

FOCUS

The background of the cover features a sepia-toned photograph of five people standing in a line, their forms rendered as dark silhouettes against a lighter, hazy background. They appear to be in an outdoor setting, possibly a public square or a street. The overall mood is contemplative and human.

DEMOCRACY AND ITS DISCONTENTS

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Focus is published by The
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Houghton, 2041
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ISSN 1680-9822

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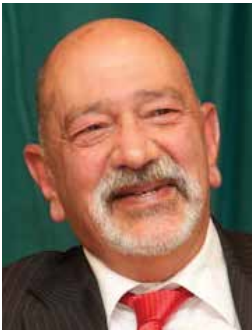
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Democracy and its discontents



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*This edition of **Focus** celebrates 20 years of democracy in South Africa. But it also draws attention to some of the institutional, economic and social problems which have either emerged, or which carry over from the pre-1994 dispensation.*

The 2014 elections in South Africa will occur at a time of marked political and economic uncertainty. The political landscape is perhaps at its most unpredictable since 1994. Clear differences within the ruling African National Congress – but also within a growing but disparate opposition movement – reflect these uncertainties.

South Africa faces widening income inequalities highly correlated along racial lines, in a stable but under-performing economy; shifting labour dynamics between employers and workers; angry dissatisfaction at what is perceived to be poor service delivery at local level; and a growing perception of government corruption and encroaching state security.

Notwithstanding all these discontents – which, no doubt, are exacerbated by the turbulent global context – there is much to celebrate in our constitutional democracy. Above all, we should never forget where we have come from, even though it is not all that clear where we are heading. Perhaps we will know a little bit more after 7 May.

In this edition of *Focus*:

Raphael de Kadt and **Judith Hudson** evaluate the status of South Africa's democratic institutions, reveal its shortcomings and strengths and most important threats. They pointedly draw our attention to Nancy Bermeo's key insight that democracies are seldom failed or let down by 'ordinary people' – rather, they are let down by their elites.

Aubrey Matshiqi interrogates persisting narratives and attitudes about race in South African society. His plea – that the creation of a non-racial society is within the realm of possibility if we deploy conflict between master- and counter narratives about race as a crucible that clarifies thought – is both heartfelt and important.

Jesmond Blumenfeld, with impressive clarity, unpacks the economic performance of South Africa, drawing attention to South Africa's failure to generate sustained economic growth.

Jesse Harber, whose principal concern is inequality, argues that South Africa should focus on a long-run industrial policy to create jobs coupled with radical redistribution (at least in the short-run) to alleviate inequality.



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William Gumede surveys the state of opposition politics in South Africa, and considers what would be necessary to break our characteristic one-party dominance.

Greg Solik examines the South African electoral system's short-comings. He also brings into focus the problems surrounding party political funding.

Kameel Premhid criticizes the incentives created by our party-political system and its consequences for South African politics.

Sheila Camerer, in a personal reflection, reviews the delivery of Justice by our constitutional democracy during the first 20 years of its existence.

Glynnis Breytenbach raises concerns over political interference in our Criminal Justice System and considers a possible way forward.

Stephen Chan questions the idea that intellectual engagement with politics and society, specifically from a supposed 'objective' perspective, could ever be maintained.

We end with reviews by **Greg Mills**, **Michael Cardo**, and **Kalim Rajab**.



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South Africa's Democracy in 2014: Fragile or Robust?

South Africa's general election on 7 May this year marks the 20th anniversary of the country's hard-won embrace of democracy. It also marks twenty years of uninterrupted government, at the national level, by the African National Congress (ANC) in what has, effectively, become a 'single-party dominant' system.¹

Twenty years is enough time to assess both some of the country's achievements as a democracy, and the significant challenges that need to be addressed. It is also an opportune moment to assess possible dangers that lie ahead for the further consolidation of this democracy, and to identify the features that portend both well and perhaps also ill for its future.

Historical Background

It is important, at the outset, to remind ourselves of the circumstances under which South Africa's democracy was born. An historical perspective is important since different kinds of authoritarian regimes provide different departure points for change.

South Africa's democratic dispensation was forged through a process of 'elite-pacting' in which the old, white, predominantly Afrikaner Nationalist, ruling elite struck an accord with an emergent, predominantly – through not exclusively – black elite. The context in which this 'consociational deal' was done had both domestic and international dimensions to it.² The domestic dimensions included the increasingly evident unsustainability of Apartheid in a stagnating capitalist economy. The 1960s, it should be noted, was a decade of impressive economic growth, but the period 1973 to 1992 was one of dismal growth.

Apartheid, especially – but also the longer history of segregation and white rule – had left enduring marks on the society. These included inefficiencies in the allocation of labour and capital, an enormously unequal society defined in terms of the distribution of access to opportunities, a dismal school education system for black South Africans, and spatial distortions in the way communities and cities were structured. The state – under the circumstances of continuing urbanisation, the emergence of mass movements and mobilisation, and growing economic

inefficiencies – was under pressure, and the fantasy of ‘separate development’ – to which so many resources had been targeted – lay in ruins. Evidence shows that the dominant elite was no longer united, with ‘soft-line’ pragmatists realising that the system had to ‘give’ and become more properly inclusive and rational.³

At the same time, some ‘hard-liners’ tried to hold fast to the old, fragmenting order and split away from the National Party to support the Conservative Party and, in extreme instances, the AWB. But the National Party had achieved what perhaps had been its main objective in the game-changing 1948 elections – the creation of a reasonably well-off, privileged Afrikaner middle class. It had done its job, and was ready to make compromises. All of these factors, and the associated policy outcomes, may conveniently be construed as the Apartheid ‘legacy effect’ – an effect which still bears upon politics and policy challenges in South Africa. We will return to these.

These linkages allowed the elites in these countries to place pressure on South Africa to abandon its system of ‘racial estates’ – so redolent in the context of capitalist liberal democracies of the ugly past of Fascism, National Socialism and biological racism.

There were two major international factors that helped shape the outcome of the negotiating process that openly began after F.W. de Klerk’s speech to parliament on 2 February 1990.

The first was that South Africa had substantial links – economic, cultural and political – to the ‘capitalist west’, especially to its major trading partners such as the USA, the continental European capitalist democracies such as the Federal Republic of Germany, the Netherlands and Great Britain. These linkages allowed the elites in these countries to place pressure on South Africa to abandon its system of ‘racial estates’ – so redolent in the context of capitalist liberal democracies of the ugly past of Fascism, National Socialism and biological racism. These linkages allowed considerable leverage to be exercised. The world of South Africa’s white middle classes became increasingly uncomfortable. Cultural, academic and sports’ boycotts took their toll. Divestment campaigns also had a significant negative effect. As Steven Levitsky and Lucan Way have recently demonstrated – on the basis of a large, global study – linkages with the West have had a powerful bearing on the prospects of a country making a transition from authoritarian rule to democracy.⁴ In addition to the cost to the ruling elite, the opposition could draw succour from the pressure that the international Anti-Apartheid Movement placed on the regime. Its international political legitimacy became ever more difficult to sustain.

The second factor bore on the question of with whom the ruling elite were willing to negotiate and on what terms. This factor was the collapse of the Soviet imperium in central and eastern Europe and the consequent fact that the ANC and the South African Communist Party had lost not only a major source of support but were also shorn of credibility with regard to both ‘ideology’ and radical policy alternatives. The ‘Velvet Revolutions’ in the countries of east and central Europe emboldened de Klerk in his decision to unban all political parties. Communism was no longer seen as a significant threat. This meant that the elite negotiations could be more, rather than less, inclusive in that the question of whether the National Party Government should unban the Communist Party – which it did – was settled by the collapse of the Soviet-type system.

A third factor was the role of mass mobilisation, which exploited Apartheid’s dependence on black labour. This mobilisation, plus the inherent economic

irrationality of the system, further raised the costs of maintaining Apartheid after 1948.

Fourth, structural factors, related to capitalist modernisation, played a part. These included demographic trends such as strengthening the black industrial and middle classes, intensifying skills shortages and integration into a global economy and culture which intensified exposure to democratic norms and reform oriented negotiation rather than ‘revolution’. The ambient global context – a deracialising and democratising world – was inimical to the maintenance of Apartheid.⁵

... the National Party – by virtue of the vagaries of the white electoral system – held political office from 1948 for perhaps 15 years, with a growing majority of seats in parliament, but a persistent minority of white popular support. Its support, for much of its time in government, was weaker even among whites than might be supposed.

It is worth noting that, despite the oppressive, authoritarian and ultimately economic growth-damaging character of National Party rule, there were some cultural, legal and political resources embedded in South African history on which both major players could draw. These included an often surprisingly robust tradition of judicial independence, some liberal and strongly non-racialist strands that ran through much of the ANC's history, and the fact that white society had never been as unified and homogenous as the results of the whites-only general election of 1977 might suggest. For all the limpness of United Party opposition politics, it should be recalled that the National Party – by virtue of the vagaries of the white electoral system – held political office from 1948 for

perhaps 15 years, with a growing majority of seats in parliament, but a persistent minority of white popular support. Its support, for much of its time in government, was weaker even among whites than might be supposed.

Legacy effects and democratic consolidation

The growth in the number and geographical scope of electoral democracies – from around three at the turn of the 18th and 19th centuries to approximately 122 today – according to Freedom House – has not been a ‘linear’, untroubled, process.

Democracies, characterised by the ‘rule of law’, accountable governments, regular ‘free and fair’ elections, multi-party systems and well-entrenched political, civil and economic liberties, have often been fragile and surprisingly easily undermined. Mussolini's rise to power, the fragility of the Weimar Republic as it fell to Hitler's machinations, the volatile, reversal-rich, history of democratisation in Latin America and the ‘retrenchment’ of democratic gains in post-Soviet Russia are reminders.

While the broad thrust of modern history has been in the direction of the extension of democratic type arrangements, there have been periods both of reversal and of stagnation. From a descriptive point of view, we can ‘periodise’ (as does Samuel Huntington) the spread of democracies into three (some would suggest four) waves. The third wave, ushered in by the ‘Carnation Revolution’ in Portugal in 1974, opened up possibilities for democratic advancement in South Africa and elsewhere.

‘Democracy’ is, of course, what political theorists term a ‘contested concept’. One study finds more than 550 adjectives used to qualify notion of democracy!⁶ Robert Dahl, one of the twentieth century's most distinguished political scientists, specified a ‘procedural minimum’ for the practical exercise of democracy: freedom to form and join organizations, freedom of expression, the right to vote, eligibility for public office,

the right of political leaders to compete for support or votes, alternative sources of information, free and fair elections and institutions that make government policies depend on votes and other expressions of preference.⁷

Consolidating a democracy that meets these 'minimal' requirements is not inevitable; the process of democratization is neither linear nor irreversible, and it is wise to be vigilant. In particular, democracy is compromised by the effects of poverty, inequality, state deficiencies and corruption. In the latter half of 1990s, precisely for these reasons, the focus in the literature on democratization shifted from 'transitions to democracy' to 'democratic consolidation'.

It should be remembered that 'consolidated' democracies are, in world historical terms, a relatively recent phenomenon. 'A democracy', argues Huntington, 'may be viewed as consolidated' if a party or group that takes power at the time of transition loses a subsequent election, relinquishes power to the subsequent election winners, and those subsequent election winners, in turn, peacefully turn over power to the winners of a later election.⁸ According to this – admittedly controversial – test, South Africa's democracy is not as yet 'consolidated'.

To date, South Africa's ruling party has faced no threat at the polls. The ANC's first ever decline in vote share was in 2009 when it lost its 2/3 majority, and lost some ground in every province other than KwaZulu-Natal.

Does this mean that there is something wrong with South Africa's democracy? Are we in danger of becoming, in Fareed Zakaria's controversial term, an 'illiberal democracy'? Or is Huntington's test inappropriate? What if the governing party is so popular and the opposition so weak or divided that turnover does not occur? The governing party may be willing to turn over power but does not have to face this possibility. In addition, the test places a premium on governmental inefficiency, with voters expressing disenchantment via the voting booth. Chile after General Augusto Pinochet would fall in the latter 'illiberal democracy' category, although it has recently met Huntington's "two turnover" test.⁹

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Consolidating Democracy: A basic framework

Mindful of the fragility of democracy, we must ask: 'what factors render a democracy fragile, and what factors are conducive to its consolidation?'¹⁰ There is now a vast and ever more rigorous and global literature in Political Science that addresses these questions. We may divide this literature into broadly five sets of emphases. The first emphasis is on structural factors associated with societal modernization and its economic and cultural aspects. The second, and related, focuses on the critical role of education. The third focuses on inequality, the fourth on political elites, and the fifth on aspects or features of the state itself.

If one were to use this rough framework to generate a risk-profile of South Africa's still relatively new and hard-won democracy, how would it fare? On the modernisation front, South Africa has not done that badly. Economic growth – arguably the principal measure of modernisation has, since 1994, been reasonably

commendable. The macro-economy has mostly been well-managed. GDP has grown reasonably impressively. (It is important to recall that the period 1972-1992 saw virtually no growth in real per-capita GDP.) A black middle class of ever greater affluence, higher levels of education and potential political influence, has grown since the 1970s. This extension of the middle class, as the late Barrington Moore reminded us, is a pre-requisite for democracy: no bourgeoisie, no democracy.

The legacy effect of ‘Bantu Education’

The issue of education, however, remains a serious challenge and a danger to the robustness of our democracy. Put simply, perhaps the most damaging and enduringly negative legacy effect of the Apartheid period has been the, mostly appalling, South African education system – especially the vast, ill-performing public school system (though the tertiary system is still not exempt from critique).¹¹ The relevant social science literature – from Seymour Martin Lipset’s path-breaking 1959 article ‘Some Social Requisites of Democracy’ to the recent work by Glaeser *et al* – has reiterated one cardinal theme: a vibrant democracy needs an educated population.¹² An educated, economically reasonably secure, population

One of the most important tasks confronting South Africans is to invest in, and effectively improve, the education system.

makes for civic participation, critical and informed public debate and, where appropriate, fearless input into the political process. Democracies, as Edward Glaeser and his colleagues demonstrate, ‘need education’. One of the most important tasks confronting South Africans is to invest in, and effectively improve, the education system. Parts of it – such as some private and erstwhile ‘advantaged’ government schools may be good, even excellent, but the education system as a whole is not good. Beyond the benefits for democracy, a well educated population is good for economic growth, innovation and the embrace and mastery of technology – as well as underwriting state capacity. Getting to grips with the education deficit should be at the top of the agenda of any government committed to further entrenching our democracy.

The Pernicious Effects of Inequality and Unemployment¹³

Another factor that imperils South Africa’s democracy is inequality. Perhaps even more than abject poverty, very high levels of inequality are likely to engender social tension.

Interestingly, the pioneering work of Christian Houle has shown that inequality does not have a particularly close relation to the actual process of democratisation. But it does have significant implications for its sustainability. The more unequal a democracy, *ceteris paribus*, the more vulnerable it is to collapse.¹⁴ Simply put, a highly unequal society – measured by instruments such as the labour-share of GDP – is more vulnerable to regression from democracy than is a more equal society. South Africa does very badly. The high level of inequality, as measured by the Gini coefficient, threatens the cohesion of the social fabric. Excessive inequality, rather than abject poverty, is conducive to crime. It impacts negatively on people’s perception of the justness of the society. It splits the society not only into ‘two nations’ – the haves and the have-nots – but distances people from one another in multiple ways. It impacts negatively on equality of opportunity – not to speak of a reasonable equality of outcomes or resources. It disconnects the ‘masses’ from

the 'elite' and provides fodder for the worst kind of populist demagogues. Further, there is some evidence that too great a level of inequality is bad for long-term economic growth, especially off a relatively high base. And we know from the work of Przeworski *et al* (1999) that 'democratic lock-in' is conditioned by the level of per-capita GDP. Economic growth may not drive a country to democratise, but once a country has become a democracy, the higher the real per-capita GDP, the more likely it is to remain a democracy.¹⁵

Added to the blight of inequality is the blight of unemployment. With an unemployment rate of around 25%, South Africa remains a country of people effectively excluded from productive economic activity and from the dignity that, in general, attaches to being employed. It also constitutes a constituency vulnerable to populist politics, xenophobic demagoguery as well as personal misery and the existential insecurity associated with joblessness and, often, abject poverty. Addressing the twin defects of extreme inequality and high levels of unemployment are policy imperatives for any government that takes office in light of the outcome of the 2014 elections.

These twin blights of unemployment and poverty link back to education: economic growth of an order that will allow the economy to absorb the unemployed and further reduce poverty depends, among other factors, on human capital formation.

These twin blights of unemployment and poverty link back to education: economic growth of an order that will allow the economy to absorb the unemployed and further reduce poverty depends, among other factors, on human capital formation. The South African education system has been signally poor in the provision of skills and apprenticeships. This is one of the most intractable of the Apartheid 'legacy effects'.¹⁶

Democracy and our 'troublesome' elites

The pivotal role of elites in securing democracy has been described in much of the international literature.

A good point of departure is Nancy Bermeo's key insight: democracies are seldom failed or let down by 'ordinary people'.¹⁷ Rather, they are let down by elites. Hitler's rise to power was not unaided by elite failure. The fate of many a Latin American democracy has not been unaffected by elite failure. Elites carry a major responsibility as custodians (and destroyers) of democracy, paradoxical as that may seem. Elites are more likely to be the enemies of democratic consolidation than 'ordinary' people.

One way to keep elites in check is to have mechanisms that render them accountable. This is where open, free and fair, competition between elites for the support of the populace, and alternation in government, come in. Holding elites accountable, term-limits, and being able to replace governments that are not to be performing well are important mechanisms for underwriting democracy. President Mandela set a commendable example when he stood down from office. A problem with South Africa's 'governing class' is that it has, perhaps, become complacent: it arguably takes a return to political office for granted. Anecdotal evidence of this is reflected in President Jacob Zuma's intimation that a single party will stay in office 'until Jesus comes'.¹⁸ This attitude can only allow for increased corruption and embedded rent-seeking behaviour.

South Africa's governing elite has, in some key respects, performed well, in some, indifferently and, in yet others, poorly. Its behaviour relates in part to the origins

of the post-1994 dispensation: the ANC was (and still is) a classic ‘catch-all’ or ‘broad church’ party – a feature characteristic of many, if not most, nationalist parties. Except that it was confined to whites, especially Afrikaans-speaking whites, the National Party was also a party of class-compromise and multi-constituency accommodation. It was for that reason that, ultimately, it fell apart. The ANC faces a similar problem and, perhaps, a similar longer-term future. Another problem lies

Another problem that has beset the elite has been the allocation of ‘spoils’, which would likely be especially marked in a party that has evolved from a liberation movement.

in the electoral system: theoretically, as a closed-list proportional representation type system, it should issue in coalition governments. However the system, at the national level, has rendered members of parliament relatively immune to negative constituency sanction. List position depends on patronage from the apex – as it does in principle for all South African parties. The larger the party, the less say the voting populace has on the performance of individual members of parliament.

The ANC’s unbroken incumbency over twenty years has also been reinforced by its ability to claim a special status as a party of liberation and by the well-established phenomenon of voter-behaviour ‘stickiness’. That is, whatever people might say by way of complaints, when the moment comes to cast a vote they tend to revert to their previously established preference.

Another problem that has beset the elite has been the allocation of ‘spoils’, which would likely be especially marked in a party that has evolved from a liberation movement. This compromises technocratic and bureaucratic efficiency for the purpose of political reward, and has doubtless contributed to the instances of dubious tender awards and other manifestations of corruption and rent-seeking.

On the ‘plus’ side, South Africa’s consociational deal, with the ‘sunset’ provisions, has not issued in a political elite where the military, as in several Latin American cases – poses a threat to government. Some ANC groups are, perhaps, disposed to want to influence the judiciary and – by virtue of the typical ‘arrogance of power’ effect – to treat the constitution lightly. But there is little evidence of an unstable political class that is fractured to the point of precipitating a military coup.

The State System

All of this leads us to a consideration of the state system. Fukuyama has identified three crucial requirements for a country to ‘become like Denmark’ – his ‘exemplar’ of a stable, prosperous, wealthy liberal democracy that scores exceptionally highly on all the key indicators of social well-being. These three requirements are an efficient state bureaucracy, governmental accountability and the rule of law.¹⁹ The efficiency of the state bureaucratic system in South Africa is seemingly uneven. Some parts are efficient, such as Treasury and the state revenue collection system (SARS). Other parts, if ‘service delivery protests’ are an indicator, are notably less so. The ‘rule of law, by and large, is commendable – though the capacity of the criminal justice system appears to be constrained. There has been a generally strong disposition to observe and protect the Constitution, in which ‘sovereignty’ resides, and which is, by almost any measure, exemplary. The accountability of government, however, has been compromised to some extent – especially at National level – by the closed-list, Proportional Representation system which has effectively removed geographically defined constituency representation in the National legislature, and which has made legislators dependent on the political party bosses and thus, by implication, patronage.

If Fukuyama is correct, South Africa has mostly done well in terms of the 'rule of law' – though ongoing vigilance is needed. State bureaucratic capacity is, however, constrained by the serious limitations of the education system – especially with regard to the development of technical skills. The issue of accountability, however, would in our view need to be addressed by a serious attempt to revisit the electoral system.

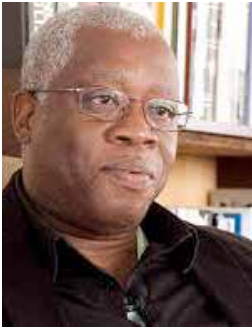
Democracy consolidating policy challenges

Democracies of relatively 'low quality' are promoted by the effects of poverty, deep inequalities, state deficiencies and corruption. They are also underwritten by poor education. Any South African government taking office in 2014 will need to take up these challenges. Raising the economic growth rate – as the recent IMF report on South Africa has noted – is critical. Raising the economic growth rate considerably is imperative if any significant dent is to be made in unemployment. The education system – which remains expensive but of generally poor quality – stands in need of thorough-going reform and improvement. Such improvement will better contribute both to effective democratic participation and to the efficiency of the public bureaucracy. Corruption and rent-seeking needs to be contained and reduced.²⁰ Finally, the closed-list PR electoral system, by which our particular version of representative democracy is defined, needs to be re-examined.

NOTES:

- 1 The ANC-dominated government managed significant achievements in first 10 years of democracy. Unlike the situation under a number of liberation movements that became governments elsewhere, South Africa has, under this governmental stewardship, arguably made the most progress towards stable constitutional democracy. It has secured political stability and territorial conflict, particularly in KwaZulu-Natal has been significantly reduced. It introduced GEAR, and has broadly stuck to a conservative macro-economic policy described as 'necessary' but 'unpopular'. Real per capita GDP increased and the economic growth rate more than doubled, averaging 2.8% per year. Further, a new system of government, incorporating former 'Bantustans', municipalities and provinces was crafted. Broadly, this reconfiguration of the state, created an institutional framework for good governance. Particularly notable is that a degree of trust remained, throughout the process, among the majority of South Africans, most of whom are poor. (For a good, full, account see Butler, *Contemporary South Africa*, Chapter 1)
More recently, the government has provided some welfare benefits for over 15 million South Africans and has set up a massive anti-retroviral programme to address HIV/Aids.
- 2 This 'deal' was necessary as there was an 'impasse' with neither side able to fully 'beat' the other. This prompted the ANC leadership, under Mandela, to push for reconciliation in the early years of South Africa's democracy – as evident in the TRC and in various concessions such as 'sunset' clauses.
- 3 Many realised that the maintenance of economic prosperity meant that at least some substantial 'changes' were necessary. In particular, influential business leaders saw Apartheid as inconsistent with the long term security of a capitalist system increasingly dependent on skilled black labour. The country's demographic character was, in this regard, pivotal.
- 4 See Steven Levitsky & Lucan Way, 'International Linkage and Democratization', *Journal of Democracy*, Volume 16, Number 3, July 2005, pp. 20-34
- 5 See Lipton, M. (2007). *Liberals, Marxists, and Nationalists: Competing Interpretations of South African History*. Palgrave Macmillan, p.104
- 6 David Collier & Steven Levitsky (1997) 'Democracy with Adjectives: Conceptual Innovation in Comparative Research', *World Politics*, Vol. 49, No. 3 (Apr., 1997), pp. 430-451
- 7 See Robert A. Dahl (1971). *Polyarchy: Participation and Opposition*. Yale University Press
- 8 Samuel Huntington (1991). *The Third Wave: Democratization in the Late 20th Century*, pp. 266/7
- 9 Linz and Stepan (1996) claim that democracy is consolidated when all significant political actors and a strong majority see it as 'the only game in town'. (See Juan J. Linz (Author) & Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, 1996. *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe*, 1996.
- 10 See Mark Mazower, *The Dark Continent* (2000, Vintage) this 'fragility' in 20th century Europe.
- 11 See Fedderke JW, de Kadt RHJ & Luiz J. 'Uneducating South Africa: the Failure to Address the 1910-1999 Legacy', *International Review of Education* 46(3/4): 257-281, 2000 and Fedderke JW, de Kadt RHJ & Luiz J. 'Capstone or Deadweight? Inefficiency, Duplication and Inequity in South Africa's Tertiary Education System, 1910-93', *Cambridge Journal of Economics* (2003) 27 (3): 377-400 for an essay of the performance of the entire system until 1994.
- 12 Edward Glaeser, Giacomo Ponzetto, Andrei Shleifer, 'Why Does Democracy Need Education?', NBER Working Paper No. 12128, April 2006; Lipset, SM 'Some Social Requisites of Democracy: Economic Development and Political Legitimacy', *The American Political Science Review*, Vol. 53, No. 1, (March, 1959), pp. 69-105.
- 13 See Servaas van der Berg, 'Poverty trends since the transition: Current poverty and income distribution in the context of South African history', Stellenbosch Economic Working Papers: October 2010.
- 14 Christian Houle, 'Inequality and Democracy: Why Inequality Harms Consolidation but Does Not Affect Democratization', *World Politics*, Volume 61 / Issue 04 / October 2009, pp. 589-622
- 15 Adamn Przeworski, Michael Alvarez, José Cheibub & Fernando Limongi (1999). 'Democracy and Development: Political Institutions and Well-Being in the World, 1950-1990'. Cambridge University Press.
- 16 See: Fedderke JW, de Kadt RHJ & Luiz J (2003), 'Capstone or Deadweight? Inefficiency, Duplication and Inequity in South Africa's Tertiary Education System, 1910-93'. *Cambridge Journal of Economics* 27 (3): 377-400.
- 17 See Nancy Bermeo (2003). *Ordinary People in Extraordinary Times: The Citizenry and the Breakdown of Democracy*. Princeton University Press
- 18 Quoted in *Economist*, 5 June 2010.
- 19 See Francis Fukuyama (2001). *The Origins of Political Order*. Profile Books.
- 20 See Raphael de Kadt & Charles Simkins, 'The Political Economy of Pervasive Rent-Seeking', Thesis Eleven, June 2012.

20 years of Democracy: Race Narratives in South African Society



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I suppose it is trite to aver that, because of colonialism and white minority rule during apartheid, race was the main social contradiction which shaped political, economic, cultural and other relations before the advent of our democratic order in 1994. Twenty years into our democratic dispensation, however, it should be – but it is not – self-evident that the gap between the procedural and substantive dimensions of our democracy is, in the main, but not exclusively, defined by the coincidence between race, on the one hand, and poverty, inequality and unemployment, on the other.

Even at those moments we are tempted to yield to class essentialism, sometimes in response to perceived or real race essentialism, we must, grudgingly or otherwise, accept that the conditions of relative underdevelopment which still plague many poor communities can be explained in terms of the coincidence between race and class. Instead of elevating exceptions to the status of a rule, we must, therefore, accept that this is a coincidence that preponderantly still finds expression in the social and economic conditions of those who are black.

This argument, however, is both the cause of discomfort and an inconvenience to those for whom the reincarnation and mutation of a colonial logic and entrenched interests still exist as a means of adaptation to our post-apartheid reality. This is the case, despite the fact that the African National Congress (ANC) during the liberation struggle adopted the position that the struggle for liberation was essentially about the liberation of blacks in general and Africans in particular.

In 1969, the ANC adopted its first Strategy and Tactics document in which it argued that: "The main content of the present stage of the South African revolution is the national liberation of the largest and most oppressed group – the African people. This strategic aim must govern every aspect of the conduct of our struggle whether it be the formulation of policy or the creation of structures."¹ But that was in 1969. In 1996, the then deputy president of South Africa, Thabo Mbeki, in a speech he delivered when the final constitution was adopted said the following in Parliament:

The great masses who are our mother and father will not permit that the behaviour of the few results in the description of our country and people as barbaric. Patient because history is on their side, these masses do not despair because today the weather is bad. Nor do they turn triumphalist when, tomorrow, the sun shines. Whatever

the circumstances they have lived through and because of that experience, they are determined to define for themselves who they are and who they should be. We are assembled here today to mark their victory in acquiring and exercising their right to formulate their own definition of what it means to be African. The constitution whose adoption we celebrate constitutes an unequivocal statement that we refuse to accept that our Africanness shall be defined by our race, colour, gender or historical origins. It is a firm assertion made by ourselves that South Africa belongs to all who live in it, black and white. It gives concrete expression to the sentiment we share as Africans, and will defend to the death, that the people shall govern.²

Is there a tension in how Africans and *Africanness* are defined in the 1969 Strategy and Tactics document of the ANC and what is now popularly known as Mbeki's "I am an African" speech? Is Mbeki's speech consistent with our post-apartheid condition twenty years since the 1994 democratic breakthrough? Put differently, which statement – between Mbeki's speech or the Strategy and Tactics document – is more or less consistent or inconsistent with this post-apartheid condition?

It seems to me that there is no easy answer to these questions. This notwithstanding, it may be a good starting point to remember that the Strategy and Tactics document was written under conditions that the ANC regarded as a revolutionary struggle that had a class content but, in response to the racist-colonial logic of the apartheid regime, was essentially racial in content. In addition, the answer may lie, in part, in a willingness to accept that there is a symbiotic relationship between a change in consciousness and perception, on the one hand, and a substantial or partial change in social, political or economic conditions on the other. Mbeki delivers his 'I am an African' speech two years after the first democratic election, at a time when the euphoria of 1994 is still with us and hopes are high that South Africa will indeed become a nirvana of peace, racial harmony and prosperity.

Since this revolution was also about creating a society which, in terms of the content of race relations, would be the antithesis of apartheid society, it is understandable that Mbeki presented in 1996 a conception of what it meant to be African which sought to both deconstruct and reconstruct race as a construct by positing an inclusive definition of Africanness.

The Strategy and Tactics document, on the other hand, was written not only at a time of revolutionary struggle but also after the disastrous 1967 joint Wanke MK-Zipra operation against Rhodesian forces in what is now Zimbabwe. The document was adopted at the 1969 Morogoro conference, a national consultative conference of the ANC held under conditions of illegality and exile and, therefore, secretly, in response to what was becoming a rebellion against the leadership by young MK guerrillas who thought that the exiled leadership of the ANC was not serious about infiltrating South Africa to liberate the oppressed. Therefore, the Strategy and Tactics document had to provide broad strategic direction and place the African masses at the centre of the strategy. In this context, Africans had to be a key motive force as well as the main beneficiaries of the revolution. Since this revolution was also about creating a society which, in terms of the content of race relations, would be the antithesis of apartheid society, it is understandable that Mbeki presented in 1996 a conception of what it meant to be African which sought to both deconstruct and reconstruct race as a construct by positing an inclusive definition of *Africanness*. This approach coincided with the reconciliation

agenda of Nelson Mandela – a man regarded by many in South Africa and the world as a saint for the time.

But it is the same Mbeki who in 1998, in response to media criticism of his characterisation of South Africa as a country of two nations, one prosperous and white, and the other black and plagued by conditions of underdevelopment, argued thus:

We have given these statistics to say that the fact of the gross racial disparities in our country is not the creation of the fertile imagination of an individual, who is driven by a desire to be nasty in order to gain political advantage. It helps nobody, except those who do not want change, to argue that the difference in income between a senior black manager and an unskilled black worker is as high as the difference in income between an equivalent senior white manager and an unskilled black worker, and therefore that, like many other countries, we are now faced with the challenge of class differentiation rather than the racial differentiation which is the heritage of white minority rule.³

Today I wonder whether during the past twenty years, there haven't been times when in its management of reconciliation and the race question, the ANC confused reconciliation with white approval.

Mbeki gave this speech a year before he became South Africa's head of state. With the benefit of hindsight, one is tempted to argue that, in this speech, and the 'two nations' speech which preceded it, Mbeki was signalling the departure from Mandela's conception of reconciliation. Mbeki's conception of reconciliation was that it would not happen unless the material conditions of those who were oppressed during apartheid changed substantially. The criticism that some have levelled against Mandela is that his

conception of reconciliation privileged the harmonisation of race relations over the imperative of a significant alteration of the material conditions of those who were victims of apartheid. The effect, others have argued, was that Mandela became a buffer zone between white fears and black aspirations. It is during this period that I argued that white people had embraced Mandela but not the race from which he came. Today I wonder whether during the past twenty years, there haven't been times when in its management of reconciliation and the race question, the ANC confused reconciliation with white approval. Is it not for this reason that there is discomfort with the race debate and rampant race denial of the fact that race matters twenty years into our democracy more than we care to admit? Is it not for the same reason that master narratives about the economy and the fact that blackness is still the main indicator of disadvantage, remain devoid of racial content – an attempt to present the illusion of a rainbow nation as the dominant reality in our post-apartheid condition?

My answer is that because whiteness is still the centre of the South African universe, very little has changed with regard to the fact that the numerical minority remains the cultural majority, whose ways of being and seeing constitute the main content of narratives about the present and the future of the state of the 'rainbow' nation. In the words of author, Zama Ndlovu, "... starting with a mandatory salutation to apartheid without mentioning colonialism allows the storyteller to spin a tale that power finds comforting."⁴ The point that Ndlovu is making here is that master narratives are a function of power. My own argument

is that master narratives, whether it is in the presence or absence of counter-narratives, are largely a function of the different forms of power that the cultural majority accumulated during colonialism and apartheid.

The race question – arguably in the same way that the ANC does not constitute the totality of what is wrong about our post-apartheid condition – will not help us understand all the deficits that have become an important feature of this post-apartheid condition. As Ndlovu puts it:

“It should be possible — mandatory — for all those who try to tell this story to find an honest balance between assessing areas where we have not progressed enough due to decisions made today, while acknowledging how deeply entrenched other problems are because of our past. These two sides are inextricable linked, and neither should be disingenuously ignored for the sake of a gripping story.”⁵

Those of us who participate in the process of creating counter-narratives must avoid the zealotry and hubris that may attach themselves to the belief that every argument we make about race is either always correct or must be an end in itself. Our counter-narratives must not be a counter-narrative of denial; they must not seek as their objective the paralysis of those who, during colonialism and apartheid, accumulated power and privilege from narrowly defined racial identities – identities that were intended to distance the other from social, intellectual, political and economic resources.

The creation of a non-racial society will definitely be within the realm of possibility if we deploy conflict between master- and counter narratives about race as a crucible that clarifies thought without eliminating difference, thereby maximising opportunities within the constraints that at present seem insurmountable.

While in the foreseeable future race will remain one of the key challenges facing South Africa, we must not allow it to become the tail that wags the dog (i.e. South African society). Part of the solution lies in re-imagining our future and in the ability to strike a healthy balance between seeing beyond race while we are tackling the ravages of its legacy. The alternative is to remain a society that is too internally divided to unite behind the vision of a non-racial society.

NOTES

1 Strategy and Tactics of the ANC – 1969, Marxists.org/subject/Africa/anc/1969/strategy-tactics.htm.

2 I am an African – Thabo Mbeki’s speech at the adoption of the Republic of South Africa Constitution Bill, anc.org.za/show.php?id=4322.

3 Statement of Deputy President Thabo Mbeki on the occasion of the debate on the budget vote of the Office of the Deputy President, National Assembly, June 3, 1998, unisa.ac.za/contents/colleges/docs/1998/tm1998/sp980603.pdf.

4 The “Dangers of telling a Single Story about South Africa”, Ndlovu, Z., March 18, 2014, BDLive.co.za.

5 Ibid.

Two Decades On: In Search of Growth



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South Africa in 2014 is indisputably a much better place to live in virtually every respect than it was in 1994. The dreadful threat of racial conflagration that haunted the country throughout the second half of the 20th century has long since disappeared. So also have the policies and institutions that dehumanised and humiliated the majority of South Africans while depriving them of basic rights, opportunities and freedoms. Millions of houses have been built; millions more connected for the first time to electricity and water supplies and to sanitation. More generally, while crime levels remain a source of concern to many people, there is largely unfettered freedom of speech and association, and an open and competitive political environment, all backed by constitutional government and respect for the rule of law. As president Jacob Zuma put it in his 2014 State of the Nation address, South Africa indeed has “a good story to tell”.¹

And yet, and yet... there is abroad in the country a pervasive sense of underperformance, of missed opportunities; the sense that, two decades after the formal abolition of apartheid, the improvements in levels of prosperity and in access to, and quality of, public services could – and should – have been so much greater and, especially, so much more widely distributed. This sense has been overlaid with widespread perceptions of greed and venality in both the public and private sectors.

Nowhere is this sense of disappointment, underachievement and self-interested behaviour more apparent than in South Africa’s chronically poor economic performance, especially at the macro level. The key indices include the following:

- Despite the country’s evident potential as an ‘emerging market’, with legitimate aspirations to rapid industrialisation and significant and broad-based increases in living standards, the maximum sustainable growth rate has failed to rise decisively above its historically constrained level of around 3.5% – itself arguably less than half the minimum level needed to even begin to realise these aspirations.
- The gross annual rate of fixed capital investment – upon which growth ultimately depends – has not only failed to reach the requisite level of around 30% of GDP, but has not yet risen convincingly above the level of around 15-16% needed to compensate for capital depreciation alone.
- Job creation, especially in the private sector, has failed to keep pace with the growth in the labour force. Consequently, unemployment has continued to spiral upwards, with nearly two-fifths of the labour force – and more than half of the

'youth' labour force – now having little prospect of securing gainful employment for the foreseeable future.

- It took more than 10 years for income per capita to regain its previous (1980) peak levels, and subsequent increases in average living standards have remained modest.
- Not only have both income levels and the stock of wealth grown too slowly, but their distributions have become increasingly distorted and unequal.
- The rand has been subject to a succession of post-apartheid currency 'collapses', which have seen the rate against the dollar decline – in a step-change, yet highly volatile pattern – from around 3.0 rand to around 11.0 per dollar over the 20-year period, but without any measurable improvement in the country's competitiveness.
- Despite the slow growth and investment rates (which have meant lower import bills), the current account on the balance of payments has remained in chronic deficit. Most fundamentally, this reflects the unwillingness (or inability) of South Africans to save, whether at the level of the household, the business enterprise or the state. Indeed, the post-apartheid ratio of gross savings to GDP has struggled to rise above 15%. The deficit also reflects regularly poor annual export performances. Consequently, the country has relied very heavily on foreign savings – in the form of capital inflows – to fund its current account deficit. Such dependence in a developing economy would not be so problematical were the capital inflows comprised mainly of foreign direct investments; in South Africa's case, however, they consist predominantly of highly volatile – and hence very unreliable – portfolio capital flows, leaving the country with a seriously exposed underbelly.

Indeed, the post-apartheid ratio of gross savings to GDP has struggled to rise above 15%. The deficit also reflects regularly poor annual export performances.

This litany of serious shortcomings is not intended to belittle the enormity or scale of the developmental backlogs and challenges that faced the country – and its new and inexperienced government – in the mid-1990s. Nor should it be overlooked that South Africa has not been alone among emerging-market economies in facing challenging global conditions, especially over the past decade. But the list does raise large questions about the causes of and reasons for such abject failures, and the impending 20th anniversary of the advent of democracy affords a timely opportunity for an honest and frank exploration of these questions.

The ultimate explanation for this hitherto unpromising post-apartheid economic history is plainly evident. It is that most of the structural impediments to growth – most of which have been manifest for many decades and, in some cases, for the best part of a century – have not yet been effectively addressed and resolved. Several of these impediments, which emanated largely from the singularities of the country's historic gold mining-led growth path, were aggravated – sometimes severely – in the post-World War II period by the policies and institutions of the apartheid era.

Some were further reinforced from the 1970s onwards by external policies and events which impacted South Africa in contradictory ways:

- On the one hand, the rising tide of globalisation induced attempts to modify domestic policies in ways that would protect and enhance the country's global competitiveness.²

- On the other hand, another rising tide – this time of anti-apartheid international economic sanctions – relentlessly pushed policy defensively in inward-looking and competitiveness-reducing directions.³

Yet the need for fundamental structural economic reforms has not been unappreciated by South Africa's key post-apartheid economic policy-makers. This recognition is reflected in the succession of 'new' economic policy initiatives that have been adopted, starting with the 1994 RDP (Reconstruction and Development Programme, followed rapidly by the GEAR (Growth, Employment And Redistribution) programme of 1996, and proceeding through the 2006 ASGISA (Accelerated and Shared Growth Initiative for South Africa) and the 2009-10 NGP (New Growth Path) to the more recent 2011-12 NDP (National Development Plan). Each of these initiatives has called for, indeed promised, at least a doubling of the sustainable annual growth rate, accompanied by 'millions' of new 'decent' job opportunities, major poverty-reduction impacts, infrastructural and export development programmes, and labour-market 'reforms', not to mention more effective anti-corruption measures. Yet none of these objectives – especially those surrounding growth, investment and job-creation rates – has proved even remotely realistic, not least because the structural and

If the absence of real structural reforms indisputably provides the ultimate explanation for South Africa's dismal post-apartheid economic record, the proximate causes appear – at least on the surface – to be more arguable.

policy changes needed to promote them have never been forthcoming.

On the credit side, it should be noted that the growth record did improve – modestly – during Thabo Mbeki's presidency in the mid-2000s. However, this was the result more of untypically benign global conditions than of domestic policy initiatives. These conditions included two main components:

- greatly increased liquidity and near-zero rates of interest in the developed world, in the aftermath of the September 11, 2001 terror attacks (thereby prompting holders of immense portfolio capital funds to seek higher yields – albeit also at higher risk – in emerging markets, including South Africa); and
- the China-led boom in global commodity demand and prices.

Not for the first time in South Africa's economic history, these windfall gains meant that, instead of being subject to sustained pressure to alleviate the fundamental constraints on growth, the country's economic policy-makers were let off the hook of implementing often politically challenging structural reforms. Understandable though this line-of-least-resistance approach was, it has merely further postponed the days of reckoning.

If the absence of real structural reforms indisputably provides the ultimate explanation for South Africa's dismal post-apartheid economic record, the proximate causes appear – at least on the surface – to be more arguable. Consider, for example, the closely interrelated – and core – issues of low growth, low investment, continuing private-sector job destruction, and inexorably rising unemployment.

Throughout the past two decades, 'informed' opinion on these matters has been split largely between two ideological camps:

- those who blame South Africa's disappointing post-liberation growth record on the so-called 'neo-liberal project', as exemplified (in their view) by the GEAR programme; and

- those who attribute it to the perceived and increasingly heavy hand of state interventionism.

To say the least, the intellectual stalemate resulting from this ideological schism has proved unhelpful to the policy community, both in and outside of government, in dealing with these core growth-related economic questions. Indeed, while references to the need to secure meaningful boosts to the sustainable growth rate remain obligatory, they have begun to appear increasingly rhetorical, lacking evidence of real conviction that the objective is achievable. In the process, the imperative need for more rapid – and more inclusive – economic growth is being downplayed in favour of a growing concern with distributional issues, and especially with the rising levels of economic and social inequalities in the country.

It needs to be acknowledged that South Africa is again not alone among developing countries in exhibiting this trend. Indeed, there is a substantial body of opinion in global development policy circles that distributional issues now constitute the most important development policy challenge.⁴ To this extent, it is unsurprising that such issues have also acquired increased policy salience in South Africa. Here, however, there has been an almost exclusive focus on two policy arms:

- aggressive promotion of socio-economic ‘transformation’, especially via the black economic empowerment (BEE) programme; and
- defensive extension of the reach of the social welfare monetary grants programme.

Yet, it is surely common cause that, after more than 10 years of increasingly prescriptive legislative enforcement, BEE – which, according to its proponents, was the *sine qua non of faster and more sustainable growth – has failed dismally, not only as a source of growth, but also by exacerbating, rather than ameliorating, the growing inequalities in the distribution of income and wealth.*⁵ Recent amendments to the legislation, which not only effectively raise the bar for enterprises seeking to achieve improved ‘empowerment status’, but also threaten to criminalise non-compliant behaviour, are hardly likely to be more growth-promoting.

At the same time, it must surely also be common cause that, without growth, the alternative – ever-widening social welfare payments funded by the ‘better off’ – is also not sustainable in the longer term. In short, the fact is that, without growth, (re) distribution ultimately becomes a zero-sum game.

None of this should be taken as an argument against the deployment of welfare grants, whether universal or targeted, in an attempt to relieve poverty. On the contrary, as Charles Meth has argued powerfully, the case for greater redistribution through the fiscus in South Africa is politically and morally unanswerable.⁶ But so also is the case for growth. However, an increase in the sustainable growth rate will never be achieved by continuing to shy away from removing, or at least reducing, the factors that have inhibited growth.

The necessary reforms include – but are certainly not limited to – resolution of the potentially crippling current account deficit, alleviation of the skills constraint, reconsideration of the nature and extent of labour-market regulation, currency

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stabilisation and the loosening of the constraints on the all-important small-business sector. More generally, the low level of investor commitment to post-apartheid South Africa demands reconsideration of the general business and policy climates and the way these are perceived in the markets. Government also needs a business champion – a senior minister who, instead of perpetually lecturing and upbraiding the business community, will fight his corner in cabinet. Unless and until policy moves beyond mere rhetoric, and these potentially painful challenges are confronted, sustainably higher – and significantly more inclusive – growth will remain a chimaera.

NOTES

- 1 In a front-page article in the London Financial Times on 14 March 2014, Julius Malema, who recently launched his Economic Freedom Fighters (EFF) party, and who presumes to speak for South Africa's 'dispossessed', reportedly claimed that "we are worse [off] than the way we were during apartheid". His sophistic and captious argument is that, because the water supplies to which so many people have now been connected are often (sic) not clean, and their electricity connections do not guarantee power supplies, "(s)o you are actually in more pain because these things are closer to you and, close as they are, you cannot use them".
- 2 See, for example, the reports of the Reynders, Riekert and Wiehahn Commissions, respectively Commission of Inquiry into the Export Trade of the Republic of South Africa, Report R.P. 69-1972; Commission of Inquiry into Legislation Affecting the Utilization of Manpower, Report R.P. 32-1979, and Commission of Inquiry into Labour Legislation, Report R.P. 47-1979.
- 3 For a succinct summary of the adverse consequences for the domestic economy of rising international economic and political pressures in the 1970s and 1980s, see Charles H Feinstein, *An Economic History of South Africa*, Cambridge University Press (2005), esp Ch 9. These adverse structural changes were not automatically reversed when sanctions were lifted – a fact largely overlooked by post-apartheid commentators and policy-makers alike.
- 4 This trend is not limited to developing countries. Economic and social inequalities are increasingly now also at the forefront of policy debates in much of the developed world. However, richer countries have the relative luxury of enjoying substantially higher average living standards, and can therefore better 'afford' redistributive policies.
- 5 The prologue to the 2001 report of the BEE Commission included the assertion that its proposed black empowerment strategy "will launch South Africa on to a course of sustained and even spectacular rates of economic growth". See Black Economic Empowerment Commission, *Black Economic Empowerment Commission*, Johannesburg 2001.
- 6 See, for example, Charles Meth, *Basic Income Grant: There Is No Alternative! (Big: Tinal)*, Working Paper No 54, School of Development Studies, University of KwaZulu-Natal, 2008

South Africa Plus ça Change

The last twenty years have seen extraordinary changes for the better in this country. More and more people have access to water, electricity and other basic services. Labour rights have steadily advanced. We can marry whoever we want, regardless of race or gender. The black middle class has grown steadily. The old and the infirm are dramatically less likely to live and die in penury; as are the HIV-positive. And, not to leave out the big one, every South African has the right to vote, assemble and protest, regardless of race. In its gist, the State of the Nation address was correct: everything has changed.

And yet it hasn't, really. Without in any way reducing the importance of the accomplishments just mentioned, there are respects in which South Africa has changed very little, if at all. In fact there are many such respects, but the one I want to focus on is that such growth as the country has seen has largely left the poor behind. That includes both the unemployed and the working poor. Labour's share of national income has decreased by 7% since 1994 while profit rates have risen by 250%. In the new South Africa, not only is work scarce; increasingly it doesn't pay. The black majority – and it is still overwhelmingly that – remains thoroughly downtrodden.

A South African who had fallen asleep in 1984 would feel perfectly at home upon waking today. Right down to news reports of the state machine-gunning workers.

The greatest trick the devil ever pulled was convincing the world that there was only one way to run an economy

This is all despite the fact that South Africa has an exemplary record in economic management. "Exemplary" isn't my word – it's Dani Rodrik's, and those who are familiar with his work will know that he's no red. He praised "cautious fiscal and monetary policies which have kept inflation and public debt at low levels", and an "economy was opened to international trade and capital flows"¹. South Africa has checked all the economic boxes – and yet has nothing to show for it.

The first problem is that the policies don't do what they're supposed to: the economic orthodoxy has got it wrong. The sort of "don't tax 'em, don't spend too much, don't rock the boat, let the market do what it does" non-policy that we have long known and loved in this country does not have a proud track record. Even a cursory glance at economic history will reveal that the countries we are eager to emulate in our development did not get to where they are today by leaving the market to do its thing: in each case their governments carefully chose which industries were going to drive growth and then subsidised and tariffed the hell out of them. This applies equally (or more) to the United Kingdom and the United States – paragons of the free market – as it does to the *nouveau riche* countries of East – and South-East Asia.

Our current economic model is based, more or less, on pulling stuff out of the ground and getting it onto a ship as cheaply as possible. Generally what we do to keep our minerals cheap is to suppress wages: paying the people digging it up



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as little as possible. The hope is that firms with high profits will invest them back into South Africa, leading to higher growth and more jobs. We've got the first part of that right: the mining sector is profitable, but it doesn't invest back into the economy. Why should they be? We've made it easier than ever to send capital abroad, and much more profitable to invest in financial markets than in the messy business of beneficiation and manufacturing.

An economic model based on wage suppression (even one such as ours that fails to keep wages especially low) can never make South Africa less unequal. How could it, if its success depends on the enrichment of capital at the expense of labour?

BMWs are for poor countries

A few weeks ago I was talking with a British friend about our respective houses, and she was shocked when I mentioned how much rent I was paying. Converted into pounds it's a very low number, even before our recent currency woes, for a nice semi-detached house in a middle-class area of Johannesburg. I'm paying significantly less than I paid for a quarter-share in a lousy student house in England, and less than for a sixth-share in a cheap apartment in Spain. And for this small amount of money, I have a house and a garden in a nice area, close to the shops and to public transport.

In South Africa, development will require that the poor start taking a bigger slice of the surplus, and that means the rich taking less.

Of course, it isn't really a small amount of money. I pay what to most South Africans is a fortune, and not a small one. In South Africa you don't have to be a member of the super-elite to enjoy their perks. We of the middle class get to earn first-world wages and pay third-world prices; we get to go to London or Paris or New York; and, if we're fortunate enough to have an education, our entry-level jobs let us rent nice houses in nice neighbourhoods. This is what it means

to live in an extremely unequal country: the surplus is diverted from the bottom to the top. South Africa's problem isn't the beggars at traffic lights. It's beggars being breezed past by BMWs.

In South Africa development, "getting to Denmark", is not just a matter of growth. It also isn't just a matter of more or better rural schools; better state hospitals; electricity in every home. These are all important things that no self-respecting state can fail to deliver. But they're not enough. They will improve the quality of life of many South Africans, people who are long overdue such an improvement, but they will not change the fact that South Africa is a country of rich people and poor people, each immensely so. These things will take the edge off poverty, but they will not defeat it.

In South Africa, development will require that the poor start taking a bigger slice of the surplus, and that means the rich taking less. It means that I, as an early-career knowledge worker, come to be able to afford only a small apartment in the inner city, and the family of four currently in that apartment come to afford my small house in a suburb. It means that the person now begging at the traffic light has a home and a job and a way to get from one to the other, and that the guy now blowing past him in a Beemer drives a sensible midrange sedan, or a hatchback, or even takes the bus. We shouldn't be aiming for a country where everyone has a big house with a garden and a pool – which is, as far as I can tell, what our economic

policy is trying to do – because we'll never get there, or anywhere close. What we should be aiming for is a country where almost no one has a mansion, because all the money that would have been spent on mansions is going towards giving everyone a modest apartment.

Some might call this a mercantilist view of economics: zero-sum, we can't all win. And maybe it is. But the dominant alternative, the view that it doesn't matter how rich the rich are as long as the poor are less poor, becomes less convincing every day. There is no sign of the wealth trickling down, nor has there ever been in any country that doesn't force it to.

You have nothing to lose but your gilded cages

Of course, those of us who are “winning” in contemporary South Africa are doing nothing of the sort. I mean, in material terms we certainly are: look at all those BMWs. But we're paying more than just sticker price for our nice cars: we're paying by living smaller lives than we would otherwise.

What's the first thing that foreigners coming to Joburg comment on? It's the high walls around our houses, the barbed wire and electric fences on top, the burglar bars on our windows. Those who stay a little longer start to notice the private security vans that drive around the wealthier areas, the manned zozo on the corner, the rush to turn the alarm off when we get home. As our country has become more unequal, we on top have sponsored more and more violence – or the solemn promise thereof – to direct down the income ladder. It's increasingly difficult to feel safe in our own homes, knowing that in here, in the warmth, are all our pretty things, and out there in the cold are people with very few things indeed.

We can paper over the cracks – for sure, the police could be more active, the justice system more efficient – but that won't touch the actual problem: that we have not only appropriated the surplus but we rub it in the faces of the starving every day.

It is nothing new for the rich to erect walls – physical, ideological, social – against the poor. But in South Africa we are learning that the more unequal our society gets, the more unjust it gets, the more we stretch our excuses for why the end of apartheid was not the end of misery, the more and bigger walls we need. And at this point there's no wall that would make us feel safe: having retreated to our gated suburbs, our patrolled streets, we still jump at every bump in the night. As our walls grow, our lives shrink. There are parts of Johannesburg that I don't like visiting, and by some measures that makes me intrepid: some people won't go south of Rosebank. And we've all known people who found that their lives had shrunk so much in South Africa that they went looking in search of bigger lives elsewhere. Now they live in countries with excellent public transport system, comprehensive healthcare, and safe streets. They might live in smaller houses and drive smaller cars, but at least they're happy to walk to the shops after dark.

There's no reason to believe that this part of South African life will change, unless we resolve to change it. We can paper over the cracks – for sure, the police could be more active, the justice system more efficient – but that won't touch the actual problem: that we have not only appropriated the surplus but we rub it in the faces of the starving every day. We can keep building bigger walls between the princes and the paupers, or we can try to make a society where there are fewer of each, and a lot more people in the middle who can live next door to one another.

What is to be done?

If the problem is that too much of the surplus is going to the wealthy, and not enough to the poor, then the solution is redirecting it. To do that, we need an economy that demands a lot of labour at decent pay. To an extent these are connected – if there are plenty of jobs, then employers have to compete to attract workers, and pay goes up. But there will only be plenty of jobs if we reorient the economy from the business of pulling bits of metal out the ground and sending them overseas (which mops up a lot of investment without needing a lot of workers) to the business of turning bits of metal into more expensive bits of metal – that is to say, manufacturing – which also needs investment but for a variety of reasons needs a lot more workers.

The market alone isn't going to make this reorientation happen: among other reasons, it's going to be a long time before manufacturing is as profitable as mining, so it's not going to attract the investment it needs. That's where government can help: with judicious subsidies, infant industry protections, and investment in research – in other words, a real industrial policy – it could get South African manufacturing to the point where it's not only employing plenty of people, it's also turning a profit.

That's a long, hard road. It'll require not only a change in our economic policy but in the way that government and business thinks: we've gotten so used to trusting the market, it'll be difficult to get the right people to accept that the market needs a leg up.

There's a short-cut, though. In the long run there'll be no substitution for what I've just described, but for now – *right* now – we need a solution to the problem at hand. Happily the government already has the two basic institutions necessary to reduce inequality: SARS, to take money from rich people, and the Department of Social Development, to give money to poor people. Your and my taxes should go up, probably way up, and that money should be delivered through the grant system to every poor person, without exception.

We can figure out the details: universal grants? Negative income tax? Whatever form it takes, radical, unconditional redistribution is the simplest, cleanest, quickest way to reduce inequality in South Africa while we work on straightening the economy out. Affordability isn't a problem: we'll only pay out as much as we tax. Fairness is not a question: the good ship HMS Fairness embarked from this country a very long time ago. And as for discouraging people from looking for jobs? Let's worry about that when there are jobs for them to look for. I'm not holding my breath.

NOTES

¹ Dani Rodrik, 2008. "Understanding South Africa's economic puzzles ." The Economics of Transition, The European Bank for Reconstruction and Development, vol. 16(4), pages 769-797, October.

DA as an Opposition – Lessons from 20 years of Democracy



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Twenty years since the founding of South Africa's democracy, the country's existing parties appear not fit for the needs of the majority of voters. Any political party serious about winning an election in South Africa must grab a significant slice of the black vote, the majority of whom have been voting for the African National Congress (ANC) since the dawn of non-racial democracy in 1994.

The mass of black supporters of the ANC, battered by frequent broken promises, endemic corruption by party leaders and officials, and poor public services, appear to be ready to break their sacred attachment to the ANC and to vote for alternatives. The violent community protests sweeping across the country – mostly by ANC members or supporters – is a sure sign that ordinary people are losing faith in the ANC. Yet, very few of the opposition parties are identifying with protesters on the spot when they protest against poor service delivery, corruption or indifferent public officials. This fact alone shows the disconnect between ordinary citizens and their problems, and with opposition parties.

The fact that many opposition parties are not yet appealing – politically and especially economically – to the ANC's mass base is providing the current ANC leadership with a valuable lifeline while also entrenching extraordinary high levels of complacency in its leadership ranks.

The result: South Africa remains paralysed at all levels – stagnant growth, pedestrian job creation, poor public service delivery, and poor a quality democracy.

Old configurations and credibility Alternative opposition parties appear either too white, or too tainted by their participation in the apartheid structures, or too ethnically-based, such as the Inkatha Freedom Party (IFP) and the Freedom Front Plus (FF+), or too small a reach and organised around one leader, such as the United Democratic Front (UDF), or too ideologically extreme, such as the Pan Africanist Congress (PAC) and the new far-left socialist parties, or simply too disorganised to be taken seriously.

An important measure of credibility among black voters still remains the extent to which a political leader or party has been part of the struggle for liberation or not. Wrongly or rightly, the Democratic Alliance (DA), which has also swallowed some members of the former apartheid ruling party (the National Party), is still perceived by many black South Africans as being part of the apartheid edifice.

The ANC, under President Zuma, has retreated into a very narrow African nationalism, clearly reckoning that it can continue to stay in power if it focuses

The failed DA-Agang merger and the turmoil in which the Congress of the People (COPE) has plunged (after almost 1 million voters within 3 months of its existence) is likely to make black voters who are looking for political alternatives more wary of current and new opposition parties.

on its poor black constituencies, because these constituencies do appear to believe they have no political home elsewhere.

The botched unity attempts between South Africa's official, white led, opposition party, the DA, and the newly formed starter-party, Agang, led by former Black Consciousness activist Mamphela Ramphele, to create a new non-racial opposition, has shown, 20 years after apartheid, how difficult it still is to build opposition unity across the country's deep black and white racial divide.

The failed DA-Agang attempt to bring a black candidate at head of the DA, has dented Ramphele and Agang's credibility, and has reinforced perceptions among some disillusioned ANC supporters that the DA is a "white" party. The failed DA-Agang merger and the turmoil in which the Congress of the People (COPE) has plunged (after almost 1 million voters within 3 months of its existence) is likely to make black voters who are looking for political alternatives more wary of current and new opposition parties.

Which are the ANC constituencies unhappy with the party?

The Black Middle Class

Black middle class people who are unhappy with the ANC either stay away from the polls or vote for parties such as COPE rather than vote for the DA. Since the disintegration of COPE, many may vote for Agang.

Youth

The ANC is particularly vulnerable among the urban black youth. South Africa has a "youth bulge" with those under 35 years making up 77% of the population. Statistics SA figures show the unemployment rate among youth is around 36%. The so-called 'born frees' – who were born after 1994, and therefore started their lives in a democratic South Africa – are now voting for the first time. This post-1994 generation, with no memory of the "struggle", does not have the same emotional attachment to the ANC and its leaders as their parents.

From an electoral political point of view the SA youth can be broadly divided into two groups. The first is the small proportion who went to good schools, go on to tertiary education, and secure employment. This group is the "new advantaged" and makes up roughly 20% of the overall youth between the ages of 15 to 35 years. This group is relatively open to vote for opposition parties such as the DA, COPE and Agang.

The second group is the 80% who come from state schools in the townships and rural areas. They are likely to be the group who have not completed school or those who completed school are so poorly educated, they struggle to make it in the jobs market. They are predominantly black, from poorer and working class backgrounds. This group could be called the "new disadvantaged". This group makes up the bulk of the 71% of the youth unemployed. In terms of numbers, they are the most politically significant. The new disadvantaged group has reason to be resentful being on the margins of the economy, while seeing middle class black and white peers doing

well. This group is more susceptible to populist messages, like those coming from former ANC Youth League Julius Malema's Economic Freedom Fighters (EFF). This group, notoriously, does not register to vote in elections nor do they vote. If they do turn out in their numbers, they may help secure Malema's EFF with between 2-8% of the national vote, with most of the youth votes likely to come from the Gauteng region.

Black Women

Black women as a constituency, unless highly educated, are one of the most politically neglected constituencies. They are more likely to be unemployed, suffer the burden of poor public services proportionally more, and suffer the consequences – broken families, violence, and a breakdown of moral norms and the failure of moral leadership in public life in South Africa.

There is a deep gulf between the call for women's equality in South Africa's model constitution and society's predominantly archaic public attitudes towards women. Continuing patriarchy in society means that women lack equality in sexual relationships, the family, workplace, culture, the economy, politics and society. Little has changed for many black women in the rural areas, where conservative traditional leaders and archaic attitudes and norms towards women hold sway.

For any opposition party, consistently and genuinely mobilising women may yield rich pickings.

Why not vote for current opposition parties?

Orientation

The majority of black voters, in terms of economic beliefs, appear to be situated on the mainstream Left, even if they may be socially or political conservative. However, most of the mainstream opposition parties and new parties formed after 1994 are, in terms of economic orientation at least, to the Right of the ANC and the ANC's mass black support.

The opposition DA is entrenched on the economic centre right – with mostly neo-liberal policies. COPE was hived off from the ANC's right flank. Because it broke from the ANC, and was seen as predominantly black with former members of the ANC in its leadership, it left the perception among many black ANC supporters that it would care *more* about the specific issues that worries the majority of black voters, and would favour social justice in the economic and social arenas.

In the beginning COPE not only had black credentials, but it was also perceived by many ANC supporters to be no different in economic outlook than the ANC itself. COPE's descent into chaos robbed it of credibility as a responsible opposition force.

Agang was also established on the ANC's right flank. Yet, because it was started by Ramphela, a former Black Consciousness Movement leader, it had, like COPE, "black credentials" and had the potential to talk credibly not only on the issues that matter to the black majority, but also on economic justice. Yet, in its policy stances and emphases, Agang appeared more likely to appeal to South Africa's small black

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middle class – inadequate to win national elections, rather than the majority black township and rural poor.

A number of smaller far-left socialist parties have formed since the ANC's 2007 Polokwane conference. In truth, they are too pie-in-the-sky ideological to be relevant to ordinary black people struggling with the daily dilemmas of how to put bread on the table or care for families.

At Marikana, South Africa's business model of low wages, little skills and benefits was on trial. The continued culture of violence, or "shoot-to-kill" within state institutions such as the police was under scrutiny at Marikana.

Expelled former ANC Youth League President Julius Malema, astutely understands the large vacuum in SA's electoral firmament, and embedded his new party, the Economic Freedom Fighters (EFF), the country's first out-and-out populist and youth party, with leftist economic messages. However, Malema's populist message may appeal to the restless youth, but it is unlikely to appeal to the masses of mature and sensible middle ground of ANC supporters – however disaffected they may be with the current ANC.

But, if the EFF transforms itself into a social movement party, and successfully aligns itself with breakaway members of the Congress of South African Trade Unions (Cosatu), the Association of Mineworkers and Construction Union (AMCU), and many of South Africa's disgruntled grassroots and community groups, it may take sizeable chunks of votes from the ANC.

In the perceptions of many black voters, the DA appears to be not only opposed to any state involvement to provide services, but ready to dismantle the state. Yet many blacks see the state after apartheid as an important source of development.

For others, there is also a perception that the DA is uncritically in favour of "white" business. This is a rather crucial point. "Pro white" business is often a pseudonym among some black ANC supporters that means supporting the apartheid-era South African business model of low wages, little skills and few benefits for blacks, while pursuing astronomical profit targets and huge executive compensation.

Since 1994, the buying of political protection from the ANC by offloading black economic empowerment shares by appointments to boards of highly connected ANC leaders, rather than the genuine empowerment option of giving company shares directly to employees and surrounding communities, to create genuine company stakeholders, has become to be seen – fairly or not – as part of the South African "white business" model.

Marikana

The Marikana massacre was an ideal disaster under the Zuma government for the opposition to pounce. At Marikana, South Africa's business model of low wages, little skills and benefits was on trial. The continued culture of violence, or "shoot-to-kill" within state institutions such as the police was under scrutiny at Marikana. But Marikana also pointed to the fact that a black life still counts for very little among state institutions. Yet, the opposition criticised government only for its ineptness in general terms, rather than on all these critical counts, come unequivocal to publicly condemn each of these practices which evoke such deep emotions among many black South Africans. The ANC and government leaders were slow to show their compassion to the effected communities who have lost loved ones at the Marikana

massacre. Here was an opportunity for opposition leaders to actually go to the communities, be seen to care, provide human solidarity and practical help.

In the absence of the opposition, civil society leaders, such as Bishop Paul Verryn and Bishop Johannes Seoka, stepped in to provide solidarity. Julius Malema, the leader of the EFF, for opportunistic reasons rather than anything else, was there too to give a helping hand – at least he understood.

The DA, and, off course, other opposition parties, also, to show that it cared about black lives should have criticised the ANC government for its ineffectiveness in transforming the police culture to a human-rights based culture, but should have criticised Lonmin also for its business model, and should have been present in the aftermath of the Marikana massacre comforting the community and providing practical help.

Social Grants

Opposition parties also appear not to care about the issues that black supporters of the ANC worry about. For example, the DA's vocal criticism of social grants – which mostly goes to poor blacks, is often fuelling the perception that the DA, as a “white” party, opposes state help to blacks. Agang appeared to send out the same message. There is a real fear among black recipients of social grants that under a DA government the social grants will be taken away. Off course this fear has also been conveniently stoked by some ANC apparatchiks.

Social welfare grants now support about 15.2 million South Africans, according to the Treasury, up from 2.5 million in 1998. These figures should be placed within the context of eligible votes (at 31.4 million) and registered voters (at 25.3 million).

Julius Malema, whatever one thinks of his sincerity, understands the importance of this point in black politics, as he regularly publicly states that it is the not the ANC government that gives social grants, but that any government will give a security net to the poor.

The DA's former CEO Ryan Coetzee identified the party's dilemma correctly, when he argued that a DA leader must show that he or she cares as deeply about “delivery issues that affects black South Africans as (it does) about those issues that affect whites”.

Is there a way out of South Africa's political party stalemate?

Disillusioned ANC members could proverbially close their eyes and vote *en masse* against their natural instincts for opposition parties that may not appeal to their economic, social and political views. This demands a new maturity among voters. This does not appear to be an immediate possibility.

In any event to do so, opposition parties much change their selling strategy to the black majority, to a new argument which is based on them openly acknowledging to disillusioned black ANC supporters that they may differ fundamentally from them on almost every issue, yet they should vote for them notwithstanding, in order to make the ANC more accountable.

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Opposition parties must focus their campaigns on the message that unless the ANC faces the prospect that its members will vote for other parties and therefore it may lose elections, the ANC leadership will have little motivation to change for the better.

Clearly, many disillusioned ordinary ANC voters and supporters do not appear to fully grasp that if one stays away from the polls, the ANC will return to power again and will continue in its complacent mould. Its members will continue to vote for them, because the opposition is not relevant (to black ANC supporters), and its angry members will stay away from the polls – allowing representatives to be re-elected in almost perpetuity, albeit with ever smaller margins.

To attract the black poor, rural and working class constituencies, will mean the DA will demand a cultural and leadership change from the DA. Such a sea-change in the DA may push away current white supporters who brought the DA where it is now – and at the same time, in spite of blacking the DA leadership, it may still not be guarantee the vote from a mass black voter base.

The success of the ANC is the fact that it is not an ordinary political party but is an omnipresent movement. The ANC is present in almost every nook and cranny of society: in the affairs of the humblest local village council, sport organisations, even organizing funerals for members. This means that the ANC is almost perceived as part of the everyday life of people. For the opposition parties to be successful they must do the same. So far the DA has failed to do this. Agang was not even close to doing so.

Can the DA remake itself to align with the black majority voters?

For many unhappy ANC supporters and members, the DA, in spite of the appointments of a number of a key black leaders, is still perceived to be as a

white-dominated party, mostly interested in white interests, and shying away from confronting economic redress for the black disadvantaged, and lacking “struggle” credentials (of being an experienced leader in the anti-apartheid struggle), so crucial for political credibility at this moment in SA’s history. The DA attempted to rectify these perceptions by appointing Ramphela as its presidential candidate. Ramphela had the struggle and ‘black’ credentials and the authority to talk about economic redress. Although the DA have promising black leaders such as parliamentary leader Lindiwe Mazibuko and Gauteng provincial leader Mmusi Maimane, they lack Mamphela Ramphela’s gravitas and long struggle and public service history.

Furthermore, individuals such as Maimane and Mazibuko, not to detract from their talent, are middle class blacks, who may easier be attracted to the DA and can fit easily into the DA culture. Similarly, white middle class DA supporters have some affinity with Ramphela, the cosmopolitan former Managing Director of the World Bank, with her liberal views and polished appearance.

But South Africa’s black middle class is very small – and they are more ready to move to other parties, including the DA. However, to really challenge the ANC, the DA needs mass black support, among the poor, working class and black youth.

To attract the black poor, rural and working class constituencies, will mean the DA will demand a cultural and leadership change from the DA. Such a sea-change in the DA may push away current white supporters who brought the DA where it is now – and at the same time, in spite of blacking the DA leadership, it may still not be guarantee the vote from a mass black voter base.

The DA's remarkable success so far has been to attract most white and, arguably, other minority voters. However, in doing so, particularly during the DA's 1999 election 'fight back' campaign platform, which interpreted by many black ANC supporters as whites fighting 'back' against blacks or a black government.

By adopting this strategy, the DA won over the sections of the minority electorate apprehensive of a black government. However, the party may have lost the better part of a generation of black voters looking for credible alternatives in the political centre. This is the challenge for DA leader Helen Zille now: how to persuade a potential vast black voting base that the party is not anti-black.

A better strategy then would have been to emphasise the DA's rich, and more liberal anti-apartheid past credentials – this means projecting itself as a non-racial liberation movement or party – and carve out a post-apartheid position around a non-racial, caring and social justice platform.

It would be silly to expect the DA to suddenly change into a part of the Left to appeal to the economic instincts of the mass black majority. The problem is that the DA's strand of 'liberalism' is more conservative than 'liberal'. It is more pre-David Cameron British Conservative Party, then Bill Clinton or Barack Obama US Democratic Party.

Yet, for liberalism to be relevant in South Africa, it must be of the Clinton/Obama variety. But one can still make the point that the lesson for the DA of how a party can remake itself is the British Conservative Party under David Cameron. In order to remain relevant Cameron has even dismissed the 'holy grails' of British Conservatism, accepting that the market cannot be left unfettered and that state intervention is important to guide the market when it comes to delivery of social services and help vulnerable communities.

The DA must come up with more balanced and nuanced responses to affirmative action and black economic empowerment, rather than appearing to just going on about how it disadvantages whites, or over-emphasising that South Africans of 'Indian' and 'Coloured' background are now again discriminated against, this time because they are allegedly not black enough.

Yet the continuing legacy of apartheid segregation: lack of skills, employment, property and social capital, cannot be wished away. However, the DA must – and they have the capacity – to come up with a credible alternative to affirmative action and BEE that will accommodate both the black expectations of redress and white fear of losing out.

It must also provide new answers to South Africa's current business model, whether in mining or agriculture. Clearly, the reality is that the model of low wages, migrant labour and minimal skills transfer and provision of basic amenities for ordinary workers – and huge remuneration and benefits for executives – is not sustainable.

It must come up with better economic empowerment policies. Off course BEE is simply the wrong policy, because it empowers a small elite, mostly because of their political capital – their closeness to the ANC, rather than their proven ability to set

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up and manage bricks and mortar businesses. The DA can call for the empowerment of the more than 5 million black small businesses.

The current BEE strategy in which mining and other companies partner with senior ANC leaders and trade unionists – as happened at Lonmin’s Marikana mine also – as insurance against transformation pressure is discredited. The DA can push for elements of direct shareholding in for workers in companies. Employees and communities as “co-owners” would then share in the yearly dividends when profits are made and share in the losses during downturns. It could push for BEE strategies that focus on genuine transfer of skills and wealth through providing housing; and other alternatives, such as empowering surrounding communities.

Although, clearly the Western Cape province is better run than most ANC controlled ones, the DA should have made a point of developing poorer black townships, building partnerships with business in the Western Cape to rolling out more sustainable forms of black empowerment, roll-out mass artisanship for young blacks, and pushing for better conditions for black South Africans working in sectors that have been associated in the black imagination for being particularly exploitative since colonialism and apartheid, such as agriculture.

Adopting schools in the surrounding communities, providing teacher, resources and better schools to the community, is not only a cheaper BEE strategy, but it also wins the support of the workers, communities in a more sustainable way, it is a better protection against political pressures to enrich a few well-connected “political capitalists”. Beneficiaries of such a system are likely to defend the company more vociferously.

When the DA won the Western Cape in the 2009 elections it had the opportunity to show it can govern competently, more accountably, and more inclusively and be less corrupt. But it also had the opportunity to show that it can govern in the interests of poorer black South Africans in the areas under their political control. Its record in power has been mixed.

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for black South Africans working in sectors that have been associated in the black imagination for being particularly exploitative since colonialism and apartheid, such as agriculture. Starting off by appointing an all-white male provincial Cabinet was a massive blunder.

Collapsing South Africa’s main opposition parties into one

To really break the mould of black-liberation-party (the ANC), against white-apartheid-party (the DA), will need to amalgamation of most of the other centre-right and liberal black and white opposition parties, such as COPE, the Inkatha Freedom Party and the United Democratic Movement, into one giant opposition or grand coalition.

Such a grand coalition will make it difficult for the ANC to target the opposition as “white”, anti-transformation or too insignificant. For another, such a giant opposition party coalition will have a better chance of convincing a disillusioned ANC black voter who may want to vote for opposition parties, but may now feel

that they are too insignificant to stand any realistic chance of winning an election, and therefore rather not vote.

In such a coalition, the opposition parties will retain their identities and leaderships, but fight the election together against the ANC, agreeing among each other in which regions each will stand against the ANC and supporting each other.

Rebalancing South Africa’s political party system

South Africa’s democratic system could best served by a genuinely democratic, mainstream trade union-based party, à la Brazil’s Socialist Party (PT), which would be to the left of the ANC, with the ANC remaining at the left-of-centre, and the current opposition parties on the right, and the populist Economic Freedom Fighters and the far-left socialist parties on the flanks.

Cosatu’s largest affiliate, the National Union of Metalworkers of South Africa (NUMSA) is mulling over launching a trade union based political party. The low-skilled and unskilled “working” class, which trade unions claim to organise, appears now to be unhappy with the performance of the ANC government.

The unhappiness appears to be among both the employed and the unemployed in black townships and informal settlements. The unemployed decries a lack of jobs, opportunities, lack of housing and poor public services. The employed complain poor public services and the lack of an adequate “social wage” erode their income.

Although Malema’s EFF is targeting the black non-youth working class with its populist economic messages, this group may be more open to a trade union-based party. The arrival of a new trade union movement-based party, has the potential to breathe new energy into SA’s paralysed party political system.

The botched merger attempts between the DA and Agang, the continuing chaos in COPE, the inability of most opposition parties to remake themselves by becoming more relevant to the black majority will mean that the ANC, no matter how ineffective, will retain its stranglehold. For another, unless they remake themselves, current opposition parties will be overtaking by new opposition parties such as the EFF and the possible coming new trade union-based party.

Where Have All the Independent Politicians Gone?¹



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20 years into our democracy and we find ourselves living in a highly politicised South Africa. With a proliferation of political parties, characters and debates, one would imagine that the depth and quality of our politics would be better. The truth is starkly different. Our political class is sadly dominated by voices that too often represent the party and not the voters.

You would be right to question whether that is true. A basic understanding of democracy would suggest that the interests of the party should be aligned to and reflective of those of the voters. There should be no disjuncture between the two. But theory and practice are very different things. As the American baseball legend, Yogi Berra, put it “In theory, there is no difference between theory and practice. In practice there is.”

Political parties

Political parties, whether in power or in opposition, seek to gain votes in order to win or maintain power. But the way in which they do so is influenced by their internal operations and politics. This in no small way determines who rises and falls within the ranks, and what the party’s outlook on various matters is.

The reason for this disjuncture is a lack of independence within our political system, both as a personal and systemic trait. Any person who joins a political party and who wishes to pursue a political career, at some point, faces a difficult and chilling choice: do they remain true to their principles or do they remain silent so that consensus may prevail. More often than not, people remain silent. And in so doing, they allow various questionable political acts to be carried out in their name.

This should not be news to anyone.

Proportional representation as a political system actively undermines the ability of individual members of political parties to be independent and challenge existing status quos no matter how problematic they may be.

Given that MPs and MPLs are indirectly elected – in that we vote for the party and not individuals on the list – their election (to their position on the list) is dependent upon internal party processes of selection. This means that the power of the party leadership in determining which individuals are placed high on the list is inordinate. Even though parties are moving towards trying to make this process as objective as possible, the degree to which the outcome is influenced by subjective judgments and personal relationships is significant.

It stands to reason, then, that any ambitious politicians would be hard-pressed to take on their party leader given the influence the leader has over their careers. It is only very rarely that individuals that take on the leadership are rewarded. In this type of system, loyalty, which at times borders on sycophancy, is rewarded. Critical engagement usually is not.

Thus, when political parties make bad decisions there are very few people, within the party, who stand up to challenge these decisions. Personal careers are placed ahead of the interests of voters and, as a result, our democracy suffers. The more parties make decisions in isolation of the reality that the electorate faces, the more likely people are going to become more apathetic or open to populist politics. Both are dangerous.

Policy

Take, for example, the debate that raged within the Democratic Alliance (DA) a few months ago as the party attempted to clarify its position on Broad-based Black Economic Empowerment (BBBEE) and the Employment Equity Act (EEA). After a spectacular media blow-out, the Party eventually confirmed after a meeting of its Federal Council and, to much fanfare, that it has unanimously agreed on its stance on economic redress.

Given the intensity of disagreement that was reported, unanimous support was surprising, to say the least. This is considering how mutually exclusive the positions of the two camps were.

In essence the proponents argue that economic redress needs to be achieved through a recognition that race, in South Africa, is an indicator of advantage, or the lack thereof, despite liberals traditionally rejecting identity being used as an indicator of anything for the purposes of policy. They term this 'race-realism'. The opponents conversely argue that to recognise and use race as an indicator of privilege is fundamentally illiberal. This kind of race-reductionism undermines any benefits that the policies of BBBEE and EE could achieve. They argue that this perpetuates Apartheid-era classification and buys into the racist-nationalist agenda that the ANC pushes.

In essence the proponents argue that economic redress needs to be achieved through a recognition that race, in South Africa, is an indicator of advantage, or the lack thereof, despite liberals traditionally rejecting identity being used as an indicator of anything for the purposes of policy. They term this 'race-realism'.

Consensus

So, how was unanimity possible?

- First, the proponents could have actually won the argument on its merits.
- Secondly, the opponents could have capitulated in the face of direct or indirect pressure.
- Thirdly, there is possibly no real disagreement as there is a homogenous narrative for policy ideas within the DA.

The first scenario is possible, though unlikely. This debate is not new and has long cleaved the liberal school of thought in South Africa. The sharp differences between the Progressive Federal Party ('Progs') and the Liberal Party ('Liberals') is a historically apposite example.

The second scenario is most interesting. Did any opponents of the Policy, which was favoured by the leadership, ‘give in’ as a result of any direct or indirect pressure?

The third scenario is a non-starter. The evidence, prior to the conference, suggests that there is at least some (private) contestation when it comes to policy ideas within the DA.

And the thing about voters is that they are not just passive shareholders – or, at least, they should not be treated as such. They give a mandate to parties and pay them for representing us. If anything, parties should be working for the people.

While anecdotal evidence suggests that no strong arm tactics were used, some outside the party have accused the DA leadership of systematically stamping out debate. So, they argued, the leadership silenced difficult and uncomfortable points of view so that their will could be done. They contend that the fact that the leadership of the Party is so successful demonstrates just how little independence those within the DA have. A lack of security of tenure or a similar measure makes those in the minority, or even the majority, keep quiet.

Accountability

It is acceptable and reasonable that political representatives should face some degree of internal accountability to their party bosses. They, after all, are employees of the Party. They are expected to perform like an employee in any traditional organisation: further the company’s interests, be loyal, act in its interest, etc.

The danger is that politicians tend to forget that while they are accountable to their party bosses, they are also accountable externally – to the voters. And the thing about voters is that they are not just passive shareholders – or, at least, they should not be treated as such. They give a mandate to parties and pay them for representing us. If anything, parties should be working for the people.

Where politicians believe that their party is wrong, they should be able to ‘turn on their own’ in order to create wider awareness, engagement and criticism. They should be safe from retribution because their contribution to the argument is what should count. That should be the case, especially, where they believe that the position the party is taking is at odds with their principles or the interests of voters.

Imagine how many ANC MPs, free from the burden of having to silence their criticism in order to continue receiving a pay cheque, would hold President Zuma to account for any one of the scandals that have marred his Presidency? Parliament would come alive in ensuring one of its primary duties: holding the executive to account.

Independent representatives are a key ingredient that keeps political parties, especially when in power, in check between elections. They are another level of keeping parties in check in addition to, for example, courts and the people. If politicians are less independent, it is likely that the parties, especially party leaderships, are likely to go unchallenged and that we, as the electorate, will continue to suffer for it.

Free and open debate on issues is important and necessary. Voters need to know the full depth of possibilities so that they can make an informed choice. It cannot be that voters who are so important that they can elect a government but, at the same time, be treated as if they are so stupid that they cannot handle disputes within the

Party. The fact that leaders continue to be fixated on members holding the party line is incredible. Dissent may be more in the interest of voters than alleged unity.

Political reporting deserves some of the blame. Whenever differences are detected, political reporters are quick to publicise them and they are often quick to blow them out of proportion. Sensible policy differences are taken to mean a variety of things, none of which need necessarily be true. They are reported as being a sign of division, a sign of a prospective leadership challenge, a breakdown in the personal relationship between the leaders concerned, political weakness, ill-discipline, incoherence and so on.

That is not to say that where there is a difference, these things are not present. They may be. But to frame policy difference in these terms all the time means that the ability to discuss policy in a sensible manner, and disagree, becomes a zero-sum game: the more united we look, the less room there is for independence. The narrative is diabolical because it means that the ways in which parties are reported on, incentivises them to never see healthy disagreement as a good thing.

The DA's stance on economic redress is again a good example. The media have widely reported that this represented a personal schism between Helen Zille and Lindiwe Mazibuko (and a few other black leaders, the so-called 'black caucus'). Whether this is true or not, it illustrates the problem with our reportage: an alleged difference between people based on sensible arguments was taken to mean that the DA was tearing itself apart. Depending on whom you read would determine the rate of hyperbole. And all the while, the merits of the supposed disagreement were never substantively engaged with. Nor was any analysis made about the dichotomous positions. The reporting focused on the personalities and so any policy debate was immediately hijacked by issues of leadership, ambition and intrigue.

These types of differences are not unique to the DA. But political opponents and political reports too often engage in this kind of forced choice between disagreement and unity. This actively deters independence from being a regular feature of our politics.

Independence

Political leaders are caught in a damned-if-you-do-damned-if-you-don't paradox: if disagreement exists then they are weak but if they try to force unanimity, then they are ruthless. This unfortunate and unnecessary position may be more indicative of the lack of maturity on the part of those who write of our politics. Irrespective of who is to blame though, we voters come off second best. We never get arguments and policy matched against each other. We never get (difficult) judgments made on those terms. What we get are easy judgments on transient personalities while the long-term implications of policy choices are ignored. This can only be bad for South Africa.

As a maturing democracy, South Africa has very difficult decisions to make. This is made even trickier in our case because of the long-lasting effects of colonialism and

Irrespective of who is to blame though, we voters come off second best. We never get arguments and policy matched against each other. We never get (difficult) judgments made on those terms. What we get are easy judgments on transient personalities while the long-term implications of policy choices are ignored. This can only be bad for South Africa.

Apartheid. For as long as our electoral system creates a structural intellectual deficit and our political reporters engage in matters of personality, and not substance, we, as electors, will never be able to make the best policy decisions for ourselves. Sadly this is owing to the fact that people we depend on to aid us in such decisions are left wanting. The less independence our politicians have the worse governance we will beget.

In the context of discussing accountability the Helen Suzman Foundation (HSF) hosted a roundtable in May 2013. The high-level panel included now-DA Gauteng Premier Candidate Mmusi Maimane, the Leader of Agang Dr Mamphela Ramphele, then Editor of the Mail & Guardian Nic Dawes and WITS academic Professor Alex van den Heever.

In introducing the discussion HSF Director, Francis Antonie, spoke of accountability in the following terms:

“Accountability represents ... a relationship between two entities. One has to answer to the other about the matters it has taken responsibility for... In a democracy, those in power are committed to serving the public interest, and the public therefore have certain expectations. If these expectations are not met, what happens? ... Accountability also depends on certain systemic features of the political system: The legal framework of the country, the type of electoral system, and the country’s bureaucratic system. These features determine, for instance, how representation is established, how policy is decided and evaluated, and the consequences of not performing to expectation. Our Constitution constrains the behaviour of those in power and determines the character of accountability. But to what extent can these ideals be realised in reality? ... The importance of accountability is not only limited to the relationship between citizens and those in power, but extends to the private sphere.”

What is notable is that accountability – something that we desire in our polity – is directly affected by the degree of independence that actors within the system have. Independence ensures accountability because those who ask the tough questions are protected from retribution, demotion and expulsion. This is important: emboldened MPs from all sides of the House willing to hold the government, and themselves, accountable should mean that the standard and quality of our governance should improve. Based on the engagements of the panellists, it is clear that accountability and independence are mutually supportive, rather than contradictory, concepts.

Even though some may argue that accountability indicates being answerable to someone whereas independence suggests the opposite, when one considers to whom and at what level one is accountable to and independent from these supposed opposites can fall away.

In reality, though, South Africa’s independence and accountability deficit will continue. Although I do not necessarily support replacing proportional representation with a constituency based electoral system, what is clear is that our system, which is supposed to work in the favour of voters, is producing anomalous results. It is necessary that we examine the way we do things so that we may rectify this. Otherwise, the longer that loyalty and independence are constructed as being mutually exclusive and we concentrate power in the hands of party elites, the more we will be robbed of our agency and power.

NOTE

¹ This article is an adapted version of an earlier one by the author: <http://voices.news24.com/kameel-premhid/2013/12/where-have-all-the-independent-politicians-gone/>

Is South Africa's Electoral System in Urgent Need of Change?

The general elections in May have promoted some to debate whether South Africa might soon explode.¹ These apocalyptic musings made me think: is South Africa really a boiling frog? Supposedly, a frog placed in boiling water will jump out immediately. But placed in cold water that is slowly heated, the ensconced frog will ignore the rising temperature and eventually boil to death. The hypothetical boiled frog is a useful metaphor for thinking about the ability to respond to problems that creep up over time, especially at this juncture, 20 years into democracy.



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Electoral design

Electoral systems are not simply quinquennial instruments designed for the popular control of electing representatives into government. How and within what structure we permit others to act on our behalf has profound consequences for a democracy's strength and character.

Ex ante normative evaluations of electoral design seem to have traditionally centered on the attempt to predict the consequences of an intended system for governance ('Governance Framework'). That is, legislators and politicians try to gauge the impact of electoral design on dimensions of governance ranging from effectiveness, to the degree of responsiveness and accountability, to the degree of fairness to minority parties; more recently, they have also considered a design's ability to reduce conflict.² The classic argument for majoritarian systems, for example, is that they tend to produce stable and effective governments because they are less fractured and therefore more decisive.³ Proportional systems however, tend to reflect the diverse makeup of an electorate and promote the multiplication of parties:⁴

The heart of the debate concerns the central criteria, which an electoral system should meet, and whether strong and accountable government is more or less important than the inclusion of minorities...⁵

The seeds of electoral reform

Last year, politicians such as Cope's Mosiuoa Lekota, and political parties such as Agang and the Democratic Alliance ('DA'), reignited this old debate.⁶ In one sense the reform debate is habitual because the closed-list proportional representation system ('PR System') adopted in 1994 was never intended to be permanent. The system was a transitional arrangement designed to broker power and make elections simple, fair and inclusive.⁷ After the 1999 elections however, this arrangement was to end, which is why the Van Zyl Slabbert Electoral Task Team ('Task Team') was established in 2002.⁸ The Task Team's mandate was to recommend a new

electoral system that complied with the basic constitutional requirements, primarily, that elections result, in general, in proportional representation.⁹ The Task Team's recommendations, which advocated for a mixed system, were never implemented.¹⁰

In a more profound way, though, the debate is habitual because South Africans crave greater accountability.¹¹ In the wake of party political scandals and a lack of political alternatives, electoral reform has been cited as a much needed intervention; the PR System for national and provincial elections does not enable us to hold individuals to account. We are fed up with many politicians, especially in the ruling party, who simply toe the party line. Politicians at the end of the day are accountable to party bosses and we have no way to influence party lists. This impotence is often encapsulated most vividly through the protests by those least able to participate in public life and most burdened by the state of inequality.

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The Task Team Report ('Report') acknowledged exactly this. In dealing with the issue of accountability, the majority noted that:

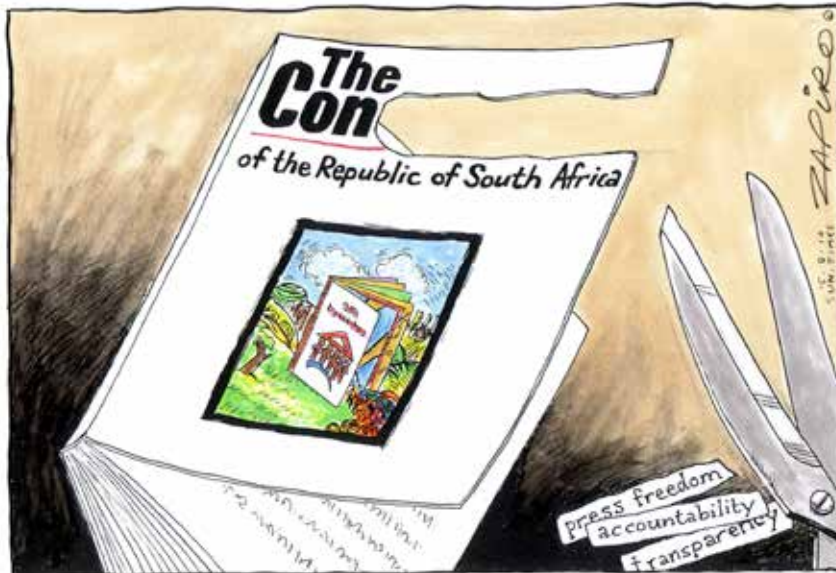
'The only way to increase individual accountability significantly would be to create the possibility for a candidate to be rejected without concomitant rejection of a party. This could best be achieved by using open rather than closed lists, with voters influencing the order of candidates... Open lists would not only improve the accountability of individual candidates dramatically but would also substantially increase voter participation in the democratic process.'

The Task Team majority did not make this recommendation. The Report recommended a watered down version, which enables parties, and not individuals, to contest specifically demarcated constituencies – the reason being that literacy rates would make a more complicated voting procedure impractical. In justifying their recommendation, the Task Team added that the problem with a focus on accountability within the context of electoral design, however desirable, is that the link between political party accountability and electoral design is inevitably more apparent than real.¹² As Eusebius McKaiser remarked less than a year ago, 'South Africa needs men and women in politics and government who are skilled and ethical. Electoral reform is not a silver bullet for our governance woes.'¹³

In light of these limitations, what should drive electoral reform and how do we achieve greater accountability?

Reforming electoral reform

Although electoral theories that focus on effectiveness versus inclusivity are helpful, recent studies show that they are rarely conclusive. Contextual nuances, stakeholder interests and other political, social and economic dynamics make it difficult to predict how power relations will play themselves out over time, since these necessarily adapt and evolve. South Africa is a good example: we rightly selected the PR System because it is simple, fair and inclusive, but 20 years later, our greatest challenges have evolved.



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Because these underlying justifications are limited, the Governance Framework provides a poor basis for assessing the value of electoral design. In addition, ‘governance’ and the crisis in accountability is, in the first place, not a governmental problem. Nor is it exclusively a political problem; the lack of accountability is a global phenomenon that exists throughout markets – political, financial and social. President Zuma may be publicly castigated for building Nkandla, yet where is the outrage when the secret maze of global offshore money exposes money-laundering by the top class of professionals, managers and rentiers, including banks, or where construction cartels and bread companies collude to the tune of billions? Fetishising government corruption and a lack of accountability at the expense of a more nuanced analysis of the abuse of power, means that we never really get to the work of deepening democracy.

Fetishising government corruption and a lack of accountability at the expense of a more nuanced analysis of the abuse of power, means that we never really get to the work of deepening democracy.

Isaiah Berlin, all those years ago, in his Four Essays on Liberty recited a question, whether we should deeply care whether we are crushed by a popular government, a monarch, or a set of oppressive laws, as the main problem comes down to one that agonises over how much authority should be placed in one set of hands.¹⁵ The rise of private power since Berlin’s famous essay, coupled with the complex restitutionary challenges faced by governments, especially in so-called third world countries, makes this inquiry even more relevant. Indeed, searching for ways to balance the authority placed in one set of hands is a helpful paradigm for thinking about the value of electoral reform. To this end, we should begin to think about electoral design from the perspective of its ability to enhance citizen participation. This conversation should be centered on: (i) our ability to influence party lists; (ii) ways to make constituencies work; and (iii) whether ordinary citizens should be allowed to join parties on ballots and contest provincial and national elections.

This suggestion forces us to assess the extent to which the design of government under the Constitution has coped with the challenges of modern democracy. The National Council of Provinces, for example, is an ambitiously designed federal house,¹⁶ which must, 'ensure that provincial interests are taken into account in the national sphere of government'. In a federal system the subnational legislatures are usually expected both to deepen democracy by providing representation that is closer to the people and to promote more effective government by ensuring that policies reflect local needs and interests.¹⁷ But its success, as Christina Murray points out, is highly questionable. The failure of constituency offices is a further blow to the challenge of establishing a representative and cooperative government. In pure financial terms the total annual budget for constituency allowances and associated services has increased from ±R60 million in 2002/2003 to ±R330 million in 2013/14.¹⁸ This represents a 500% increase in the past decade – yet a recent poll shows that 83% of South Africans do not know where their local constituency office is.¹⁹

A 2009 Report by the Institute for Security Studies points out that South African democracy has seen a general decline in electoral participation in terms of registration and turnout.²⁰ The number of eligible voters who abstained in the last general

elections is around 40%.²¹ But even if more people came to the polls, voter participation is a deceitful measure of a democracy's strength and character. Democracy is not primarily about voting at elections. It is about the day-to-day ability and willingness to participate in the decisions that affect our lives: public hearings on new bills; council meetings on by-laws; attending meetings at school governing bodies; deliberating and other public acts of participation. The conception of democracy as a system of popular sovereignty based on the participation of members in the political community who enjoy equal claim to an equal share in political decisions is one of South Africa's most treasured ideals.

We must take charge of this conversation and continuously acknowledge the electoral system as a formal institutional design mechanism that works within a much broader conceptual framework: electing, funding, financing, policy promises, political debt, international obligations and so on.

Proposal

Neither the African National Congress nor the DA, alone, offers what the country needs. The spectacular rise of the Economic Freedom Fighters ('EFF') is a divisive talking point. Julius Malema's detractors worry about the empty promises of his populist rhetoric²² while his growing supporters revel in the opportunity to challenge and overcome the intolerable burden of day-to-day living. What are the socioeconomic conditions that will shape these elections? Deep class inequality; local and global corporate lawlessness; an inefficient state apparatus that is most effective in servicing a new accumulating class of tenderpreneurs; anger from working-class communities; deep disaffection from the middle classes and a restive capitalist class worried that the ANC is not able to discipline the working class, or hold together the divided labour movement.²³

Because the task of reform is so big, and the work needed to achieve equality and justice so great, electoral design should be amended in two important ways. The first is to enable citizens to exercise their constitutionally guaranteed right to stand for public office independently at a national and provincial level. Section 19(3)(b) of

the Constitution guarantees this right, 'Every adult citizen has the right to stand for public office and, if elected, to hold office.' This is an important step in deepening democracy in the sense that it allows communities, through a constituency-based system, to be represented by people who are familiar with the context-sensitive problems. This system should be balanced with a complementary system of proportional representation (a mixed system). This is not to say that this model does not bring with it a new set of challenges; of course it does and these should be debated. This is a quest for balance: of power, authority and participation.

The second is to relate electoral design with other electoral issues such as party funding.²⁴ The tendency to treat electoral systems as primarily about votes cast in an election means that we neglect to think about electoral systems holistically. We must take charge of this conversation and continuously acknowledge the electoral system as a formal institutional design mechanism that works within a much broader conceptual framework: electing, funding, financing, policy promises, political debt, international obligations and so on. It was reported by Mr Matthews Phosa that the ANC party raised R1.66 billion from 2007-2012. Yet there is no law that forces the ANC, or any political party, to disclose their funders. Understanding this network of patronage and influence of business on political process is crucial for greater accountability. The major political party funding scandals - the Arms Deal in 1999 (worth about R30-70 billion); Oilgate in 2004 (worth about R11 million); the Chancellor House deal with Eskom and Hitachi Power Africa (valued at R38 billion); and the Gupta family funding (said to run into millions) - emphasise the urgency with which party funding must be addressed before our next general election.²⁵

The consequence, though, is that the seductive promise of security and dependency on the state, and conversely, corporate livelihood, corrodes the democratic spirit. We simply do not have time to be citizens.

Conclusion

As democracies evolve, citizens have and will be forced to reassess whether a particular electoral design ought to be amended. Often throughout history these design choices have arisen out of socioeconomic and political ruptures, such as civil wars or overthrowing oppressive regimes, which force communities to change how things are done.²⁶ But as Cass Sunstein writes, 'constitutional provisions should be designed to work against precisely those aspects of a country's culture and tradition that are likely to produce most harm through that country's ordinary political processes.' (My emphasis.) After decades of using a 'first past the post' system, New Zealand officially adopted mixed-member proportional representation in 1994 in order to give minority parties greater representation. This shows that change, without crisis, is possible.

As Alexis de Tocqueville points out in the classic text *Democracy in America*, when we live in a society that rarely forces us to act, the government acts negatively not by destroying but by preventing initiatives. Many factors have contributed to this predicament, over a long period of time. The consequence, though, is that the seductive promise of security and dependency on the state, and conversely, corporate livelihood, corrodes the democratic spirit. We simply do not have time to be citizens. We must be more attuned to this danger and instead organise more effectively to create democratic spaces where sentiments and ideas can renew themselves; where

the heart can be enlarged through communal living, and the human mind developed through the reciprocal action of men and women.²⁷

In order for the frog not to boil, it is necessary to get outside of the structure holding everything together and turn down the heat a few notches. Electoral and party funding reform are two design interventions necessary to assist this process. But more than this, developing an up-to-date understanding of the interests, opportunities and constraints that drive political actors and the institutional environments within which they operate, is also necessary.²⁸ This entails changing the way we think about the purpose of representation, the responsibility of the citizen and, most crucially, an appropriate strategy for fighting inequality and injustice.

NOTES

- 1 See J Steinberg 'The country of the oft-prophesied apocalypse' 21 February 2014 Business Day. 'People have been warning that South Africa might soon explode ever since the Union was formed in 1910. It's a habit. It's the way we think about our country.'
- 2 A Rocha Menocal, 'Why Electoral Systems Matter: An Analysis of their Incentives and Effects on Key Areas of Governance', (2011) Overseas Development Institute (ODI), London.
- 3 P Norris 'Choosing Electoral Systems: Proportional, Majoritarian and Mixed Systems' (1997) 18 *International Political Science Review* 297 at 298.
- 4 Menocal above note 2 at 4.
- 5 Norris above note 3 at 2.
- 6 <http://www.agangsa.org.za/2013/02/18/speech-rekindling-the-south-african-dream/> The DA submitted an Electoral Reform Bill ('Bill') to Parliament, which aims 'to provide for the demarcation of ... constituencies' in order to deal with the "alienation by voters from the political system." In reality, it was an attempt to snub Dr. Mamphela Ramphele's vow to make this issue its top priority for Parliament after the 2014 election.
- 7 The 1994 transitional arrangements were carried over to the 1999 elections in terms of items 6(3) and 11(3) of Schedule 6 to the Constitution.
- 8 You can access the Report (2003) and the Independent Panel of Assessment of Parliament (2009) here.
- 9 Section 46(1)(d) of the Constitution.
- 10 The current electoral system is regulated by the Electoral Act 73 of 1998. See para 4.5.1.9. of the Report. 300 seats in the National Assembly would be filled in this way, with the remaining 100 to be filled by the current PR System.
- 11 For example, "the major weaknesses of the system are the lack of accountability of members of the National Assembly to individual voters or identifiable groups of voters who elected them." Explanatory Memorandum to the DA's Electoral Bill.
- 12 Report at para 4.5.1.7.
- 13 'Why the ANC fears electoral reform' 11 March 2013 available at <http://www.iol.co.za/the-star/why-the-anc-fears-electoral-reform-1.1484046>.
- 14 See Lijphart *Patterns of Democracy: Government Forms and Performance in Thirty-Six Countries* (1999).
- 15 I Berlin, 1969, 'Two Concepts of Liberty', in I. Berlin, *Four Essays on Liberty*, at page 27.
- 16 Murray 'Legislative, Executive and Judicial Authority in a quasi Federal State' available at http://www.academia.edu/505689/Republic_of_South_Africa_Legislative_Executive_and_Judicial_Governance_in_a_quasi_federal_state at page 6.
- 17 *Id.*
- 18 See the Appropriation Act, 2013.
- 19 <http://www.pa.org.za/blog/83-do-not-know-where-their-local-constituency-off>
- 20 Collette Schultz-Herzenberg 'Elections and Accountability in South Africa' ISS Paper 188 June 2009.
- 21 *Id.* at 3.
- 22 'EFF election Manifesto', available at, <http://efffighters.org.za/wp-content/uploads/2014/02/EFF-ELECTIONS-MANIFESTO.pdf>.
- 23 Ndifuna Ukwazi Internal Memorandum.
- 24 Menocal above note 2 at 14.
- 25 See <http://www.groundup.org.za/content/da-electoral-reforms-ignore-main-problem-party-funding>
- 26 See J Elster 'Forces and Mechanisms in the Constitution-Making Process' (1995) 45 *Duke Law Journal* 364-396.
- 27 Tocqueville *Democracy in America* Book II, Part 4, Chapter 6.
- 28 Menocal above note 2 a 14.

Reflections on the Delivery of Justice in South Africa Over the Last 20 Years

With the eyes of the world on South Africa's criminal justice system because of the Oscar Pistorius trial, it is perhaps an appropriate moment to reflect on the delivery of Justice by our constitutional democracy during the first 20 years of its existence.

International media ratings for South Africa are higher for this trial than when we hosted and staged the FIFA World Cup soccer tournament in 2010. And South Africa is putting on a great show thanks to the entrepreneurial spirit of certain media houses and the enlightened judgement of North High Court Judge President Dunstan Mlambo, (a very sober judicial officer who for years chaired the Legal Aid Board), which has allowed much of the proceedings to be carried live on radio and TV. Appropriately, he built in protections for both accused and witnesses to comply with our Constitution but with one stroke he has made the adage –Justice must be seen to be done – real for the smartphone-Twitter-Facebook generation. With a judge from central casting – Judge Masipa is symbolic of South Africa's aspiration to have women and black people holding high judicial office – a celebrity accused and witnesses more glamorous than from a TV series, the real life courtroom drama is gripping indeed.

Equally impressive is South Africa's criminal procedure with all the checks and balances mandated by our progressive Constitution. It is a system we can be proud of. We can watch a criminal justice system which is orderly, erudite, articulate and fair. The cameras are not lying. This is how it works in our High Courts and our Appeal Courts. Even more impressive of course, is to watch our Constitutional Court in operation. Possibly one day soon, now that Judge President Mlambo has broken the ice, this will happen around some cause célèbre.

Sadly there is another reality in our criminal justice system: a very low conviction rate. Of all serious criminal cases reported to the police, like rape and murder, only 8-10 per cent make it to trial – and this in a country which has the highest rape rate and one of the highest murder rates in the world. Remarkably the rate has remained virtually constant over the past 10 years, despite the earnest protestations of those responsible in Government that measures are being taken to remedy this shaming statistic. Once cases get to court of course, the conviction rate rises to nearly 80 per cent in the High Courts and slightly less in the lower courts. However, the approximately half million missing accused that disappear from the criminal justice system every year is an uncomfortable blot on it. These cases fall by the wayside because of notoriously poor policing, poor investigation by both detectives and prosecutors who are often impossibly burdened with dockets (140 at a time is not unusual), all of which contributes to poor and slow delivery of Justice, particularly in the lower courts.



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Corruption is also not unknown. Often, before cases actually get to trial, dockets go missing (at a price), or witnesses disappear. Some police officers are in the pockets of crime bosses and some court interpreters who are an important cog in the wheel of the criminal justice system, particularly in the lower courts are corruptible and incompetent. In a nasty new development key investigators are assassinated by hitmen when the stakes are high enough.

The final Constitution affirms the freedom and security of the person human dignity and the right not to be subjected to cruel, inhuman or degrading punishment. Unfortunately – quite often – officers of the law are captured on camera ignoring these provisions.

A discussion of South Africa's criminal justice system in the past 20 years would be incomplete without a reference to the disappearance of the death penalty from our law. This is another reason why our Constitution is regarded as progressive. Our Constitution states, in simple terms, that: "Everyone has the right to life" (section 11 of the Bill of Rights). This occasioned a number of hectic manoeuvres during negotiations on the Bill of Rights of the Interim Constitution in 1993. First off, Nelson Mandela insisted on a moratorium on the death penalty while negotiations were in progress. The fact that nearly all the people on death row (over 450) were black men spoke volumes, quite

apart from principle. Chief Justice Corbett (at the time) rendered a legal opinion to the negotiating group that, if the right to life was so clearly and unequivocally put, there could never again be a death penalty. This was later confirmed in 1995 in the State vs Makwanyane by the newly constituted Constitutional Court.

A debate on the issue was held in Parliament in 1993. As a newly minted Deputy Minister of Justice, and one of only a few NP MP's who had always been against the death penalty, I was in an awkward position. But to his credit, President FW De Klerk encouraged me to go out fighting and speak against the death penalty in the National Assembly, which I did. I believe it is to South Africa's everlasting credit that this barbarous punishment was done away with. In fact, South Africa went further. The final Constitution affirms the freedom and security of the person human dignity and the right not to be subjected to cruel, inhuman or degrading punishment. Unfortunately – quite often – officers of the law are captured on camera ignoring these provisions.

However, it is in the context of the criminal justice system where the majority of ordinary people encounter justice. During apartheid the experience of the majority was extremely negative. This is why the Bill of Rights dedicates a long section to the rights of arrested, detained and accused persons (section 35), but with no corresponding section on the rights of victims!

In summary, the South African criminal justice system demonstrates much the same symptoms as the rest of our country's administration. The Constitution is laudable and progressive; the laws are sound and clearly set out and have been extensively amended to bring them into line with the Constitution. Other laws have been introduced to ensure that the Constitution becomes a reality in citizens' lives, such as a new Sexual Offences Act, the prevention of domestic violence legislation, a reformed abortion law and so on. To show they meant business in fighting South Africa's excessively high crime rate, in the early 2000's Government introduced heavier penalties for serious crimes. In spite of a tight budget, a court building and maintenance programme has ensured a relatively high standard of court facilities.



However, it is the implementation of all this that fails. There is often inadequate training for lower court officials, too many vacant posts at all levels, loyal cadres being deployed in posts they are not – to use the constitutional phrase applied to judicial officers – “fit and proper” to hold (although there is less of this in the Justice sector than most others). These failings apply across the board in criminal and civil justice – overlong delays are a real problem in civil cases. To be fair, it must be conceded that many of these problems are common to justice systems around the world.

The Constitution guarantees the right of access to court and to have disputes resolved. South Africa was bequeathed by its former colonial masters a sound system of civil law which endures to this day – contractual certainty enforceable in the courts, constitutional safeguards for property rights, and an excellent system of deeds registration, administration of estates and the registration of business entities and trade rights .

All are plagued by the ills that dog other aspects of the administration of Justice listed above and as a result efficiency has deteriorated over the past 20 years. The civil courts are often subject to excessive delays. On the other hand, post-1994, the civil courts have been modernized and expanded to include a system of specialist courts such as the Labour Courts, the Competition Appeal Court, the Electoral Court and so on. Good moves.

So what are the most positive aspects of our Justice system and Justice delivery which set us apart? By far the most important is our constitutionalism: the fact that the Constitution is the supreme law of our country and cannot be easily or lightly

By far the most important is our constitutionalism: the fact that the Constitution is the supreme law of our country and cannot be easily or lightly changed or challenged. It establishes the Rule of law, guaranteed by an independent Constitutional Court of 11 Judges including the Chief and Deputy Chief Justice – in other words: it is our apex court.

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One of the most positive stories coming out of South Africa in the past 20 years is the magnificent performance of our Constitutional Court. It is an acknowledged world leader in the development of socio-economic rights, namely rights of access to housing, health and education. The Constitution, in the Bill of Rights – Chapter 2, gives Government some leeway, as far as the realization of these rights by ordinary folk is concerned, in that it provides that “the state, through reasonable measures, must make, within its available resources, [access to health, education, and housing] progressively available”. The Concourt was not prepared to leave it

there, and in a number of judgements has taken an activist stance – notably the case of Irene Grootboom and the Marconibeam squatters, insisting on follow-up reports from the erring Western Cape government at the time, which in the opinion of the Court had failed to comply with either the provision in the Bill of Rights of the Constitution or the Concourt’s ruling on the provision of housing for these squatters. The Grootboom case is one of the leading cases around the world on such issues. Sadly Irene Grootboom herself died before seeing any change in the condition of her squatter community, but in the annals of socio-economic right cases her name is writ large.

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As Deputy Minister of Justice in 1993, I represented the government at the Multi-Party Talks concerning the negotiation of the content of the Bill of Rights and the new constitution. Former president FW de Klerk commented at the time that I should always be grateful to him, for there is no higher calling for a lawyer than to help draft a constitution. I must agree.

It was a formative experience of my life. One of the main reasons South Africa’s constitution is regarded as one of the most progressive in the world, is the Equality Clause (section 9 of the Bill of Rights) which is one of the most extensive there is. A further reason involves the institutional framework created particularly by Chapter 9, calling for “State institutions supporting Constitutional Democracy”. These institutions whose independence is guaranteed in the Constitution, include the Public Protector (currently Thuli Madonsela – who is fast becoming a legend), the South African Human Right Commission, the Commission for Gender Equality, the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Minorities (a constitutional acknowledgement of our diversity), the Electoral Commission and the Auditor General. Their performance has not always been consistent but on the whole they have performed well and are enormously important, together with the courts, for upholding the Rule of Law in our country. During the negotiations on the above two elements of our Constitution, the Equality Clause was quite a tough sell, particularly the part outlawing discrimination on the basis of sex, gender and sexual orientation, which was strongly opposed by traditional leaders. In the end a very strong multi-party women’s’ lobby prevailed.

Another important reason for the respect South Africa's Constitution that has engendered around the world, is the section on the Courts and the Administration of Justice (Chapter 8) and the protection this has afforded to the Rule of Law in our country. I would like to highlight one aspect of this and it is the mechanism laid down in the Constitution for the appointment of judges. This is done through the Judicial Service Commission (JSC), on which I served for 10 years.

In order to guarantee the separation of powers with a court system that functions independently, it is essential to appoint judges who are not corrupt or easily influenced by the political powers that be. The best way to ensure this is through a transparent process of appointment. Most developing democracies wrestle with this problem. A case in point is Eastern Europe, (where I served as Ambassador to Bulgaria for 4 years), as it emerged from Soviet domination where independent courts were unknown. Only since its membership of the EU in 2007 has Bulgaria begun to put mechanisms in place to ensure a transparent process of appointing judges and to put a stop to the endemic corruption in the judiciary, which plagues European countries outside the ambit of the EU (such as Ukraine).

I believe that the process of appointment of judges through the JSC, as set out in our Constitution, is one of the most open and transparent in the world and compared to most other countries, less subject to political interference – at least on paper. It is a rigorous process. Judges, or would-be judges, have to make application in terms of a detailed questionnaire, with support from their peers; and they are subject to a sifting process conducted by the non-politicians on the JSC. The successful candidates appear before the JSC in a public process including the media and are subject to extensive questioning by the 20 plus members of the Commission. This process is a great leveller and a candidate who is not an appropriately qualified 'fit and proper person', usually falls by the wayside. Yes, there are a number of politicians in the JSC – the representatives of the National Assembly, the Council of Provinces, and the Justice Minister – and yes, probably more members of the Commission support the governing party than not – after all the President can appoint 4 members. However, in the 10 years of my experience, every attempt was made to avoid political appointments. Possibly this was due to the calibre of the chair – always the Chief Justice and, in my case, Arthur Chaskalson and Pius Langa, with luminaries like George Bizos serving as the President's appointees.

Political will is also required to make such institutions operate optimally. Much criticism has been directed at the JSC of late and in my view it would be a tragedy for our country if such an outstanding institution should fail. It has been emulated by the UK when Tony Blair instituted judicial reforms. (Both Germany and the US have a much more politically influenced process of appointing top judges.)

In conclusion, one can say that during the past 20 years of our democracy the Justice system has been a bit like the proverbial curate's egg – good in parts. However, as can be seen daily on our TV screens and those around the world the delivery of justice is in full swing in South Africa.

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The Politicisation of the Criminal Justice System



Glynnis Breytenbach was the Senior Deputy Director of Public Prosecutions and the Regional Head of the Specialised Commercial Crime Unit in Pretoria. She was a member of the NPA for 26 years.

The Criminal Justice System in South Africa has always been a target for political interference – sometimes more obviously than other times. The reason is always the same: to protect well connected individuals at the expense of the Rule of Law.

With the advent of our new Constitutional Democracy, the Criminal Justice System underwent a re-structuring, with the powers and spheres of influence of the (new) National Prosecuting Authority, the South African Police Service and the Judiciary all being restructured in accordance with the new Constitution. After 1994, all serving prosecutors were required to take an oath, undertaking inter alia to uphold the Constitution and to prosecute without FEAR, FAVOUR OR PREJUDICE.

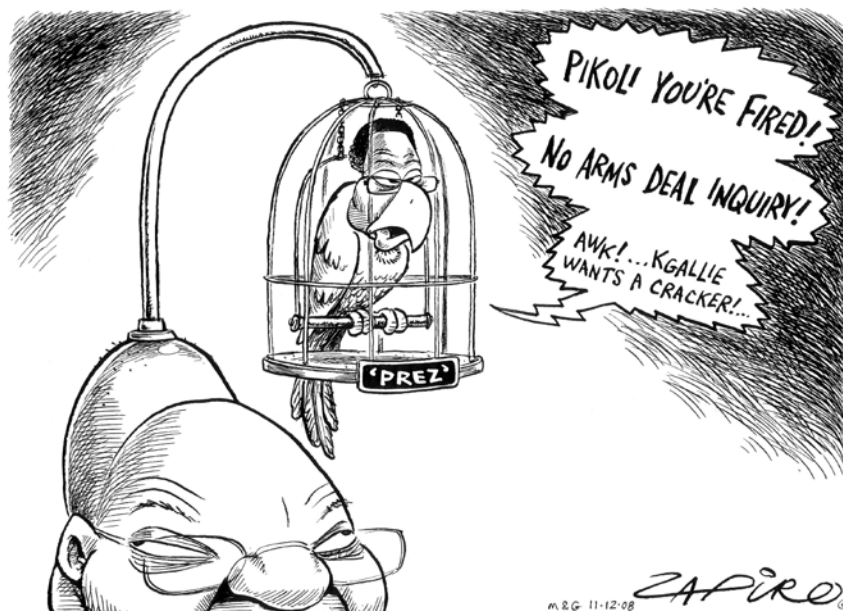
It soon became clear, however, that there was insufficient protection from influence on a political level in the operational affairs of the National Prosecuting Authority. (I am not for one moment suggesting that this did not happen prior to 1994). This is not to say that this was not also the case elsewhere in the Criminal Justice System, but I will confine myself to the affairs of the National Prosecuting Authority. Everything contained in this discussion is a matter of public record, and will not come as a surprise to anyone who is abreast of the current state of affairs in the Criminal Justice System.

Of fundamental importance in any criminal justice system, anywhere in the civilized world, is the principle of equality before the law. It is the pivotal principle underpinning the Rule of Law, and is a most essential element of our Constitutional Democracy.

This principle is what makes South Africa a country that people want to continue to live in, to continue to work towards a better future, to making the country a place that is safe for everyone to live and work in and to conduct business in, and most importantly, to continue to invest in. Without the Rule of Law, we are left with a very unpalatable alternative. We have been there before, and I am sure we do not want to go there again.

The principle of equality before the law is a fundamental part of the Criminal Justice System and an inalienable part of prosecuting. If one cannot prosecute with integrity, one cannot prosecute at all. It is also the one principle that guarantees everyone the same recourse, the same protection and the one guarantee that your investment in this country is as safe as it can be. To achieve this, we naturally need a strong, efficient, effective and INDEPENDENT National Prosecuting Authority (the same applies to the South African Police Service and the Judiciary).

Currently there are still many competent career prosecutors within the National Prosecuting Authority. They go to work trying their best to do a good and honest



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job. Under current circumstances it has become increasingly difficult to do so. Some are still there because they continue to hope that the situation will improve, others are there only because they cannot afford to lose their jobs, despite their disillusionment and dissatisfaction. I need not elaborate on the effect that this situation has on the morale of the prosecution.

As was clear to all, the decision taken some years ago to not prosecute the sitting President was not based entirely on (recognizable) legal principles, and that some of the reasons given for not prosecuting lacked substance. This is, however, an ongoing saga, and is still the subject of legal action, so I will not discuss this particular issue any further. Except to say that, thereafter, the position at the National Prosecuting Authority took a distinct turn for the worse, more so when Vusi Pikoli was fired. This signaled the introduction of overt influence in the operational decision making of the National Prosecuting Authority. That such influence is in contravention of the National Prosecuting Authority Act and the Constitution appears to be of no great concern. Certainly the silence has been both deafening and disappointing.

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The disbanding of the Directorate of Special Operations and the dilution of the considerable skills contained within that Unit in such an open and cynical fashion should have warned all of us of what was to come. More and more, the inability or unwillingness of the Criminal Justice Components to take on – in any significant fashion – contraventions by those in power has been diminished, overtly, and sometimes more subtly. Since the appointment of Adv Mpshe SC as the Acting National Director of Public Prosecutions (NDPP) and thereafter the appointment of Adv Menzi Simelane, the effectiveness and independence of the National Prosecuting Authority has been systematically and dramatically



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undermined. This was not improved by the audacious and somewhat astonishing appointment of Adv Jiba as Acting NDPP. This was, however, not the most astonishing appointment by some considerable margin. The influence became more and more obvious and overt, and prosecutors watched with growing discomfort, as the National Prosecuting Authority was effectively “hijacked” by a few well-placed individuals. We all hoped that the senior management of the National Prosecuting Authority would find (lets call it) “their voice” and act, but this proved to be a somewhat forlorn hope.

Clearly, this influence over the Criminal Justice System became necessary because the Constitution protects the tenets of the Rule of Law, and the amendment thereof is extremely difficult. It is much easier, then, to undermine the independence of the structures underpinning the Criminal Justice System, to achieve the same goal – the protection of those who are sufficiently well connected and have committed offences for which they fear prosecution and possible incarceration.

In order to influence operational functions of the National Prosecuting Authority it is a simple matter to, over time, appoint to positions of power in the relevant departments, persons who will follow a specific agenda, and some would argue that even the Judiciary is under threat of the same type of influence.

Establishing this type of political control allows those placed in positions of power to influence investigations conducted (or not conducted) by the South African Police Service and prosecutions conducted (or not conducted) by the National Prosecuting Authority. This leaves us in the position of having little or

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I am sure that all present here are aware of the history of the National Prosecuting Authority and myself, and I do not propose to explore it in any detail here tonight. Suffice it to say that the fact that I felt it necessary to deal with the Mdluli investigation and prosecution personally, and the ICT/Kumba investigation myself should speak volumes. (See how that turned out for me). It was as a direct result of questionable appointments made into decision-making positions that this was necessary at all, and demonstrates the untenable position that has been reached within the National Prosecuting Authority. I should hasten to add, however, that the new NDPP had then not been appointed and has not yet had the time or the opportunity to demonstrate whether or not he can and will exercise his requisite independence, and I hold the view that he should be given the opportunity to show his own worth.

It is equally essential to restore confidence in the Criminal Justice System, as each day we see the effects of people taking the law into their own hands.

Since 1994, and in some instances prior to that date, people, for various reasons, have done things that they no doubt regret, and would probably do differently if given the opportunity to do them over. Some of them, as a result, may, if investigated, be prosecuted and could conceivably face imprisonment if convicted. This is a very real fear for some, and not a prospect that they (understandably) relish. In my view it is this fear that is motivating many of these actions designed to reduce, if not totally eliminate, any danger to their personal positions. The lengths to which they are prepared to go to avoid this consequence should be quite clear for all to see, and has resulted in the ongoing and systematic destruction of the Rule of Law, which is something that should concern us all very deeply.

How to deal with this situation is obviously no simple task. Solutions are all relatively unpalatable, but one has to be found, and quickly, if we are to restore the Rule of Law and thereby restore confidence in any kind of future in South Africa. It is equally essential to restore confidence in the Criminal Justice System, as each day we see the effects of people taking the law into their own hands. In Diepsloot (Gauteng) people are demanding that suspected perpetrators (without a trial) be handed over to them by the Police, in order that they can mete out what can only be termed mob-justice. In Khayelitsha (Western Cape) there is currently a Commission sitting to determine the causes and effects of vigilantism, and the role of the lack of effective policing therein. This is a direct result of the erosion of the confidence of the general public in the effectiveness of the Criminal Justice System.

One solution to address this problem was mooted in a Sunday newspaper some weeks ago. The suggestion was to offer a blanket amnesty from prosecution (within specified parameters). While initially it is startling and the first reaction must be one of “over my dead body”, given time to digest it, it becomes more and more acceptable and seems, all things considered, to be a possible solution to the problem with which we are faced. This is clearly not quite as easy as just placing such a suggestion on the table, and will have to be explored at length, and



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This solution then, it is suggested, would rid us of those elements undermining the Criminal Justice System and all the questionable appointments that have been made as a result of the desire to protect themselves and their cronies from investigation and possible prosecution.

be defined by very specific parameters. It is certainly worth exploring in the context of where we currently find ourselves.

To recap - I hold the view, and I am sure that we will all agree, that a strong, independent, fully functioning National Prosecuting Authority is vital to the success of a democratic South Africa. If ordinary South Africans no longer have any faith in the ability of the country and the legal system to protect them and their interests, they will leave. If they cannot leave, we will see more and more lawlessness, mob-justice and vigilantism. If investors have no confidence in

the recourse available to them, they will certainly take their money elsewhere, and without investment and the development of entrepreneurs, we all realize that there can be no future worth mentioning for South Africa. The importance of the Rule of Law cannot be overstated if we want this country to succeed.

This solution then, it is suggested, would rid us of those elements undermining the Criminal Justice System and all the questionable appointments that have been made as a result of the desire to protect themselves and their cronies from investigation and possible prosecution. To do this, one would, of course, have to remove the source of their fear – the fear of possible or certain prosecution. Once this is removed, they will serve no purpose and the system will rid itself of them. They will have, quite literally, outlived their usefulness.

If such an offer is made, and accepted, and as a quid pro quo we demand and receive, expertly and very carefully drafted and cast in concrete, the removal of the entire Criminal Justice cluster from any possible political interference or influence, including appointments of Senior Management in all of these institutions, forever.

This would guarantee that the Rule of Law is untouchable, and place it beyond the sphere of political manipulation and influence.

It sounds, upon first hearing, untenable. Upon reflection however, it is clear that the gains far outweigh that which is being offered. If we can achieve an independent, strong and fully functioning Criminal Justice System, underpinned by an indestructible position of the Rule of Law, then amnesty for a number of persons is a relatively small price to pay. Provided, of course, that a variety of conditions could or would be met. This is but one suggestion, I am sure there are many others.

The saying that a fish rots from the head down is true, and by removing the rot, we will all be in a much stronger position to address the rampant and institutionalized corruption currently crippling this country, and will allow the institutions of the Criminal Justice System to conduct themselves with independence and distinction, as they have done in the past.

A vast amount of experience has been lost to the private sector and abroad as a result of the current position. A lot of hard work will have to be done to rebuild the National Prosecuting Authority. Again, one must accept that this is the goal of the new National Director, and to that end we will have to co-operate with him as far as possible to assist in achieving this outcome. Sitting about and criticizing will achieve nothing, and the destruction of the National Prosecuting Authority should be the last thing any of us want to see.

Are there people in positions of power who should not be there – of course there are.

Should they be removed – of course they should.

Should we throw the baby out with the bathwater – definitely not.

Constructive engagement on as many levels as possible should be undertaken, to make a concerted effort to get the Prosecuting Authority back to where it should be. We need to find and execute a workable solution in order to restore the Rule of Law. If it is left to continue down this slippery slope, we may find that it will be too late.

Untruthful Mandarins and Mandarins of Truth



Stephen Chan is the former dean of the School of Oriental and African Studies (SOAS), London. He is a professor of international relations and holds the Chair in International Relations.

Noam Chomsky famously coined the term, the 'new Mandarins', meaning those who had abandoned the speaking of critical truth to power and, instead, mediated power's sense of self-serving truth to the wider world.¹ It was a warning against being drawn into positions of priesthood, of being the janitorial sanitation of power and policy.

It is easy to use many variations of the metaphor to describe Chomsky's warning to intellectuals. Imperial Chinese mandarins progressed up a strictly demarcated chain of seniority and non-revisionist service before being within the proximity of the emperor's court and perhaps even the emperor; Simone de Beauvoir wrote a famous novel about the mandarins of post-war France – the brilliant men and women who flitted between the writing of books and attending the salons of ministers, who constantly betrayed one another, betrayed fidelity, truth and even France.² High priests stood before thrones, as the Archbishop of Canterbury still does, and Lords Spiritual, Bishops, retain membership of the Lords. In the UK, these people speak for orthodoxies, even if sometimes liberal and far-sighted orthodoxies. Even an orthodoxy may be far-sighted. In Chomsky's rendition, however, all are merely janitorial, sanitorial, lavatorial. Chomsky presumes a single locus of power – not a diffusion among those he criticises – and that it is necessarily malign or given to malignancy in the conduct of international relations. He was writing at the time of the Vietnam war, when much rewriting of history accompanied a pronounced and sustained effort, through several US administrations, to deny others and support one's own.

Fifty years after Chomsky's critique, indictment and warning, is the implication of what he said sufficient for vexatiously difficult times? What he said of course chimes with the longevity of the vision of academic existence as cloistered, uncontaminated, seeking after truth in the Karl Jaspers rendition of *wissenschaft*, upon which all modern claims to academic freedom and autonomy sit – the Jaspers *wissenschaft* acting itself as a mediator and interpreter of a millennium of university independence and, more often than not, aloofness, otherworldliness.³ But the formulation has always been dyadic, binary, and simply oppositional: the world and the institutions of truth, and the world 'out there' of untruth. In the Chomsky rendition it assumes these characteristics even more starkly than before. The difference between Chomsky and Jaspers is in the Chomskian sallying forth from the bastions of objective and uninterested truth to attack, verbally at least – and to support others who attack more than verbally – the citadels of power and its interests.

However, it is not simply a case of choosing or not choosing to speak, or how to speak, or when to speak what kind of truth to power, or one aspect of power. There are too many generalisations in the Chomsky critique, alongside his stark binaries. In any case, 'power' often appropriates those it chooses will speak on its behalf. Nazi

Germany chose to be spoken for by Nietzsche, and chose to be inspired by Wagner and Goethe. They, at least, had no say in it.⁴ It seconded thinkers like Heidegger to its programme, not to endorse his ontological project, but to channel it – just as it channelled Nietzsche’s will to power – to its overwhelming sense of self-directed destiny.⁵ The post-war programme of Horkheimer and Adorno, and its sense of critical theory – to render philosophy too dense as well as too critical ever again to be simply used, to be used in a simplified form, by tyranny has made much critical work the product and consumption of an intellectual ghetto.⁶ It is not used by power because power has no interest in something so marginally self-contained. It does not break out. It does not speak truth to power – although it imagines it does – it speaks, as in this readership, mostly to itself.

As it is, others whom Chomsky might accuse as being the mandarins and high priests of power speak philosophy – quite well, as it turns out in the case of Fukuyama and his use of Hegel and Nietzsche;⁷ and quite badly in the case of Kagan and his use of Hobbes and Kant.⁸ The first point of this paper is that philosophy and conceptual apparatus is no defence against being silent in order to be securely pure and uncontaminated by power.

This paper seeks to outline the variations of what Chomsky calls mandarins or priests, how they differ within one country and among countries. It questions the assumption of non-contamination; and it moves forward to contemplate what becomes of normative impulse if, when confronted by horrors, corruption on a sliding scale either beckons or becomes inevitable. After all, Chomsky himself, in another seminal article, wrote approvingly of the workers’ collectives of Republican Catalonia, before their ‘betrayal’ by organised Communism – both the collectives and the Communist Government working in the name of revolution. Chomsky writes that the Communist effort was in fact counter-revolutionary, and thus establishes a further dyadic analysis – the collectives being *truly* revolutionary. He reworks the ground of an unending quarrel over who betrayed whom in Spanish Republicanism, but he does problematise the possibilities within an intellectual intervention – because, after all, it takes intellect both to support freedom and to engineer suppression, especially if great ingenuity is required to suppress freedom in the very name of freedom.⁹ But even the purest Republicans committed their own atrocities and staged their own kangaroo courts and unjust executions. In a dyadic formulation, siding with one against the other for the sake of a greater and more moral truth establishes its own elisions and contradictions. They appear not only in the support of rebellion but in working with governments. This paper seeks to explore the abnormative abyss that opens whenever one seriously steps outside *wissenschaft* and seeks to engage with the world. This paper proposes that the only normative avenue is to embrace a certain abnormativity. Standing purely aloof is immoral.

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Becoming mandarin

No one becomes mandarin straight-forwardedly. There is no self-abduction from a university one day to a government position the next. There are intermediate steps that are volitional to be sure – the wanting to have influence, but also the wanting

to create change. One joins a civil society group and seeks political allies; one joins a political party and becomes identified with a cause, exhibiting expertise and knowledge in key areas; something one broadcasts or writes is seen or read by those in power and regarded as useful. One sides with a rebel movement, as Edward Said did by becoming a member of the Palestine National Council, and is then used as a point of transaction between George Schultz in the US Government and the PLO – with Said finding himself expressing better impressions of Schultz finally than of Arafat.¹⁰ What Chomsky seemed to mean was the conscious and self-conscious determination to use such avenues for the clear purpose of entering a government role. In the Washington DC environment, where half the town seems to be climbing the same slippery pole, not all who climb are chosen; those chosen from one party

are discarded when the other party wins the elections; the gains are therefore short-term and are sought with great assiduousness despite their temporary nature. When the preferred patron-party falls from power, the mandarin returns to his or her groves of academe and ensures by writing in a certain way that he or she is poised for an eventual return. There is no such thing, in this formulation, as a redundant mandarin. The self-consciousness is of the once-and-future-mandarin, the priest merely on furlough, where the academy is itself the sabbatical from power.

And to the archetypes of this sort of French mandarin, corruption and perfidity are almost marks of personal worldliness, of weariness with pure ideals, while being put to the service of what are still great causes.

Immaculate influence in paris

Whereas the US variant of the mandarin must speak as those in power wish spoken, the Parisian model is often taken into a minister's cabinet, or into the Elysee, precisely because of a desire to have as a splendidly visible prestige symbol a thinker of at least occasional dissidence – around whom the professional career officials work, usually without any clear difficulty. But this is to express things one-dimensionally. What ecological niche did Régis Debray occupy as Mitterand's foreign policy adviser, against his background as a confidante of Che and as a habitué of a Bolivian prison which was a result of his association with Che?¹¹ No one could say he had not suffered for his engagement with rebellion. No one could say he had not exhibited his good faith to good cause. What precise ecological niche does the current glamour-boy, Bernard Henri Levy, occupy – with his Dior black suits, Charvet shirts, televisual conceits, and quite staunch intellectual shallowness?¹² Yet, his aura of actual intellect was such that he persuaded Sakozy, to whom he had instant access without ever having held an official post, to activate his warplanes in defence of Benghazi.¹³ What of the French archetype of the *home engage*, epitomised by someone like Andre Malraux, who necessarily transits across great culture and great engagements, great compromises and great perfidities?¹⁴ There is no Chomskian rendition that encompasses the wild range of such people. None occupies a university post, but Chomsky did not mean to say that only tenured academics can be corrupted as mandarins. And to the archetypes of this sort of French mandarin, corruption and perfidity are almost marks of personal worldliness, of weariness with pure ideals, while being put to the service of what are still great causes. The highly intellectual Dominic de Villepin who compellingly orated in the Security Council against intervention in Iraq was, nevertheless, the same man who helped turn an initial blind eye to genocidal Rwanda. Perhaps a key mark of Parisian political perfidity is that the politicians, without ever having been



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professional thinkers, can be as intellectual as those who claim original residence in thinking's sphere. No one sells out by joining a governmental set because all in these sets are inter-changeable anyway.

Bloomsburian new statesmen

Nor do the British exemplars of mandarins fit easily as objects within the Chomskian critique. In a way, the origins of the species were such that it was more high-born than the political status it might have sought. Bertrand Russell and Maynard Keynes were not serfs in the British class system. The high cultural circle of the Bloomsbury set provided a foundation for Leonard Woolf and the pacificism associated with his wife Virginia, the profound and sincere *noblesse oblige* of Leonard's views towards Africa (in some ways he was the Geldof of his days) and foreign policy in general¹⁵ – all as part of the deep if not always acknowledged impact he had upon Labour Party thinking on the international.¹⁶ George Bernard Shaw and the Webbs' impact on Fabianism was precisely an impact directed towards the idea of Labour as a commitment to a working class from the vantage point of a high middle class. In a pure Trotskyist or Maoist sense it was class-compromised from the very beginning and generates a critique considerably more vexed and nuanced than anything Chomsky could, in the more egalitarian environment of the US (his criticisms of the US notwithstanding), ever devise.

Late modern conundra

The epitome of what Chomsky meant resides in the person and career of Jonathan Moyo in Zimbabwe – in and out of favour in President Robert Mugabe's court and, when in favour, its pernicious spokesman and spin doctor, although he would probably wish to see himself as a patriotic but fleet-footed arch-Talleyrand figure; he would serve anyone for the good, of course, of the country. A former professor of politics and author of a groundbreaking study of Zimbabwean democracy,¹⁷

his abrupt transformation into a high modern mediator of truth, its distorter and rebrander, its packager into pop songs and jingles, its vengeful apostle in his relentless slander of opponents, see Moyo wishing precisely to be a high priest – preferably the highest priest, desirably the Borgia of Zimbabwe who becomes Pope.

Appended to a previously academic figure, such a description would seem at first a gross satire. That indicates the preciousness of the academic profession – its sense of immunity from corruption – which might have been Chomsky’s actual target. But such descriptions are unproblematically applied to journalists who, in the United Kingdom, inhabit the ecological niche of Moyo. Alastair Campbell who was the first to be described as a ‘spin doctor’ in the inner circle of Tony Blair; Andy Coulson (briefly) in the same role for David Cameron – both exemplify the functionary, allowed its own glamour and notoriety, provided it spins falsehood into firstly plausible truth and, secondly, pleasant truth and, thirdly, historically acceptable truth.

Whether they serve truth or distort it, academics have simply become one more profession amongst many that encompass a full range of functions. In this range, it is of no moment to accuse some of being the high priests of truth: anyone from any profession could be. Similarly, one doesn't have to be an academic to unleash real truth upon the world.

In the US, however, there are academic figures who do not spin what becomes history, but seek to transform history itself. Chomsky wrote before the full apotheosis of Henry Kissinger, the advent of Zbigniew Brzezinski, Madaleine Albright, Jeanne Kirkpatrick, Chester Crocker, and Condoleezza Rice. Such figures are unimaginable in the British and French systems and were beyond even Chomsky’s imagination at his time of writing. But, insofar as they departed from any conception of academic objectivity and the calling of *wissenschaft*, their positions in government were paralleled by others who also did not remain within the parameters of their normal boxes. Generals who dissent from the conduct of war, if not from actually entering certain wars, and ‘leak’ their dissent and secretly brief congressional members;

members of think tanks normally close to and of great service to US administrations who, when confronted by gross deception and perfidity, expose it (as in the famous case of Daniel Ellsberg);¹⁸ and members of administrations who feed journalists the details of subterfuge and deception within the heart of the governments they serve (the Deep Throat source for Woodward and Bernstein¹⁹) – what their histories indicate is that no boxes fit anymore and all professions have become malleable. Whether they serve truth or distort it, academics have simply become one more profession amongst many that encompass a full range of functions. In this range, it is of no moment to accuse some of being the high priests of truth: anyone from any profession could be. Similarly, one doesn’t have to be an academic to unleash real truth upon the world.

Track one (and a quarter)

This allows us to enter some trickier terrain beyond mere Chomskian name-calling. This terrain involves not a sense of guilt or shame for having intervened in the world in the service of a government, but a sense of guilt or shame if one intervenes in the world either independently or unofficially, and one fails – and that failure has great human consequences. And there is no external body to blame. Being uncontaminated and pure, one is blamed for nothing – except perhaps inaction; and

that inaction can be covered by the profession of uncontaminated critic. And an arrest or two does wonders for the CV of the activist truthful professor.

But, in terms of Chomsky's own experience, what would have happened to all the acts of solidarity if later, e.g. the Sandanistas of Nicaragua had morphed into a Stalinist society of self-perpetuation? What happens when, later, all the solidarities and support and interventions on behalf of Robert Mugabe's liberation of Zimbabwe, Isaias Afekwerki's liberation of Eritrea, and Paul Kagame's liberation of Rwanda, in the longer term, only enabled new dictatorships and crushings of dissent? What moral weight does the term 'later' hold? It is not as if one becomes mandarinesque only within the constitutional sureties of a developed and settled society. And what if 'later' is not applicable because it all happens far too quickly for 'later'? What happens if, even before the battle to oust Gaddafi is accomplished, the Transitional National Council in Libya, like Saturn, turns to eating its own children – when the scholarly solidarist is right in the middle of campaigns for recognition and assistance and, indeed like the 'doves' in the Council, when they are not being shot by 'hawks', also campaigning for negotiations with a wicked but miscomprehended Gadaffi? What if active intervention is always one blink of an eyelid away from being compromised and sullied? What if, in that blink of an eyelid, one enters a Kristevan realm of abjection; one sees abominations and inhabits the abnormative? Does one not enter such situations, content to sit back within a studied purity? These are questions that need asking if normative work is to have anything other than a Posy Simmonds meaning.

The presumption that private figures can mediate quite vicious conflicts has faded over time, except that its latest incarnation is in the form of private figures who were once extremely public: Kofi Annan, Jimmy Carter, Martti Ahtisaari, and Thabo Mbeki are all creatures who have their telephone calls returned.

Quarter of a century ago, Track II diplomatic work began to come into its own. The 1984 effort on the part of HW van der Merwe and Piet Muller, closely briefed by the Nationalist Government in South Africa, to open dialogue with the ANC in Lusaka, Zambia, was something both independent of government, unofficial, but with a direct feed-in route to government.²⁰ Unofficial diplomacy works best if that feed is in place or can readily be put into place when moments are judged ripe. The 1991 Track II that led to the Oslo process between Israel and the PLO is better-known than what happened in Zambia, but again represented an initiative spearheaded by unofficial actors who then handed a process already underway to official quarters.²¹ Religious actors have always played a major Track II role and one of the most conspicuous and successful was the intervention of the Santo Egidio monastery at the end of the 1980s in paving the way to ending the civil war in Mozambique.²² Here, there was a crossover between Track II diplomacy and third party mediation of conflict. The presumption that private figures can mediate quite vicious conflicts has faded over time, except that its latest incarnation is in the form of private figures who were once extremely public: Kofi Annan, Jimmy Carter, Martti Ahtisaari, and Thabo Mbeki are all creatures who have their telephone calls returned. They are successful at Track II because they have assured access and feed to Track I at the highest levels. In a very real sense, the distinction between Tracks I and II has faded with such actors. That has resulted in a hybrid formation, which I call Track I and a quarter. Unenvisioned by the original protagonists of Track II, but very much designed to address the debate as to how and when Track II should feed into Track I, and to what effect, Track I and a quarter is applied by the Brenthurst

Foundation in South Africa, not so much in mediation or for diplomatic missions – but to establish diplomatic principles and protocols and, in this way, clear the ground for official diplomatic agreement. Teams of about twenty people are brought together on each protocol project, with a standard formula of meeting in private seminars three times, each in a different global location. Recruited to these teams are former Track I actors, just one level below the examples I have named – often the very people who, as the background actors to people like Mbeki, actually make the agreements work, put the troublesome detail into the broad-brush making of peace by their seniors. They are mixed with a worldly brand of academics who have extra-academy experience, expertise and reputations but, all the same, deep scholarly knowledge; and senior international business people. All the participants have greater or lesser access to their home governments. All are brought together as an unofficial grouping, but the group is as knowledgeable as any Track I set of actors, and can instantly engage Track I in a number of different countries. Of late, former Presidents and recently-retired Generals have been added to the mix.²³

The Brenthurst model circumvents the need for a UN style commissioning body and chooses its own themes and reports to a more diverse, some would say more diffuse community. But the idea of an official body engaging the services or participation of 'unofficials' is also something that has developed latter-day variants.

Now, in fact, the formula is not too different to that used by several dozen large consultancy firms. The objective is to establish something operational. It may be normatively operational, desirable according to an enunciation of principles that have to do with equity and common sense – as opposed to philosophy. The difference is that the formula is not used for financial profit, and is funded by a charitable foundation. In a sense, the formula is a direct extrapolation from 'expert groups' or 'commissions' established by the UN or other major organisations, but which contain independent members drawn from the broad avenues of life described above, with a mandate to report

independent conclusions on a particular enquiry or problem identified by the commissioning body. The Brenthurst model circumvents the need for a UN style commissioning body and chooses its own themes and reports to a more diverse, some would say more diffuse community. But the idea of an official body engaging the services or participation of 'unofficials' is also something that has developed latter-day variants. 'Private military operatives' (deniably) used by official militaries is the tip of an iceberg. But official militaries may also, for instance, embark on sudden and extemporaneous war with a country like Libya – being told by their political masters that which they are fighting against, but having no idea for whom. The scholar with what had been benign contacts with rebel figures in Benghazi – before they became rebels – and who knows better than politicians, foreign office personnel and military planners the composition and disposition of the rebel council becomes suddenly a treasured commodity. How then should or could he or she respond? There are at least two variably contestable norms that tear away at aloofness and uncontamination: regime change, which became a clear NATO objective in the early days of the conflict, would be regarded by most colleagues as wrong; allowing columns of tanks to attack a lightly armed city, amidst much rhetoric of mercilessness, has its own very clear ethical problems (later disregarded by almost all in the attacks on Syrian cities). The siding with rebels, providing voice for the rebels in military councils to which they were not invited, and later being cast aside when utility was exhausted, is not an unusual position. It should be the

usual position of scholars who, without seeking to be mandarins, are exposed to the panoply of the world's wickedness – being not content to comment on wickedness from safe mountains in the high distance.

Tracklessness

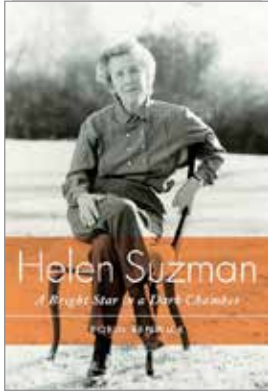
And where no path exists? Let me close this problematisation of the simple Chomskian formula with a story. It is about a mandarin who left the mandarinat. Sent to a chronic war zone in a far away land, he helped bring about (what was to be an unsustainable) ceasefire between rebel and fragile government forces (it was the government that was fragile, not its forces). As he came down from the mountains where the war had been fought he passed shelled villages, already poor houses with huge shell holes and crumbling walls, and emaciated children begging on the roadsides. He felt contaminated and angry and helpless. He resolved to leave the mandarinat and become a scholar, so he could reveal the truth of all the things he had seen and experienced in this and other heartless conflicts. Perhaps he should have thought better. As he progressed down the road towards the capital city, devastation still apparent though lessening, but with ragged children still begging along the roadside, he saw the brave scholars – not helping, but making notes. Perhaps one of them thought to interview the children. In the name of truth.

NOTES

- 1 Noam Chomsky, *American Power and the New Mandarins* (New York: Pantheon, 1969).
- 2 Simone de Beauvoir, *The Mandarins* (London: Fontana, 1969).
- 3 Karl Jaspers, *The Idea of the University* (Boston MA: Beacon Press, 1959).
- 4 See Curtis Cate, *Frederich Nietzsche* (London: Hutchinson, 2002), 573.
- 5 From his attitude towards Cassirer in the early days of the Nazi project, Heidegger would seem not have needed huge persuasion for his being channelled. Peter E. Gordon, *Continental Divide: Heidegger, Cassirer, Davos* (Cambridge MA: Harvard University Press, 2010).
- 6 Adorno's attitude towards music is even more revolutionary and minimalist in its appeal. Among many volumes, Theodor Adorno, *Night Music: Essays on Music 1928-1962* (New York: Seagull, 2009).
- 7 Francis Fukuyama, *The End of History and the Last Man* (London: Penguin, 1992).
- 8 Robert Kagan, *Paradise & Power: America and Europe in the New World Order* (London: Atlantic, 2003).
- 9 Noam Chomsky, 'Objectivity and Liberal Scholarship', in Conor Cruise O'Brien & William D. Vanech (eds), *Power and Consciousness in Society* (New York: New York University Press, 1969).
- 10 Zoe Heller, 'Radical Chic, The Independent on Sunday, 7 February (1993), 10-12.
- 11 His great radical book: Régis Debray, *Revolution in the Revolution?* (New York: Grove Press, 2000).
- 12 John Thornhill, 'Sons of Sartre', *Financial Times Weekend*, 24/25 May (2008), 32-33.
- 13 This is much claimed by Levy's circle, no doubt on behalf of Levy himself; and he was indeed in Benghazi at an early stage of the uprising. 'Ownership' of Levy became a prestige symbol within the Libyan National Transitional Council, but it was probably the Council itself that persuaded the French to plan the launch of their warplanes. National Transitional Council source to the author.
- 14 Although Levy himself paints a nuanced portrait of Malraux in all his inconsistencies but within his full romanticism: Bernard-Henri Levy, *Adventures on the Freedom Road: The French Intellectuals in the 20th Century*, London: Harvill, 1995), 211-226.
- 15 Julia Gallagher, *Britain and Africa under Blair: in pursuit of the good state* (Manchester: Manchester University Press, 2011).
- 16 Peter Wilson, *The International Theory of Leonard Woolf: A Study in Twentieth Century Idealism* (New York: Palgrave Macmillan, 2003).
- 17 Jonathan N. Moyo, *Voting for Democracy: Electoral Politics in Zimbabwe* (Harare: University of Zimbabwe Publications, 1992).
- 18 Ellsberg exposed covert US policy in Vietnam and the secret Department of Defense documents he discovered were published as *The Pentagon Papers* (Boston MA: Beacon Press, 1971).
- 19 'Deep Throat' much later was revealed to be the then Deputy Director of the FBI, William Mark Felt Sr. Carl Bernstein and Bob Woodward, *The Final Days* (New York: Simon & Schuster, 1976).
- 20 H.W. van der Merwe, *Peacemaking in South Africa: A Life in Conflict Resolution* (Cape Town: Tafelberg, 2000), 138-155.
- 21 Abdelwahab El-Affendi, 'Making Peace Gambles: The Oslo Accords, the Sudanese "Comprehensive Peace Agreement" and their "Spirals of Insecurity"', *Journal of Peace, Conflict and Development*, Issue 17 (2011), 1-22.
- 22 Stephen Chan and Moises Venancio, *War and Peace in Mozambique* (Basingstoke: Macmillan, 1998), 1-33.
- 23 Greg Mills (ed), *The African Century* (Johannesburg: Brenthurst Foundation, 2009).

BOOK REVIEW

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**HELEN SUZMAN:
BRIGHT STAR IN A DARK
CHAMBER** by Robin
Renwick
ISBN: 13: 978-
1849546676
Publisher: Biteback
Publishing

Helen Suzman: Bright Star in a Dark Chamber by Robin Renwick

Anyone who was active in 20th century South African politics is likely to have a story to tell about Helen Suzman. I have three – each of which illustrates both her role and character as brought home so eloquently in Robin Renwick’s short but concise volume on the veteran anti-apartheid campaigner and parliamentarian.

Suzman devoted, in Lord Renwick’s words, ‘her political career to the pursuit of high principles’, never lacking in energy, resourcefulness, intellectual rigour, and sharp-tongued humour in her decades of campaigning against apartheid and its manifestations, grand, petty and brutal, from forced removals to her support for Winnie Mandela during her banishment to Brandfort and over the inquest into the murder of Steve Biko. Her support for detainees and prisoners and opposition to the legislation that had put them in goal brought her into contact with everyone from Ruth First to Pravin Gordhan and virtually all stops in between including, inevitably, Nelson Mandela. The book is testament to the mutual admiration of these two political icons from their first meeting on Robben Island in February 1967. The reproduction of some of their personal correspondence provides a rich final flourish to this volume, their lives threads never far apart in this, Renwick’s South African political tapestry.

She did not always go easy on him – as can be gauged from my first anecdote. Mandela attended a dinner the SA Institute of International Affairs hosted as the culmination to an event examining ‘Southern Africa into the Next Millennium’ at the Rosebank Hotel in March 1998. As SAIIA’s National Director I acted as the master of ceremonies, sitting next to Helen. Mandela had endured a long day in court at the instigation of Louis Luyt, during which he had refused to sit as a protest against being called to testify by the head of the SA Rugby Football Union over his decision to set up a commission to investigate alleged racism, graft and nepotism in rugby. First she scoffed at my offer of wine, producing a hip flask in response. And then she told off Mandela. ‘Don’t feel sorry for yourself,’ she battered him. ‘I don’t know why people do,’ she said, ‘after all I am older than you!’ Mandela had to good grace to smile – or was it a wince?

The steel to her character was most notable not in her regular spats with the National Party and its leadership, but in her refusal to bow to those she disagreed with among her own political ranks. It did not matter to her, whether in the United Party (for which she had first won the Houghton seat in 1953 and again in 1958) or as the sole Progressive Party Member of Parliament from October 1961 to the General Election of April 1974 when she was joined by five others PP MPs, that she was swimming against the political tide. She had resigned from the UP along with liberal colleagues Ray Swart, Zach de Beer, Colin Eglin

and others on account of the unwillingness, Renwick documents, of the party to face up to the ‘increasingly urgent problems of our multiracial country’. The UP, which considered her to be an ‘electoral liability’ was pleased to see her go. In all she served 34 years in parliament, her career far outliving the dissolution of the UP in 1977.

But she had to endure 13 years on her own in parliament, during which time she was a lone voice of reason and source of information, asking not fewer than 2,262 questions. This required Churchillian resolve, stamina and wit, as evidenced in my second Suzman anecdote. When John Vorster told parliament that the 90-day detention-without-trial clause was to be revoked, adding that he was replacing it with a 180-day clause, Suzman’s was the lone opposing voice. ‘I can see a shiver running around these green benches,’ she reportedly said, ‘looking for a spine to go up.’

It’s you, you and the liberalists – you are responsible for this – you are inciting them – you’.

And so she became a regular target of the opprobrium of many Nats, including infamously the tirade she received from PW Botha on Dr Hendrik Verwoerd’s assassination on 6 September 1966. The Defence Minister had wagged his finger in her face in parliament saying ‘It’s you, you and the liberalists – you are responsible for this – you are inciting them – you’. When accepting the apology, later, from the future Prime Minister and President, Suzman advised, ‘You’re the man behind the guns in South Africa. You’re the Minister of Defence. It would be a sad day for all of us if you can’t control yourself’.

But she was not afraid of the left either. She never went with the arguments in favour of sanctions, for example, seeing them as symbolic, removing external influence over South African events and costing thousands of black workers their jobs. Renwick recalls her words: ‘Like everyone else, I long to be loved. But I am not prepared to make any concessions whatsoever.’

Nicky Oppenheimer celebrated Suzman after her death on 1 January 2009 aged 91, as one ‘facing down “those arch-bullies” Verwoerd, Vorster and PW Botha and the baying mob behind them “armed only with deadly wit, a deep contempt for all they stood for, and sure and certain knowledge that she was right”.’ Such fearlessness is on view, in spades, throughout the book, not least when she recounted in parliament PW Botha’s masterminding of the District Six forces removals and hostility towards SA soldiers serving on the Allied side in the Second World War, my third anecdote, one which appears in Renwick’s volume. Botha’s response: ‘The Hon. Member for Houghton, it is well known, does not like me.’ ‘Like you?’ replied Helen, ‘I cannot stand you!’

Helen Suzman was, in the words of a letter in May 1963 from Chief Albert Luthuli, also reproduced in the volume, ‘a bright star in a dark Chamber, where lights of liberty of what is left, are going out one by one’. Her decency and principles showed to black South Africans and outsiders alike that there were whites willing to fight for justice and a non-racial society. As Renwick observes, she was ‘the voice of South Africa’s conscience’. His biography of this great South African is a salutary reminder, if we need one, of the costs of the politics of identity, that our country’s struggle was (and is) less between whites and blacks than about decent people of all races joining to do the right thing.

BOOK REVIEW

Should you buy this book?

Michael Cardo is the author of *Opening Men's Eyes: Peter Brown & the Liberal Struggle for South Africa* (Jonathan Ball, 2010). He is a Director of Policy in the Western Cape Government, and a DA candidate for Parliament in the upcoming elections.

Eusebius McKaiser

Could I vote DA?

A Voter's Dilemma

COULD I VOTE DA: A VOTERS DILEMMA by Eusebius McKaiser
ISBN: 9781920434557
Publisher: Bookstorm

Could I Vote DA: A Voter's Dilemma by Eusebius McKaiser

At repeated intervals in his new book, Eusebius McKaiser imagines DA leaders and strategists responding to his criticism of their party with "vitriol and defensiveness".

One can understand the impulse.

Before he is even out of the blocks and into his first chapter, McKaiser has dismissed the DA as a "comedy of political errors". And for much of the narrative the author continues in that breezily opinionated vein. The party's communications are "tone-deaf", he proclaims throughout, in a tone that suggests he is very pleased indeed with himself for saying so.

In a chapter entitled, "Please Stop Shouting at Me", he likens the DA to a high-school pupil who has recently taken up debating. "They are not terribly good at it yet", he sniffs, "but better than the lazy kids and plain untalented kids who are not in the debate club, and so with newfound cockiness they show off their debate skill".

'Debate skill' is highly prized by McKaiser, whose blurb informs us that he is a former South African and World Masters Debate Champion. Contemplating whether he, as a black South African, could rise to the top of the DA, McKaiser reckons: "I probably could – I speak fairly well, have travelled the world, won debate and public-speaking competitions, and can give [DA parliamentary leader, Lindiwe] Mazibuko a run for her debating money".

That sentence reveals a lot about his book. Instead of holding up a mirror to the DA, McKaiser succeeds largely in holding up a mirror to himself. A more appropriate title might have been, *Could I lead the DA? A Master Debater's Dilemma*.

The blurb proudly quotes DA leader Helen Zille on McKaiser: "Don't give him oxygen. He wants a controversy. Narcissism in extremis. Attention seeking". It is difficult, having read *Could I Vote DA*, to dispute that diagnosis. Yet the issues raised by the book are worth ventilating, because they are timely and because they allow for deeper reflection on recent debates about the DA's ideological and strategic direction.

McKaiser has an original and thought-provoking chapter on what the DA could do to create and nurture a more diverse pool of black talent in its ranks, and he makes some perspicacious points about the DA's courtship with Agang (presumably he submitted his manuscript before the marriage was annulled). But, for the most part, the author's critique is diminished by an over-reliance on skewed evidence, personal anecdotes, subjective impressions and second-hand party gossip.

So, for example, we are told in the first two chapters that the DA doesn't "understand

its own liberal identity” on the basis of a single blog entry by political commentator and former party staffer, Gareth Van Onselen, in which he attacked DA national spokesman, Musi Maimane, for embracing Ubuntu.

Van Onselen wrote that “there is no such thing as Ubuntu” as far as liberalism is concerned, and even if there was, it “would be anathema...to...basic human rights, individual civil liberties and liberal ideals”.

According to McKaiser, Van Onselen’s rejection of Ubuntu is “symptomatic of a perceived loss of identity, loss of power, [and] loss of a political home” on the part of liberals who want to save their DA “from non-DA values”.

McKaiser devotes a disproportionate number of pages to deconstructing Van Onselen’s argument (written, incidentally, long after he had left the DA) as if it were an official party statement on liberalism and group identity, but he says nothing about the countervailing views it generated within the party at the time. For example, DA Communications Director, Gavin Davis, responded that “it is feasible for a person [who believes in Ubuntu] to self-identify as a liberal” and he welcomed the discussion on Ubuntu as “something that liberals should celebrate and not feel threatened by”.

It is also incongruous, given that McKaiser acknowledges in a later chapter the huge strides the DA has made under Zille in building “a party culture and organisation that [appeals] to new members and supporters who did not previously find the DA appealing”.

McKaiser’s one-sidedness serves to obscure the DA’s real receptiveness to shaping a more inclusive institutional identity, one that can accommodate South Africans with different worldviews, but which is still rooted in the broader vision and values of what the party calls the “open, opportunity society for all”.

DA leader Helen Zille spoke of this openness when she addressed the Liberal International Congress in Belfast in 2008 on the theme of an “inclusive society”. She argued that liberals in divided societies must “live their values beyond the confines of a cosy club of like-minded people who think, speak and look much the same”, while noting that this would be challenging for many liberal stalwarts who “often perceive every adaptation as a dilution of principle”.

McKaiser need not take Zille’s word for it – after all, the DA has matched words with deeds, which is why the DA in 2014 looks radically different from the DA in 2000 – but disregarding her words altogether, because they undermine his case, is at best disingenuous. It is also incongruous, given that McKaiser acknowledges in a later chapter the huge strides the DA has made under Zille in building “a party culture and organisation that [appeals] to new members and supporters who did not previously find the DA appealing”.

In another chapter, McKaiser reheats the old chestnut – much loved by Tony Leon’s detractors – that the DA is shrill. It lacks tonal and “stylistic range”, he says. Well, perhaps it does – style and tone being rather a matter of personal perception. Even so, it seems a bit unfair to marshal as evidence a throwaway remark that Lindiwe Mazibuko made to a university student one night. And McKaiser altogether overreaches when he concludes that Mazibuko demonstrated “a lack of humanity”, “insufficient emotional intelligence” and “no understanding of political strategic communication” on that occasion. This is hyperbole masquerading as honest criticism.

In fact, McKaiser is only too happy to make all sorts of cocksure assertions about the DA's approach to strategic communications, particularly insofar as it targets ANC voters. Yet he seems to have interviewed none of the party's strategic communicators for his book. He claims that DA strategists regard ANC voters as "irrational" and hostages to "liberation history". This is why the party embarked on a "misplaced" – and ultimately unsuccessful, in his view – "Know Your DA" campaign, to try and compete with the ANC's struggle credentials.

Of course he completely misses the whole point of the campaign, which was not to try and out-struggle the ANC, but to tell the story of the DA's predecessor parties' opposition to apartheid and their fight for non-racial democracy on the DA's own terms.

Tellingly, McKaiser makes no reference to the seminal document penned in 2006 by former DA strategist, Ryan Coetzee, entitled "Becoming a Party for All the People: A New Approach for the DA".

The reality is that ANC voters who would consider supporting the DA – those who have asked and answered in the affirmative the question posed by McKaiser's title, but who do not have the benefit of the author's education or 'debate skill' – often ask DA campaigners whether the party would bring back apartheid if it won an election. Many believe that Helen Suzman was a member of the ANC.

These sorts of questions show just how successful the ANC has been in imposing its own version of the DA's history on South Africa's political narrative. The "Know Your DA" campaign was aimed at changing this narrative, and at conveying a more explicit sense of the DA's placement within a political tradition that stretches back 200 years in South Africa. It was developed and refined through a careful process of market research and focus groups, and was overwhelmingly successful where it mattered most: on the ground, among its target audience, if not on the op-ed pages among the commentariat.

However, McKaiser is determined to find fault. The nub of his polemic is that the DA simply does not know how to grapple with race – in its policies, in its communications, and in its efforts to win the hearts and minds of black voters. "The black voter's identity politics", he says – speaking on behalf of black voters everywhere – "need to be engaged more intelligently, with reference to "language, colour, ethnicity, class, geography", and, somewhat mysteriously, "other traits".

He writes as if he were the first person to whom this thought had occurred. Tellingly, McKaiser makes no reference to the seminal document penned in 2006 by former DA strategist, Ryan Coetzee, entitled "Becoming a Party for All the People: A New Approach for the DA".

Coetzee's document provided a warts-and-all analysis of the party's shortcomings. It engaged in a reflective and insightful way with precisely those "identity" issues upon which McKaiser pontificates, and took a critical look at the party's performance among black voters in order to identify and remove obstacles to winning their support. Critically, the document set the DA on a new course that has seen the party grow its support among black voters under Zille while consolidating and expanding its constituency among minorities.

Building a party that people of all backgrounds can identify with and attach to as their political home, under the banner of non-racialism as opposed to racial nationalism, is a massively complex task. This is especially so in a plural society with

a history of racial division and dispossession. No party in South Africa's history has ever managed to do it and at the same time build an enduring institutional legacy. The Liberal Party tried, with remarkable energy and foresight, to do it in the 1950s and 60s, but was beaten down by banning orders and, ultimately, the Prohibition of Political Interference Act which forbade non-racial membership of political organisations.

McKaiser vastly underestimates the complexity of the task. In countries that transition from liberation struggles to constitutional democracies, the party of liberation is all powerful. It can easily fall back on ethnic or racial mobilisation. Opposition parties have to fight tooth and nail to establish their legitimacy and right to exist. If they are lucky enough to survive, it is usually because they offer voters a group-based nationalism to rival the ruling party's.

By contrast, the DA grew, against the odds, on the basis of its principled opposition to the ANC, and its alternative non-racial vision, which is rooted in the values of the Constitution. Tony Leon took the Democratic Party from a 'desolate shack', as the Business Day described the party in 1995, with 1.7% of the vote, and grew it into the single most viable opposition force in the country, with 12.3% of the vote in 2004. That was a remarkable achievement, and one for which McKaiser gives Leon only partial credit.

Balancing the two, when the ANC uses race to drive wedge issues, especially on policies of redress, is hardest of all. It is certainly all much harder than McKaiser seems to allow.

Admittedly, in the first decade of the party's existence, much of this growth came from voters from minority groups, fearful of single party domination and instinctively aware of the importance of the Constitution in protecting and defending their rights. Even so, the pull towards civic disengagement is a constant threat among minority voters. So too is the power of ethnic political mobilisation in a proportional representation system whose electoral threshold incentivises ethnic entrepreneurs claiming that they can protect linguistic and cultural rights better than parties making a more inclusive offer.

So, retaining the support of minority voters is hard enough, but winning over the liberation party's constituency is even harder. Balancing the two, when the ANC uses race to drive wedge issues, especially on policies of redress, is hardest of all. It is certainly all much harder than McKaiser seems to allow.

One of these critical wedge issues is Black Economic Empowerment (BEE), to which McKaiser devotes his shortest and weakest chapter, entitled "DA Lies About BEE". To be sure, the DA was guilty of some miscommunication on BEE last year, but once again McKaiser overstates his case when he talks of "DA vagueness, flip-flopping, disunity and insincere sloganeering on one of the most crucial policy debates in our country".

The DA's position on BEE is perfectly clear: it supports BEE that broadens opportunities and creates jobs. It opposes BEE that manipulates outcomes by rigging tenders and contracts for the politically connected few, because that approach entrenches corruption, deters investment and destroys jobs. In this way, the DA's policy on BEE is ideologically diametrically opposed to the ANC's, which gives the lie to McKaiser's claim that there is a lack of "sharp ideological differences between the ANC and the DA in the policy domain".

While some of the DA's critics argue that BEE and employment equity are incompatible with liberalism because these policies allow "colour" to trump "merit" – a false dichotomy, incidentally – McKaiser's critique is different. He claims that the party's "obsession with colour-blindness" causes it to be "confused" and equivocal about BEE and this turns him off as a voter who cares about "redress for racial injustice".

In fact, there is no confusion or equivocation. The DA believes that race matters for redress. That position was endorsed by the DA's Federal Council in 2005 when it approved a policy on "equality and corrective action", and it was unequivocally confirmed by the same body in 2013. In fact, as far back as 1995, Democratic Party policy was that "individuals should have the right to redress for past discrimination on the basis of race, colour, gender or disability".

The DA is certainly not blind to race, nor is it blind to the terrible legacy of a past that has left the majority of black South Africans unable to enter the economy, let alone compete on a level playing field. The key difference that distinguishes the DA's understanding of (and approach to) BEE from McKaiser's and the ANC's is that it does not believe racial quotas are, in McKaiser's words, "morally and practically necessary and defensible in the service of redressing past injustices".

There is nothing morally defensible about Verwoerdian-style quotas. Quite the contrary. At any rate, the proof of the pudding is in the eating: the DA has produced more sustainable empowerment results – without quotas – than anywhere else in the country, as its approach to awarding tenders in the City of Cape Town and to advancing land reform through equity share schemes in the Western Cape has shown.

So, after all that, should you buy this book? Yes, because the author has put in a lot of thought to where the DA is going, and his account is certainly challenging and provocative, albeit with a great deal of himself thrown in for good measure. Could he vote DA? Yes, he could. Should he vote DA? Yes, he should, and not because, despite his protestations to the contrary, I think he might be secretly susceptible to what he calls "the muscularity of an angry [DA] rant".

It is clear that no party besides the DA can provide a home for what McKaiser identifies as his brand of "liberal egalitarianism". Certainly not the ANC – as its record on everything from Nkandla to BEE to speaking up for gay rights in Uganda – makes abundantly clear. The DA might not be perfect, but I hope that Eusebius can readjust his mirror, look at the parties in proper perspective, and make the right choice on May 7.

BOOK REVIEW

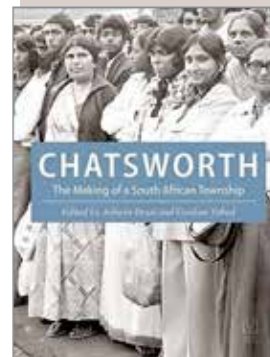
Chatsworth - The Making of a South African Township by Ashwin Desai and Goolam Vahed

In 1970, the forthright but culturally emancipated Sunday Times columnist, Molly Reinhardt, thought all South Africans should “hang their head in shame” at the discrimination hurled by their government against the South African Indian population. “No people have suffered as much as the Indian community from ruthless uprooting under the Group Areas Act... what it must be like for a cultured, highly civilised, intellectual and sensitive people to accept insulting discrimination is something I cannot bear to think about,” she lamented.

The uprooting which she spoke of – a callous, ultimately failed experiment at social reengineering which created deep fissures of physical, social and economic misery not only for Indians but for all non-white South Africans – had a few years previously (in 1961) led to the creation of the Indian township of Chatsworth, twenty kilometres south of Durban. 120,000 people of Indian origin were to be forcibly relocated, often without compensation, to a rural district which lacked adequate roads, drainage, sewage and electricity. A single, poorly maintained highway would connect the township to the city, making it costly and difficult for Indians to make their way there. Several previously Indian settlements closer to the city were quickly rezoned for white purposes. Among them was the socially vibrant and racially mixed area of Cato Manor – Durban’s gritty but culturally prodigious contemporary to Johannesburg’s Sophiatown and Cape Town’s District Six. A part of Durban’s history has vanished; a new, tawdrier one was ushered in, on its fringes.

Reinhardt’s lament was not hyperbole – at the time of her writing, Indians and their descendants had lived in the country for over a century, but have never benefitted from any security of tenure over the land on which they lived and worked; repatriation back to India being official government policy until 1960. Her regret at Indian’s discrimination was all the more pronounced because, to a very large degree, the city of Durban had built on the migrant Indian population, who had worked in near servitude in underpinning the lucrative “sweet gold” of Natal’s sugar industry. Despite this, they were still viewed with suspicion by their European overlords in Natal and the Transvaal. In the 1930s, Justice Wragg of Natal had concluded that “the majority of white Colonists are strongly opposed to the presence of the Indian as a rival either in agriculture or in commerce.” Repatriation was one way to minimise their threat; but it was difficult to achieve. Forced segregation, with the Group Areas Act as its mechanism, was far easier.

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CHATSORTH - THE MAKING OF A SOUTH AFRICAN TOWNSHIP
by Ashwin Desai and Goolam Vahed
ISBN: 9781869142551
Publisher: University of KwaZulu-Natal Press

Chatsworth was developed in stages and each development was referred to as a unit. The mixed housing comprised sub-economic houses occupied on a tenancy basis and “economic” homes which could eventually be purchased by occupants. Residents would be faced with row upon row of monotonous apartheid-style housing. Despite being vast (measuring 89 hectares), streets were not named for decades; so descriptions such as “House 4, Road 8, Unit 11” became the norm. For a people proud of the religion and how it intertwined with the daily lives, few places of worship were built. It was, in the words of community leader P R Pather, a “ghetto.”

It also challenged the misconception of them being culturally segregated from other racial groups – for “the poors” of the area did not belong to a single racial group, but comprised a group of mixed Indian, coloured and African unemployed people, united by their daily battle for survival.

It is against this backdrop that the academic study, *Chatsworth – The Making of a South African Township*, begins its examination. Ashwin Desai and Goolam Vahed are KwaZulu-Natal academics who have written extensively on the subject of discrimination, relocation and dispossession in the Indian context. Desai, a sociologist who also is a Professor at the University of Johannesburg, has also focused on the political and developmental struggles of black communities in townships such as Chatsworth. It was he who termed the phrase “the poors” when it came to describing many of the inhabitants of the area in his earlier book *“The Poors of Chatsworth”* – a study which to a large degree challenged the prevalent

misconception of Indian South Africans as all middle class, economically mobile and politically homogenous. It also challenged the misconception of them being culturally segregated from other racial groups – for “the poors” of the area did not belong to a single racial group, but comprised a group of mixed Indian, coloured and African unemployed people, united by their daily battle for survival.

Desai and Vahed have assembled a diverse mix of contributors to this volume. Dianne Scott, a UKZN academic, discusses the poignancy of the seine fishermen, descendents of the early indentured labourers who successfully transitioned to fishing in the Natal Harbour area – but who were forcibly removed in their thousands to the new township which effectively ended their involvement with the sea. Hannah Carrim looks at the Magazine Barracks area – one of the areas close to the Durban City Centre which was rezoned for white use. Her analysis shows both how quickly and wantonly authorities tore away at established social fabrics in areas of black residence. It also proves the callousness of the system which literally threw people from different locations, social structures and networks together in the hopes of creating a melting pot in Chatsworth. Vahed and Karin Williams explore the drug culture which unsurprisingly takes root in the township over many years, steadily becoming more entrenched and “harder” in terms of drug-styles. Karthigasen Gopalen, along with Sives Govender and Brij Maharaj examine separately how the issue of transport to the city took on profound implications for a people now cut off from Durban. Eventually, entrepreneurial flair triumphed as a family run bus service was launched with community money – but even this was flair was endangered as local authorities sought to force people to use a government rail service which was both more expensive as well as far out of town.

The experiment to seek a multiplicity of different voices has its benefits but also has some drawbacks in unevenness to the book’s flow. Gangsters from a particular era are referred to as “dignified [and] well-heeled” in one chapter while in another

are referred to ruthless hoodlums. Elsewhere, in a simple narrative of a mother who desperately brought up her children single-handedly after her husband was briefly jailed in Robben Island for reasons she never uncovers, her experiences are described as a “war narrative in which heterosexual normativity does moral work for a nationalist cause and wives of anti-apartheid cadres are often attributed to a narrow range of virtuous possibilities, emphasising partnership, perseverance and selflessness” – which seems a bit rich. But these are minor setbacks and overall the framework of the book reads well.

Far from being a relentless chronicling of injustice, though, the book also brims with the indefatigable spirit of a people, dignified despite huge injustices done to them. The voices in this book refuse to accept their hopelessness. Thrown into the middle of nowhere, gradually over time one sees pools develop. Community clubs sprout out, and schools are filled with hard-working principals and teachers. Beautiful temples are painstakingly saved for with hard-earned community money. High rates of poverty result in the introduction of school feeding programs. In 1969 a grand-uncle of mine, A M Rajab, sees it as a fulfilment of a dream of his when by working with trustees of the RK Khan trust, they are able to oversee the development of a major hospital to serve the community – the RK Khan Hospital – with 50% of the capital costs paid for with Indian money. The hospital, beset with logistical problems, nevertheless begins to be a feeder for a generation of local women to become nurses – and now treats 600 000 outpatients annually. The hospital, like the wider township, becomes in many ways a monument to self-help and community resourcefulness.

By 1958, it estimated – incorrectly – that there was a shortage of 20,000 homes for the community, which it foresaw would increase to 36,000 by 1974 – all of which were to be built in Chatsworth. This was far less than the actual demand – but as the editors show, getting the local authorities to build these homes proved to be a source of division within the community.

Housing and its Discontents

Ultimately, the history of Chatsworth is inextricably linked to the housing question. Much of the subsequent community agitation which one sees stems from this issue. Even prior to Chatsworth’s creation, Indians had faced a shortage of housing in Durban, as the City Council spend little on what they saw as an “alien” population. By 1958, it estimated – incorrectly – that there was a shortage of 20,000 homes for the community, which it foresaw would increase to 36,000 by 1974 – all of which were to be built in Chatsworth. This was far less than the actual demand – but as the editors show, getting the local authorities to build these homes proved to be a source of division within the community. One of one hand, with groups such as the Natal Indian Congress (NIC) – the banned ANC’s ally – focusing their efforts on non-cooperation and active resistance to the state, a strong ethos of civil disobedience was warranted. On the other hand, some groups felt that as noble an ideal as this was, the very real problem of lack of houses, water, education health facilities and other community concerns meant that at least some co-operation was required, no matter how little power and influence was actually granted. Over the decades, this proved a sharply dividing line between those who saw themselves as the ideologically “pure” activists and the “collaborators.” It created deep ruptures within the community – and while much post-democratic academic writing has tended to focus on the “pure” activists, Desai and Vahed show sensitivity in mounting a more complete version of history by focusing on the merits and drawbacks of each camp.

Resistance and Consultation

But how has housing issue changed with the arrival of democratic rule to South Africa? The Grootboom case of 2003 and its subsequent complementary ones were landmark ones in the constitutional history of South Africa and also had substantial implications for Chatsworth; the area's history and its narrative bound up as it was with the housing issue. With the dawn of the democratic age came great hope that the attainment of social justice and the improvement of the quality of life for everyone – enshrined in the Constitution – would finally become more real. Grootboom reasserted citizen's constitutional right to adequate housing to be provided by for government, while subsequent ones confirmed that forced removals by government could only be ordered if government had made provision

for alternative accommodation. But as Desai and Vahed observe, the travails of Chatsworth – the chronic unemployment, lack of opportunities and poverty, together with uneven government service delivery – mirror so much those of wider South Africa, with the result that the dream of adequate housing continues to be a dream deferred for many. The authors chronicle this methodically, from the flats of Bayview to the squalid homes of Westcliff (both areas of the township), and find great poignancy in the life experiences of housing activists like Devon Pillay, Clive Pillay, Maggie Govender and husband and wife Orlean and Pinky Naidoo – people who were born in the area, and who dedicated their lives to uplifting their community in housing and development. Their stories and daily battles are told with seering honesty,

which is one of the book's chief assets. Their stories are also complemented by the adjoining one which the authors weave of Fatima Meer.

Sociologist Fatima Meer was an inspirational and highly influential activist throughout the apartheid struggle. A close friend and advisor of Nelson Mandela, Meer was his first biographer. Much to his surprise after the 1994 elections she refused high office. Though continuing to be a member of the ANC she had decided that even though apartheid had been conquered, the struggle had now shifted to helping the poor and the dispossessed, whom she continued to fight for with vigour – even if it meant going against her own party. Meer's legitimacy in the area stemmed not only from her grassroots work and her struggle credentials, but also because she had chronicled the area throughout its entire existence as an Indian township. In 1969, she had noted the “row upon row of concrete cubicles which rise and fall on a landscape yet to be softened by nature's bounty,” and saw the effect that the displacement of peoples which had led to the creation of Chatsworth would have on the social fabric of the area. More presciently, she documented the extreme poverty and lack of basic infrastructure which gripped the township. Three decades later, little had changed. Flats in Bayview are still described as “spartan with unplastered walls, exposed electrical circuits, no hot water” but while squalid conditions remain largely unchanged, to such challenges were added the sceptre of forced removals by the city council due to non-payment of rents. Chatsworth would become her last great stand, even though it would ironically pit her against government administrators from her own party.

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In 1999, the Durban City Council announced that it would “stand firm” on its policy of evicting “illegal tenants and rent defaulters.” It refused to negotiate with long-standing civic housing associations. Evictions for rental default were accompanied by water and electricity cut-offs. As locals observed, “the heroes of the liberation struggle were simply debt collectors now, not representatives of the people.” Along with the strong role played by residents associations such as the Bayview Residents Association and the Westcliff Flats Residents Association, Meer’s Concerned Citizens Group applied for an interdict preventing the Council from carrying out evictions. Before the interdict was granted (citing Grootboom) the sight of the septuagenarian and wheelchair-bound Meer, leading a crowd of poverty-stricken locals struck a chord with the nation who saw images of old women and single mothers being shjamboked while sheriffs attempted to throw their possessions into the street. “She gave [the story and the poors of Chatsworth] access to the media; the media became interested in the story precisely because Fatima Meer was interested in it.” Following her intervention, city council strong-arm tactics stopped and she encouraged a shift from resistance to consultation and negotiation with local authorities.

While much of this story has been documented previously, most accounts to date present the Chatsworth evictions in a rather one-sided manner. In contrast, to Desai and Vahed’s credit they are able to bring balance by introducing other perspectives as well. While the story of the Chatsworth resistance received

widespread support and has a strong humanist element to it, the resistance also has to be viewed against the wider fight for legitimacy post-democracy by a reconstituted police force and local authority both of whom struggled to work with communities, which they were meant to serve, but who for decades had opposed them as agents of apartheid. Few consider the perspective that in the lead up to the evictions in 1999, the eThekweni municipality were faced with unsustainable revenue losses due to non-payment of water bills, rates and property rentals by Chatsworthians. In 2005, for example, they recorded a deficit of R35 million. The most sustainable approach open to previously delegitimized bodies, of course, is to have them recruit critics from the community and empower these people with the authority to resolve deep-seated community issues from the inside. The authors follow the progress of Derek Naidoo, a Chatsworth activist who is appointed Deputy City Manager of Infrastructure in 2003. Naidoo faces disgruntled tenants in Bayview, Westcliffe, Crossmoor as well as neighbouring Lamontville and KwaMashu and seeks to find solutions to the self-same issues he had previously railed against.

His approach is three-pronged. Firstly, the installation of prepaid electricity meters to give residents greater autonomy in determining their electricity usage and to ensure that those who fell behind with payment did not have the additional burden of a reconnection fee. Secondly, water debts are partially written off and flow meters installed to at least allow defaulters some access to free water, which is restricted to 200 litres a day (previously it would have been nothing). Thirdly, he seeks to arrange for the refurbishment of rental flats and homes and oversee the orderly transfer of this rental housing to full property ownership by residents. This was something which most activists were passionate about, and bought into. As one said, “Most of us lived our whole lives in property we couldn’t call home...our old people were passing away without ever owning their home.” Ironically, it is the last

Few consider the perspective that in the lead up to the evictions in 1999, the eThekweni municipality were faced with unsustainable revenue losses due to non-payment of water bills, rates and property rentals by Chatsworthians.

and most important measure which fails despite the good intentions, as even though the selling prices are heavily subsidised, the extreme poverty in the area means that few could afford the selling price. Naidoo takes some of the brunt for not pushing for even lower prices, a charge which seems unfair considering that in some cases it was as low as R7 500. Ultimately, even dedicated former activists working 'on the inside' for change in Chatsworth, such as Naidoo, are powerless against the hopeless economic conditions which afflicts thousands. More subtly, they also seem powerless against a cynicism towards authority which has become pervasive among many Chatsworthians, inured as they have been by decades of displacement and subjugation. (The authors see it even in the experiences of long established community upliftment centres such as Helping Hands or the Chatsworth Youth Centre, both of which go into eventual decline as the community turns their back on them). Eventually, in 2012, Naidoo leaves the eThekweni Municipality.

Summary

The length of this review should give one an idea of the sheer density of Chatsworth. It is an academic study years in the making, and fully rounded in character, which leaves one with a complete sense of the sights and sounds, textures and travails of one of the largest black townships in South Africa. Most of its pages are filled with poignancy, and one is left with a palpable sense of the huge challenges which it, like the rest of the country, has to overcome. But in its own way, it also allows a spirit of resilience and of resolve to emerge. The people portrayed here never seem to have given up hope. Molly Reinhardt would have been impressed.



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