluctance in Austria to name streets after Germans.<sup>64</sup>

## F. Name Changes in South Africa

Teitel has recognised that transitional reparative remedies can be constructive of political identity.<sup>65</sup> The renaming of streets is a manifestation of a stage of liminal transition in political history, when the need of the new regime for legitimacy and self-presentation is especially high.<sup>66</sup> This transitional phenomenon can clearly be seen in South Africa. The South Africa urban landscape is transforming rapidly. South Africa is faced with a flood of name changes and possible future name changes. Costly efforts are made at re-naming streets, airports, universities and other places of public importance throughout the country. Some have referred to the 'denazification' of cities such as Johannesburg and Pretoria.<sup>67</sup>

The changing of place names in South Africa has to be approved by the South African National Geographical Names Council (SANGC). SANGC was created to ensure that name changes occur with objectives such as nation-building, transformation and consultation in mind.<sup>68</sup> In theory, these objectives correspond to the objectives of transitional justice.

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<sup>63</sup> *Id.* Examples include Anton Schmidt Promenade, Ernst Burger Gasse and Marie Murban Gasse. This also happened in Berlin. Bendler street was renamed Stauffenberg street after the well known resistance fighter von Stauffenberg.

<sup>64</sup> *Id.*

<sup>65</sup> TEITEL (note 4), 137.

<sup>66</sup> AZAYAHU (note 3), 321-322.

<sup>67</sup> Neil Leach, *Eracing the Traces: the 'denazification' of post-apartheid Johannesburg and Pretoria*, in *THE HIEROGLYPHICS OF SPACE: READING AND EXPERIENCING THE MODERN METROPOLIS*, 92 (Neil Leach ed., 2001).

<sup>68</sup> Niren Tolsi, *Renaming History*, MAIL & GUARDIAN, 12, 29 June 2007. available at: [http://www.mg.co.za/articlePage.aspx?articleid=312659&area=/insight/insight\\_national/](http://www.mg.co.za/articlePage.aspx?articleid=312659&area=/insight/insight_national/)

In practice however, aggressively imposed changes can lead to division. Many believe that name changes are taking place too quickly and without public consultation. The conflict in opinion over street names also reflect contested versions of South Africa's history. Some groups in South Africa feel so strong about preserving or maintaining their identity that they have indicated that they would resort to litigation or protest action to resist name changes. The proposed changing of Pretoria's name to Tshwane and Potchefstroom's name to Tlokwe has been particularly emotive.<sup>69</sup> Potchefstroom was named after the Voortrekker leader Hendrik Potgieter whereas Tlokwe refers to the Batlokwe tribe who lived in the area before the Voortrekkers moved there.<sup>70</sup> Street names in the town that have been changed include the renaming streets with names such as Potgieter Road to names of struggle icons such as Nelson Mandela, Beyers Naude, Walter Sisulu and Steve Biko. In Cape Town the names of Apartheid era-prime ministers are still haunting the many of the city's streets. It is proposed that many of these names will make way for then names of struggle icons such as Nelson Mandela and Albert Luthuli.<sup>71</sup>

A proposal has been made to change the name of Fort Hare University (the *alma mater* of many anti apartheid activists) to Robert Sobukwe University.<sup>72</sup> A representative of the university, Luthando Bora, stated that the name Fort Hare has been derived from the colonial period but has become decolonised through the sacrifices made by former students such as Nelson Mandela and Oliver Tambo. Bora pointed out that the name Fort Hare had no colonial signification in the popular imagination. This is an interesting example of a name that has a colonial pedigree but has become decolonised in the popular imagination. This indicates that perception regarding the political and historical nature of a name can be just as powerful as reality.

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<sup>69</sup> 'Potch name-change fight hot up' 6 March 2007 [WWW.NEWS24.COM](http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2079344,00.html), available at: [http://www.news24.com/News24/South\\_Africa/News/0,,2-7-1442\\_2079344,00.html](http://www.news24.com/News24/South_Africa/News/0,,2-7-1442_2079344,00.html). In Potchefstroom the town council has recovered 20 street name signs that were removed and dumped in the Vaal River by local right wingers. Several street names were also vandalized. Yolandi Groenewald, *Renaming History: Potchefstroom*, MAIL & GUARDIAN 29 June 2007.

<sup>70</sup> Tolsi, (note 69).

<sup>71</sup> Tanya Farber, *Name Changes: Cape Town*, MAIL & GUARDIAN 29 June 2007.

<sup>72</sup> *University rejects name changes*, 30 January 2007, [WWW.NEWS24.COM](http://www.news24.com/News24/South_Africa/Politics/0,9294,2-7-12_2061674,00.html), available at: [http://www.news24.com/News24/South\\_Africa/Politics/0,9294,2-7-12\\_2061674,00.html](http://www.news24.com/News24/South_Africa/Politics/0,9294,2-7-12_2061674,00.html)

Names have been changed from across the spectrum: not only names reminiscent of Apartheid and the colonial period have been changed but also names associated with political parties. In Natal the name change debate reflects the conflict between the ruling African National Congress (ANC) and the Inkatha Freedom Party (IFP).

South Africa is a nation (or a house) under reconstruction. It seems many South Africans want to change only the facade of the 'house', while retaining the furniture within.<sup>73</sup> It is suggested that this should be the context within which name changes in South Africa should be understood. Whereas too much reinvention should be avoided the changing of names opens up possibilities of a more inclusive history.<sup>74</sup> Name changes can also contribute to the forming of national identity and collective moral frameworks.<sup>75</sup>

But one should appreciate the dangers inherent in the political (or history-constructing) function of name changes. One danger is that minorities or those outside the major political spheres of influence are often ignored. The national identity constructed will therefore not be an identity which allows for conflicting interpretations of history but will be based on a largely hegemonic version of history. And in the sense that name changes fulfill a commemorative function, only a small percentage of victims can be commemorated. It is therefore better to focus on the restorative function of name changes since many victims can experience a sense of restored dignity if their political struggle and heroes are recognised in this way. In this sense the commemorative and restorative functions overlap.

## G. Conclusion

Whereas most acts of persecution will remain only in peoples' memories, unmarked in the cityscape, the naming and renaming of streets and building of memorials represent concrete manifestations of change and remembering. Commemorative street names boldly announce a nation's new heroes and in so doing they reflect new power structures and officially sanction a particular version of history. As can be seen in the example of the denazification of street names in Berlin, such change can continue for many decades. The example of name changes in Berlin also shows how change can be overtaken by change - creating layers of

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<sup>73</sup> Fred Khumalo, *Deciding whose story is history*, SUNDAY TIMES 17, 23 July 2006.

<sup>74</sup> *Id.*

<sup>75</sup> JORDAN (note 30) 195.



historical truths.

Significantly, the history of a country can be rehabilitated through the renaming of its streets and the creation of monuments and memorials.<sup>76</sup> In the context of Holocaust memorialisation the use of names and act of naming has taken a central position in reclaiming identity and dignity.<sup>77</sup> Whereas public debate on the renaming process in South Africa should be encouraged, the historical necessity of renaming should be understood and accepted both as a reflection of cultural and political transition and as a form of repair consistent with South Africa's constitutional and international law obligations.

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<sup>76</sup> *Id* 138.

<sup>77</sup>See for example, *Unto Every Person there is a Name* in MATERIALS ON THE MEMORIAL TO THE MURDERED JEWS OF EUROPE, 130 (2005).