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The views expressed in the articles are those of the authors. They do not necessarily reflect the views of the Helen Suzman Foundation.
In his great essay on Turgenev, Isaiah Berlin sketches not only the liberal position but also the liberal dilemma. He argues that, “Men of this sort need a good deal of courage to resist magnetisation by either polar force [of conservatism or radicalism] and to urge moderation in a disturbed situation. Among them are those who see, and cannot help seeing, many sides of a case, as well as those who perceive that a humane cause promoted by means that are too ruthless is in danger of turning into its opposite, liberty into oppression in the name of liberty, equality into a new, self-perpetuating oligarchy to defend equality, justice into crushing all forms of nonconformity, love of men into hatred of those who oppose brutal methods of achieving it. The middle ground is a notoriously exposed, dangerous and ungrateful position.”

This in many ways characterizes the challenges of the liberal position in South Africa, where there are more than faint echoes of the sorts of dilemmas which Turgenev and others were confronted with in their exile. Perhaps the greatest challenge which the liberal position has confronted in South Africa arises from two different sets of nationalisms.

This edition of *Focus* is devoted to exploring some of these challenges, both social and political, while at the same time seeking to deepen the notion of liberty in our daily life. Balancing the demands of economic efficiency, social justice and individual liberty is, as Keynes so neatly pointed out nearly a century ago, the central political problem. This theme is taken up in our first contribution by Bobby Godsell, who poses the question of what role liberal ideals and ideas can play in our post-transition politics. He identifies three important challenges which these liberal ideas face, and which need to be addressed. These are: first, “Going beyond the politics of identity”; second, creating a liberalism that takes economic interests and social cohesion seriously; and third, accommodating an active and digital citizenship.

Michael Cardo reviews the liberal tradition in South Africa and considers the relationship between liberalism and nationalism, in this case the jingoism of British imperialism and, more recently, Afrikaner nationalism. He reminds us that liberalism offered us many of the tools to end apartheid, and to begin building an open society based on democratic government and respect for the rule of law. He concludes that the biggest challenge for liberals in our plural and unequal society is to find ways of accommodating diversity and addressing poverty while gaining the momentum of political support.

Anthony Egan reviews South African liberalism and South African history, and he focuses on the liberal emphasis on human agency, personhood and liberty as key features of the liberal project in South Africa.

Z. Pallo Jordan takes up this theme of ‘liberal individualism’ as the ultimate social and political agency. He points out that, “The gestation of South Africa’s liberal democratic constitution was, ironically, a dialogue between parties from the opposing poles of the political spectrum – the ANC on the left, the NP on the right. Representing constituencies that were suspicious of liberalism, in the process of finding each other in negotiations they arrived at the common ground of the institutions of liberalism.” He finally draws attention to the political practice of liberals and their relationship to the political capacity of the poor and non-propertied classes.
Colin Gardner considers the question, “How liberal is the current ANC?” In a wide-ranging discussion he poses the uncomfortable suggestion that, “the ANC government’s failure to deal effectively with the issues of poverty and proper service delivery is also, arguably, an indication of its ability to function in a democratic manner.”

In commissioning this edition of *Focus*, a similar question was posed to a senior DA party official: how liberal is the DA? Sadly, at the time of going to print, no article was forthcoming.

Charles Simkins considers liberalism and communitarianism in South Africa today. His review of the potential sources of communitarianism is nuanced and perceptive, and he suggests four liberal priorities, namely: constitutionalism; the promotion of a high rate of economic growth; permanent attention to the situation of the poor; and (the introduction of) a Weberian civil service.

William Gumede suggests that a pragmatic relationship between business and government in the form of a developmental coalition for growth offers the most sustainable solution for overcoming South Africa’s deep-seated developmental challenges. He cautions that, unless government governs better, it will be difficult to generate a partnership with business based on trust.

John Matisonn reviews media freedom from apartheid to democracy. He suggests that the current travails over media freedom in South Africa warrant an examination of where the media has come from for clues to where it is going, now that the country is democratic.

Gareth van Onselen looks at the problem of appearance and reality with reference to liberal values in South Africa. His interrogation of key terms such as accountability, respect, consultation, excellence, and freedom are timely reminders of how these terms are so often elided over or obscured in our political discourse in South Africa. His call for a ‘cultural conversation’ is, as he points out, a necessary one and, we might add, a timely one.

Claudia Braude takes as her starting point the furore over the painting called “The Spear”, which has so galvanized the public. She raises the question of competing rights in post-apartheid South Africa, and she points out that the trauma related to our past has not been appropriately dealt with and will continue to inform, if not haunt, our public life.

This edition of *Focus* carries a memoir and review article by Jack Spence, and further reviews by Aubrey Matshiqi, Sean Hawkins, Kate Francis and Dennis Davis. We also note that Hugh Lewin’s book, *Stones Against the Mirror*, which was reviewed in *Focus 62*, has been awarded the Alan Paton non-fiction prize. We take this opportunity to congratulate Hugh.

Finally, we record, with an obituary by Claudia Braude, the passing of Phillip Vallentine Tobias, whose immense contribution to South Africa’s intellectual life served to inform his lifelong commitment to non-racialism and the cause of liberalism.

NOTES
1 Isaiah Berlin, “Fathers and Children: Turgenev and the liberal predicament”, Russian Thinkers, p.297
2 J.M. Keynes, Liberalism and Labour, 1926
Obituary: Phillip Vallentine Tobias (1925-2012)

Claudia B Braude

Alongside his immense academic and scientific accomplishments – in the fields of anatomy, genetics and zoology; as Director of the Palaeoanthropology Research Unit which excavated the Sterkfontein site for decades; as recipient from former president Nelson Mandela of the rarely-given Order of the Southern Cross and much more – Tobias was also a political animal, albeit one only minimally involved with party politics. “The Liberal Party was the only political party with which I was ever affiliated, but eventually I had to leave when I could not find time to do justice to my interest in the political arena,” he said in his autobiography.

Tobias nonetheless continued to engage politically throughout his life, actively opposing, among other things, racial segregation in education, and taking legal action against medical professional collusion with police brutalisation of Steve Biko.

Tobias implicitly promoted non-racism in the classroom as well, scientifically pooh-poohing the eugenic notions of anatomy on which the apartheid project rested. “His work scientifically debunked the myths of white supremacy,” said Wits Vice Chancellor, Professor Loyiso Ngonxa recently, speaking at that university’s memorial service in Tobias’s honour. “Imagine in the 1960s, when being black was seen as inferior, that he could advance a theory that the origins of humankind was on the African continent!”

For nearly seventy years, spanning his arrival at Wits as a student in 1943 to emeritus professor at the time of his passing, Tobias built a politically trenchant body of science on the back of his early rejection of white supremacy.

“Under the Nazi regime, race purity became a fetish ...

Tobias understood that his anthropological and genetic research made a mockery of the apartheid state’s system of race classification and directly challenged the then rapidly developing policies and legislation designed by the state to maintain white racial ‘purity’. “[S]cientist[s] like myself whose special field of research and study is race [are] likely to be accused of meddling in politics merely by talking about the scientific aspects of race ... [But] I should be failing ... in my academic duty, if I were to ... say nothing about race, simply because the scientific truth about race may run counter to the race policies of my country,” he said.
He scientifically rejected white supremacist belief in racial purity, demonstrating the non-existence of an originary pure white race. “The myth of the pure race has been thoroughly disproved ... [F]rom the dawn of man ... to the present day, there is no trace of a pure human race ... [and] as far as our fossil record goes, there never ha[s] been,” he said. “[S]everal kinds ... of the [early] South African fossil ape-men, the Australopithecines ... are known from the caves of the central and Southern Transvaal, the North-Eastern Cape province and Tanganyika,” he said, simultaneously describing the hominid ancestry that was common to all people of different races.

Tobias emphasised the overarching genetic commonality between all people “which make men men, which give us two legs, an upright stance, a big brain, mobile fingers and a prehensile thumb”, in contrast to the genetic variations differentiating races which he characterised as “little superficial frill[s]”. “[A]ll of us human beings share far more of our essential humanity in common and differ in far fewer respects than doctrinaire racists would like us to believe!” he said.

Further, Tobias’s assault on white supremacy boldly located this common ancestor origin not in Europe but in Africa itself. Africa was “the continent where, on available fossil evidence, man first emerged on the face of our planet; where man first started to differentiate himself from the other beasts by his cultural life, through tools of stone and bone,” said Tobias in 1961. “Some people ask, ‘what’s Africa given the world?’ in sneering tones, as if they know the answer: ‘nothing’. But the truth is Africa gave the world humanity ... and the first human culture,” he would say forty years later.

Every year, Tobias gave his second year anatomy students a lecture on the origins of man before taking them on an outing to Sterkfontein (now, in large measure thanks to Tobias, a world heritage site) to show them the actual site where ‘Mrs Ples’—the most complete skull of a more than two million year old Australopithecus africanus specimen yet found in South Africa—was discovered. He would thus demonstrate to his students that not only was the South African landscape populated long before the arrival of Europeans, but that in fact all of mankind originated in Africa.

Tobias had youthful religious aspirations to join the rabbinate. Fortunately for the world of science, the disillusioned Rabbi AH Freedman whom he consulted for career advice encouraged him to find an alternative path. (One can only speculate at what cost to the South African rabbinate). Nearly sixty years later, in an interview marking his eightieth birthday, he described his career and achievements in quasi-rabbinic terms. “Philosophically it is terribly important that these fossils of hominids are seen as our common human ancestors. This is the scientific basis of the brotherhood of man,” he said. Referring to the religious precept that all humankind is created equal in the image of God, he echoed the sermon entitled ‘The Brotherhood of Man’ delivered in the late ’40s by then Chief Rabbi Louis Rabinowitz, rabbi of the Wolmarans Street Synagogue of which Tobias was a member. “All men are equal, black and white and coloured, all hark back to one common origin, all are endowed with the spark of God’s spirit. This is the fundamental teaching of the Torah,” Rabinowitz said.

Mbeki used his presidential office towards transforming the foundations of the racist colonial relationship between Africa and Europe. Tobias’s Sterkfontein is a pillar of this reversal: Africa is not marginal but central to human history. This was Mbeki’s tribute as he spaded soil into Tobias’s grave. Tobias was “central in making the statement that humanity originated in the [African] continent,” said Mbeki. “[H]e would naturally be militantly opposed to racism because he firmly believed in equality of all human beings,” he said.

Tobias underpinned his life with a personal philosophy of happiness obtainable not in the moment but only in retrospect. He similarly located meaning in the past, a past that was the origin of humankind. Correctly characterising this legacy as “too important and too durable to be forgotten”, Mbeki signalled that, just as Mrs Ples’s life took time to evolve into its immense significance, so too, with time, will Tobias’s life indubitably grow ever more significant, in South Africa and beyond.
A South African Liberalism for the 21st Century

South African politics is moving slowly and painfully beyond the Apartheid transition. What role will liberal ideas and ideals play in our post-transition politics?

In the first part of this article I trace some elements of liberalism’s past: globally, in Africa, and in South Africa. The past informs but does not determine the future.

In the second part, I set out three critical challenges for liberalism in that future: an identity challenge, a prosperity challenge and the challenge of digital citizenship.

Part one: Liberalism and the past

Liberalism in a global context

From the onset of the industrial revolution, through to the close of the 20th century, we have witnessed a contest between three clusters of political ideologies: liberalism, socialism and capitalism.

Liberalism is in fact the oldest of these ‘modernizing’ road maps. It has its roots in the ancien régimes of Europe’s feudal and monarchical societies of pre-industrial times. In this context Thomas Hobbes, John Locke, Jean-Jacques Rousseau and Immanuel Kant, amongst others, fell in love with the idea of liberty. Each, in different ways, saw liberty as the natural and desired condition of humanity. Each also saw the individual as the central building block of social reality, moral philosophy and political order.

This discovery (and re-discovery) of liberty can be expressed in the question: “when is society justified in restricting the freedom of its individual members?” Freedom here is seen essentially as freedom from social coercion.

However, individuals share their time and space with others. Politics is necessarily the debate about how free citizens decide to organise their lives together. So, as industrial society and representative government developed, a freedom from became rather a freedom to: vote, be educated, have access to healthcare and work. This form of positive freedom is clearly the form of freedom entrenched in South Africa’s new Constitution of 1996.

As market economies emerged in feudal and monarchical societies, so freedom gained a new context: the ownership and control of economic resources. This then was the start of the debate between socialist and capitalist political and economic orders.

For some liberals, freedom and private property, if not synonymous, were certainly the joint conditions of a good, and free, society. The demise of state socialist economies, commencing in China in 1979, suggests that there is at least some truth
in this relationship. As Hayek has argued “There can be no freedom of press if the instruments of printing are under government control, no freedom of assembly if the needed rooms are controlled, no freedom of movement if the means of transport are a government monopoly.”

However, as both economies and polities became more complex, it has become clear that the relationship between political freedom and the institutions of private property is contestable and, indeed, contested. So, for example, the politics of healthcare are organised in a fundamentally different way in two of the oldest liberal democracies in the world, Britain and the United States of America.

A second tension in the global evolution of liberal thought is evident in the debate between individualism and communitarianism. The Renaissance French philosopher René Descartes expressed himself in the words “I think, therefore I am”. Much of the conceptual grammar of liberalism is about the role, rights and experiences of individuals. Yet individuals live in societies, and must be subject to some form of collective will. We live in a world of the ‘we’ as well as the ‘I’.

This tension between a political ‘we’ and a political and economic ‘I’ is clearly evident in advanced Western societies, as they struggle to respond to economic crises and the politics of downward social progress.

**Liberalism in Africa**

The political realities of Africa in the 19th and 20th centuries are neatly framed by the arrival and departure of European colonialism. This process created colonies and vassal states defined by conquest, with both boundaries and concepts of political authority shaped by distinctly non-African impulses.

Most of the second half of the 20th century has been devoted to liberation politics in the sense of ending colonial rule. In Africa’s 54 countries, most of the last five or six decades have been dominated by what can perhaps best be described as the politics of incumbency. The liberation movements that were defined by colonial conflict have converted themselves into one-party-dominant political establishments. In too many cases this rule by liberation movements has been replaced by militarily installed dictatorships.

Though the cold war saw Africa divided into Soviet and American client states, there were relatively few truly ideological states on the continent at this time, with the surviving colonies (Portuguese in particular), Rhodesia and South Africa being the exceptions.

The last decade of the 20th and the first decade of the 21st century, though, saw an encouraging spread of democratic transitions across the continent. It also, however, saw the continuation, sometimes in democratic form, of ‘big man’ politics, with political parties inextricably tied to the person and personality of their leader.

These last two decades have also seen gains in African personal freedom, a renaissance (and more) in public media and improvement in many areas of economic life.

Though a number of countries have witnessed the peaceful transfer of political power after vigorously contested elections, it is too early to conclude that the institution of multi-party politics and competitive elections is now well established. Too often, losing candidates and parties cry foul.
It is also too early to celebrate the emergence of a politics that is a true contest of ideas about how countries should be run. Political allegiance is still too often tied to personality or group identity of an ethnic, linguistic, regional or religious nature.

All of the above have posed real problems for the establishment of liberal politics on the African continent, at least over the last two centuries.

One reason for these problems is liberalism’s close association with (at least British) imperialism. This association made it unattractive for the colonised. It is surely one of history’s great missed opportunities that the British Empire did not apply its own experience of incremental democracy, and of the progressive enfranchisement of the British people from 1832 through to after the First World War, to all of its colonies. If India, Ghana and Nigeria (not to mention South Africa and Rhodesia in regard to their total populations) had followed the road to self-rule and dominion status, as did Canada, Australia and New Zealand, what a different legacy the British Empire would have left! There would have been a much more natural place for liberal ideas in an empire that had universalised the enfranchisement of its people based on Kantian ethics. But instead, the political evolution of most African colonies into nation states more closely resembles that of Italy, Germany and indeed the Balkan states. These too are countries without a strong liberal political tradition.

A second major impediment to liberal ideas in Africa was the centrality of group identities and the tensions produced both by colonial control, as well as the multi-ethnic, multi-religious character of most colonial territories. We shall return to the problems of liberal values and group interests when we consider challenges to liberalism in South Africa.

A final impediment to liberalism in Africa has been the power of ‘big man’ politics – the politics of personality rather than interests or values. In this regard the African continent is in no way unique. Indeed politics in the United States seems more often a contest between personalities than a competition between contested ideas of a good society.

**Liberalism in South Africa**

If colonialism is the leitmotif of Africa’s last two centuries, then South Africa has indeed experienced colonialism of a special type.

Firstly, the period of colonial settlement came much earlier than elsewhere in the continent, with the first settler/colonists arriving shortly after English settlers established themselves in America.

Secondly, South Africa’s settler colonialism was bifurcated, with settlers from Dutch and British origins experiencing a different history in their new abode – gaining control of different parts of South Africa, and ultimately engaging in bitter armed conflict, in part with each other, in part with other South Africans, and in part with the continuing colonial power.

Thirdly, a large colonial settler population stayed on in South Africa after the official departure of the imperial powers, and is a continuing part of the democratic South Africa, securing the only footprint for a Dutch derived language anywhere in the once very extensive Dutch empire.
Fourthly, this very settler nature of South African colonialism meant that de-colonisation was a lengthy and complex process with its own ‘two stage’ character. The first, de-colonisation of the state of South Africa from its former colonial power, occurred with the achievement of Republic status in 1961, and the breaking of all lines of authority with Britain. However, the achievement of a country where all citizens had equal rights only occurred in 1994.

Many locate liberalism’s South African etymology only in the English language and those for whom this language was a mother tongue. This, however, misrepresents the past. Firstly, there are important indigenous traditions of humanism, which posit the individual as of critical worth and value in both social and political order. Secondly, South Africa and South Africans have long been connected to an evolving world order in many and complex ways.

The Christian religion was a major source of globalizing South African experience. In the late 19th century, Black South African religious and other leaders crossed the Atlantic Ocean to study in the United States. J L Dube, first president of the African National Congress, studied at Oberlin College in the US. Missionaries from American and European Christian Churches brought both education and theology to Southern Africa, much of which was deeply shaped by liberal ideas. The impact of both Christianity and American liberalism on another important ANC leader, Albert Luthuli, is well described in a recent biography.²

Two giants of the early Twentieth Century, Jan Smuts and Mahatma Ghandi, received their legal training in England, and certainly would have had more than a passing exposure to the current of liberal thought that has shaped and re-shaped English Common Law.

President Kruger, the most successful leader of the independent Afrikaner Republics that preceded a united South Africa, had to draw his civil service from Holland, and specifically from Leiden University. In importing both judges and civil servants, he imported Dutch social liberalism.

A number of very prominent politicians and religious Afrikaner leaders would have described themselves as liberals. These would include J H Hofmeyr, Hoernle, Jan Steytler, Beyers Naude and Bruckner de Villiers, amongst many others. And then of course, there were the English!

Notwithstanding these diverse liberal roots, the forces of group Nationalism proved much stronger. The failure of liberalism in each of the three critical race or language defined ‘tribes’ of the incipient South Africa is easy to understand.

For Black South Africans the noble sentiments about freedom, equality and the rule of law encountered in both a missionary tradition and also in American educational institutions, look empty, if not ridiculous, when confronted by the crass racism of both settler and colonial governments: of land theft, the denial of political rights and, eventually, even the stripping of citizenship.

Afrikaners were at the receiving end of a brutal colonial war of conquest in what they recall as ‘Die Tweede Vryheidsoorlog’. This equally crass attempt by British overlords to gain control of by far the richest goldfields in the world involved an
abortive coup d’état, as well as the first use of concentration camps to detain and harm civilian populations. And the English colonial authorities exercised their rather liberal tradition, profoundly distorted by racism.

There were nevertheless moments when a liberal deal seemed tantalizingly possible. One such moment was in the organizing of the Congress of the People in 1955. This national convention was conceived in what a later political scientist would have described as consociational terms, with each South African race group being asked to bring a delegation, and to operate, at least ostensibly, on co-equal terms with the other three delegations. The newly formed South African Liberal Party and the much older South African Institute of Race Relations were asked to co-host the convention and to take a lead in shaping both the white delegation and eventual charter. Perhaps there were good reasons for declining this invitation. From the perspective of the 21st century it certainly looks like a tragically missed opportunity.³

Secondly, the resistance to white racism has always included in its leadership prominent white individuals. As Albert Luthuli, then President of the ANC, noted about the Treason Trial of the late 1950s and early 1960s:

“What would have been the plight of the accused without our Bishop Reeves, Alan Paton, Dr Hellman, Canon Collins, Bob Hepple, Christian Action, Archbishop de Blank and Archbishop Hurley …?”⁴

This deep non-racism was to be a lasting characteristic of resistance to white rule in almost all its manifestations.

On 31 May 1961, as the Afrikaner Nationalist government declared the country to be a Republic outside the British Commonwealth, the African National Congress called for a three day stayaway. The political demand articulated by the volunteer-in-chief, Nelson Mandela, was that a national convention be called in which white and black could chart a common future. This was before the first bombs of Umkhonto we Sizwe were exploded, and at a time in which the ANC (although banned) was still committed to peaceful change. Imagine if CODESA had happened then!

Part two: Three challenges for a 21st century South African liberal agenda

Notwithstanding these missed opportunities, liberal ideas have played an important role in shaping South Africa. Decades ago the liberal member of parliament, Helen Suzman, observed that eventually white South Africans would have to choose between the impossible ideal of a white nation and much more compelling reality of a prosperous but multi-racial economy. In 1993 they did, with 70% supporting the negotiated change process started by de Klerk and Mandela in 1990. Both South Africa’s ‘new’ interim constitution and the more ‘final’ version adopted in 1996 bear the hallmarks of a liberal democratic order. In the most recent municipal elections the major opposition party, the Democratic Alliance (DA), achieved 24% of the vote and established itself as a serious electoral threat to the dominant African National Congress. This fundamentally liberal political organisation runs South Africa’s second largest city, Cape Town, and also governs the second richest province, the Western Cape.
However, if the influence of liberal ideas is to grow yet more powerful in shaping South African futures, at least three challenges need to be addressed.

**Challenge One: beyond the politics of identity**

As Steven Friedman has argued many times, South African politics since the democratic transition has been largely the politics of identity. Put bluntly, black South Africans have voted overwhelmingly for the African National Congress, whilst other ethnic groups (constituting ethnic minorities) have voted either for the Democratic Alliance or smaller, ethnically defined political parties such as the Inkatha Freedom Party, the Freedom Front Plus, or the Minority Front. In general each of these political organisations represent a form of ethnic, race or language nationalism.

As Friedman observed, “why should this surprise us, given South Africa's history of ethnic mobilization and competition for both political power and economic resources?” The tension between ideas about individual freedom and racial, ethnic and language group interests is long standing in South Africa (and indeed elsewhere).

One of the most insightful discussions of this tension is that contained in N P van Wyk Louw’s *Liberale Nasionalisme*, first published in 1958, which was in fact the result of an exchange of letters between van Wyk Louw and an English-speaking South African student at Oxford University. Sadly, van Wyk Louw publishes only his letters, and the 'liberal' voice is therefore present only indirectly.

For the purpose of the 21st century challenges facing South African liberalism, two elements of this rich debate are most relevant; one arises from nationalism and the other from liberalism.

**Difference and equality**

The great risk posed by nationalism is the frequency with which love of one's own turns into denigration and then domination of others. And, of course, not just in a cultural sense. Most often the nationalist reserves the best of everything in material terms for his own group. As van Wyk Louw potently observes:

“Ons veg vir die behoud van ons kultuur” klink soveel edeler as “Ons veg om stoflike voordele vir ons groep” of “Ons veg om stoflike voordele vir ’n klein klompie rykes binne ons groep.”

Van Wyk Louw dismisses this kind of nationalism that diminishes both the economic interests and 'worth' of other groups as chauvinism rather than nationalism. This seems to me to resolve the dilemma through a semantic trick.

Yet nations have emerged from the accommodation, indeed integration, of tribes or sub-groups. This requires an element of shared identity that transcends the narrower identities of these sub-groups. It also requires a dynamic interplay of economic interests and political and social values, with different coalitions of interests combining and competing over time.

An influential liberalism in post transition South Africa must demonstrate that it is possible to positively value one's own group without negatively de-valuing all other groups. What does this mean in terms of language policy? Do the values in
the preamble to our constitution and underlying the Constitution's Bill of Rights constitute an umbrella identity that can contain group diversity in a context of fundamental equality?

**Individuals or groups?**

The second concern derives from liberalism itself, rather than nationalism. It is whether group identities can be either ignored or overcome.

Liberalism contends that individuals are the foundation, the constitutive element, of humanity, not groups. Van Wyk Louw quotes Plato with approval; “Die gemeenskap is die individu, met groot letters geskryf.”

It finds an even more common echo around many elite (though pigmentation deprived) dinner tables in our country, where good men and women ask “when can we finish with all this race stuff and just be South Africans?” Through the rest of his correspondence in *Liberale Nasionalisme*, van Wyk Louw argues very persuasively: “Never!”

Van Wyk Louw argues that all individuals have a sense of group identity; of language, culture, kinship, and heritage. These sources of individual identity are least conscious (though never absent) where the group identity is best established, least challenged, indeed where it is hegemonic. ‘Englishness’ during and immediately after the British Empire is a good example of such a strong but implicit group identity. There is no need to fight for your group identity when its power and prestige are ubiquitous and taken for granted.

Where liberalism denies group identities and group enmities it loses the capacity to shape political discourse and political outcomes. It condemns its ideas about political, economic and social order to the sidelines of popular mobilisation.

A further manifestation of the failure of liberal thought to understand group identity is a form of magical thinking that still prevails in our country. This ‘logic’ holds that only when the DA has a black leader will they attract black votes. This deeply misunderstands the group identity of black South Africans, as well as the collective character of a political movement such as the DA, which derives from so much more than the pigmentation of its national leader. Indeed, to replace an effective white DA leader with a black leader *solely for the reason of race* would run the risk of losing white and other minority DA voters without attracting new black voters in any significant numbers.

Group identity is about issues derived from and determined by race-based experience. However, such experience is bound into economic, cultural, religious and especially class interests.

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Group identity is about issues derived from and determined by race-based experience. However, such experience is bound into economic, cultural, religious and especially class interests. Such ‘rich’ identities cannot be exchanged through the mere change of a Joseph-like pigmentation coat.

What is true of race-linked group identities is as true of gender-based identity and experience, as many organisations are discovering when simple numerical gender balance does not lead to organisational change.

Does the above condemn us to live in a world where group identities of race, ethnicity and gender assume an unbreakable caste-type quality? Not at all; Ivor Chipkin and others have been studying some very large new urban settlements in the West Rand.
region of Johannesburg. In one ‘cluster housing’ settlement with some 1,200 units they have found a society that is roughly 50% black and 50% white, predominantly young and mostly first time homeowners. Race plays an important part in the group identities of both black and white residents. However, these ‘race’ identities are complex in new ways. Here, race interacts with economic class as well as with new forms of evangelical religion, to produce new groups with new identities. These new identities are giving rise to new patterns of political affiliation (and disaffiliation).

Culture (including group culture) matters. And culture (including group culture) changes. The more we can move away from perceiving ‘race’, ‘ethnicity’, ‘language’ and ‘gender’ as immutable forces of nature, and see them rather as labels for particular patterns of experience, the more we will be able to shape an ethnically, linguistically and gender diverse, yet shared social experience.

I am sure that a growing majority of South Africans see themselves as individuals, value their individual freedoms, but also value their ‘group’ identities, and are seeking ways to exercise both. Societal leaders willing to articulate ways to do this will be the real architects of our post-apartheid social reality.

**Challenge Two: a liberalism that takes economic interests and social cohesion seriously**

**Prosperity**

“Are you better off than you were four years ago? Is there more or less unemployment... than there was four years ago?” asked Ronald Reagan, concluding his TV debate with incumbent President Jimmy Carter in 1980, one week before the Presidential election. Reagan beat Carter by a landslide.

That politics is about the material interests of citizens and voters seems abundantly obvious. That voters look to government to address their material interests seems equally obvious. Reagan understood this well. Yet for much of the 20th century, liberalism appeared to stand on the sidelines in the argument about which economic system, socialism or capitalism, produced social prosperity. Liberalism without a ‘prosperity agenda’ is politically impotent.

The ANC campaign slogan of 1994, ‘A better life for all’, stands solidly in the Ronald Reagan tradition. But clearly this promise has been a great disappointment for millions of South Africans. Does the DA offer a compelling and credible alternative road to both individual and group prosperity?

I suspect that most South African voters know that governments are either unlikely or unable to provide jobs, houses, good schools and clinics for all. A much more realistic election slogan for the ANC 2004 campaign was ‘A peoples’ contract to create jobs and fight poverty’.

Politics, including liberal politics, must take the material interests of citizens and voters seriously. They should not make promises they cannot deliver on, as these promises will return to haunt them at the next election cycle. Liberal ideas should be centrally involved with prosperity promises that are real and can be delivered. For example the idea of a developmental society is both more realistic and more capable of being achieved than the generally undemocratic concept of a developmental state.
Social cohesion
If a vibrant liberalism in the 21st century needs a prosperity agenda, it equally needs an agenda for social cohesion.

Arthur Koestler in his majestic *Darkness at Noon*, first published in 1940, argued that Communism had abolished the first person singular: no more ‘I’. In 1987 Margaret Thatcher said: “There is no such thing as society: there are individual men and women, and there are families.” In a sense Thatcher dismissed the ‘we’ of social reality.

Yet contemporary events in Europe in particular suggest that societies sharing space and time require robust ‘I’s and effective ‘We’s.

Social cohesion is an essential characteristic of a good society, for both negative and positive reasons.

In the positive sense, an absence of social cohesion prevents citizens from mobilizing to do things for themselves and their communities. The failure of the ANC lead campaign to persuade township residents to pay rates and service charges is evidence of this.

21st century liberalism must have an agenda that enables societies to cohere: it must pay careful attention to the symbols of national unity, and to the icons of fairness and solidarity.

Challenge three: liberalism and active and digital citizenship

New forms of energy and economic organisation transformed agrarian societies and created the industrial age. Today new forms of sharing information and knowledge are creating a new social architecture. Digital information, increasingly accessible on mobile phones, deeply reshapes the way in which individuals constitute their social reality and share space and time with others.

These are instruments of great power that can mobilise people around issues and events faster and more effectively than any other form of media or mobilisation. *Twitter* generally beats all other forms of electronic media on breaking news by at least twenty minutes. It also makes its user both a producer and consumer of information.
However, as with all new technologies, the power of digital media is both creative and destructive. As social media connects people in new ways, so it disconnects people from older institutions. As cable television has undermined the power of the older television networks, so the internet undermines the power of newspapers, magazines and books, or at least transforms them into a new digital character, delivered in new ways, both in space and time.

Twitter and Facebook played a crucial role in mobilising hundreds of thousands of Egyptians to occupy Tahrir Square in Cairo, ending the decades-long rule of a dictator. However, when millions of Egyptians turned out to vote for a new parliament, older forms of political affiliation won the day.

Can this new, digital kind of active citizenship, evident in Occupy Wall Street and other digital social and political campaigns, be accommodated in the old institutions of representative government and the vehicles of political mobilisation called political parties?

Is the digital citizen more effective at the protest ‘event’ than in the sustained exercise of political power?

Politics has always involved both interests and gestures. Bread and circuses have always been present in one form or another, whether it be 9/11 or the Falklands War. What will constitute the political icons of the digital age?

I do not claim to fully understand how either arguments or mobilising icons will operate in this new digital age. I do know, however, that this age will deeply reshape the way political interests and sentiments are defined, described, shared and mobilized.

The disruptive impact of a new individualism is evident beyond social media. The nuclear family, a foundation of modern social organisation in all parts of the globe, is increasingly failing to provide social stability and economic resilience. A major disconnect between financial capitalism and the so-called real economy produced the Great Recession of 2008, whose consequences continue. Many national political institutions have been unable to respond effectively to either social or economic challenges. This is well evidenced by the failure of US Congress to agree a budget deficit reduction plan, and the replacement of democratically elected governments with technocratic administrations in both Italy and Greece.

Homo sapiens face an increasing range of choices as to who we are and how we live. From place, to national identity, to intimate social partnerships, choice is replacing tradition and habit. All, and especially those who value freedom as the defining human quality, must celebrate this spring-cleaning. But there is the danger of a period of disorder and anomie. Is there a Napoleon lurking in the wings?

From the very start of the human story, the same tough choices have been present. There needs to be a balance between individual freedom and a resilient social order, and between individual accountability and collective well-being. Those who subscribe to liberal solutions to these challenges will need to find new ways of reconstructing social institutions to better fit our new, digital, choice-centred citizens.

South Africa in the 21st century offers a fertile territory for liberal ideas and ideals. If these ideas are to do a better job in shaping our country’s journey, they will need to meet the challenges of identity, of prosperity and of the new, digital citizen.

NOTES
2 Albert Luthuli: Bound by faith; Scott Couper, University of KwaZulu Natal Press 2010.
3 David Everatt, The Origins of Non-racialism, Wits University Press, 2009, Johannesburg, see the chapter on the Congress of the People, pages 169 to 1943
4 Quoted in Albert Luthuli: Bound by faith, Scott Couper, op cit, page 105.
6 Liberale Nationalisme, contained in Versamelde Prosa 1 NP van wyk Louw, Tafelberg, Cape Town, 1986, pages 411 to 529.
7 Van wyk Louw, op cit, page 424.
8 van wyk Louw, op cit, page 426.
9 In fact the full article makes for fascinating reading and is less polemical than the quote seen in isolation. See http://www.margaretthatcher.org/document/106689
The Liberal Tradition in South Africa: Past and Present

Liberalism in South African history

*Owing to the fact that, historically, liberals in South Africa have been an embattled political minority – occupying the tenuous middle-ground between rival racial nationalists – their significance is all too often underplayed.*

However, liberalism is the oldest and most enduring political tradition in South Africa. This is something which its opponents in the marketplace of ideas – principally, the proponents of African nationalism and communism – prefer to disregard or deny.

Yet liberalism has been a central theme in South Africa’s political history from the time of Dr John Philip, the English missionary who championed racial equality in the 1820s.

And when the British government established a parliament in the Cape in 1853, it adopted a non-racial franchise, albeit with educational and economic qualifications. Everyone eligible to vote could stand for election to either house. In 1872, when responsible government was granted to the Cape, the British Prime Minister, William Gladstone, insisted that the colour-blind franchise should be retained.

Many liberal principles and institutions were ‘transplanted’ from Britain to the Cape, such as parliamentary democracy, the rule of law, an independent judiciary, a free press, freedom of speech and freedom of conscience. However, mid-nineteenth century Cape liberalism was not the sole preserve of English-speakers. Some of the most prominent and enthusiastic supporters of liberal values in public life were Afrikaners, like Jan Hofmeyr, F.D. Malan, and their colleagues in the Afrikaner Bond.

The flame of liberalism has at times burnt brightly and at times dimly in South Africa, but liberalism has made two important achievements.

Firstly, liberalism resisted and overcame two waves of destructive nationalisms in the past – a jingoist British wave and an Afrikaner nationalist wave – by rejecting the politics of group identity.

Secondly, it offered us many of the tools to end apartheid and begin building an open society based on democratic government and respect for the rule of law; a society in which independent institutions protect people’s rights and limit political power, and where the media are free and independent and able to perform their watchdog role.
What, then, is liberalism?

Alan Paton, who for a time combined his successful career as a novelist with active political engagement in the Liberal Party, once wrote:

“By liberalism I don't mean the creed of any party or any century. I mean a generosity of spirit, a tolerance of others, an attempt to comprehend otherness, a commitment to the rule of law, a high ideal of the worth and dignity of man, a repugnance for authoritarianism and a love of freedom.”

That sums up the liberal tradition at its best in South Africa.

Peter Brown and the Liberal Party

Yet there has been very little real understanding and appreciation, both in the past and the present, of the nature and importance of the part played by liberals in South African history, especially in opposing apartheid and forging non-racial democracy.

Peter Brown, who was the national chairman of the Liberal Party of South Africa between 1958 and 1964, is one such liberal who made a significant contribution.

Winnie Mandela once wrote to Brown how, when she visited Robben Island in the 1980s and mentioned his name, she was “shocked to receive a whole lowdown on [his] quiet but most impressive political history” adding that she “had no right not to know it”.¹

The reasons for Brown's relative obscurity are partly personal, partly ideological and partly political.

Brown was a modest man. Born in 1924 into a Natal family of Scottish descent, country traders on his father's side and farmers on his mother's, he inherited two abiding characteristics.

The first was a heightened sense of community awareness, shaped by an appreciation for the rhythms of rural life and an allegiance to the soil. Land and community were Brown's two great concerns. They are the golden threads that connect his liberal activism in the 1950s and 1960s, when he opposed the state's programme of 'black spot' removals, through his chairmanship of the Association for Rural Advancement in the 1970s and 1980s, to his development work with African farmers in the 1990s.

The second was a natural Scots reserve, a diffidence that was occasionally pierced by his teasing, dry wit, which made Brown entirely indifferent to matters of reputation and veneration.

Even so, personal reticence alone does not explain why Brown's contribution has gone largely unheeded. Too often, those writing about South African history have vilified liberalism as a mere adjunct of imperial conquest, racial segregation and capitalist exploitation.

And in post-apartheid South Africa, the ANC has inevitably sought to remember its own heroes.

Under apartheid, the word ‘liberal’ was a term of abuse, employed with equal venom by opponents on the left and the right. To the Nationalist government,
when prefaced with the word ‘white’, liberalism meant race treachery. To those in the ANC – which had its own liberal tradition – increasingly from the 1960s liberalism meant holding onto white privilege, submitting to white trusteeship and paternalism, and stunting the revolution.

The ANC has not always been hostile to liberals. In 1962, the ANC President, Chief Albert Luthuli, wrote in his autobiography that the Liberal Party had been able to speak with “a far greater moral authority than other parties with white members” because of the quality of people at its head – people such as Alan Paton and Brown. And he called its policy of non-racial membership “an act of courage”.

A younger generation, centred on the ANC Youth League and among whose notables were Nelson Mandela, Walter Sisulu and Oliver Tambo, were more dismissive.

Prefigured by the Pan-Africanists who broke away from the ANC in 1959, Black Consciousness activists likewise denounced white liberals in the 1970s and 1980s. They insisted that the liberal identification of non-racialism with colour-blind integration served to keep the basis of the apartheid social order – white privilege – intact.

I ideological mistrust of liberalism has persisted in post-apartheid South Africa, fuelled by opposition to so-called ‘neo-liberal’ economic policies (which the ANC accuses the official opposition of advocating, and which, ironically, the ANC’s own alliance partners charge the government with pursuing).

The ANC believes it is faced with a major ideological offensive, “largely driven by the opposition and individuals in the mainstream media”, whose ‘key objective’ is “the promotion of market fundamentalism to retain the old apartheid economic and social relations”.

Others denigrate the history of white liberals by arguing that they waged a McCarthyite cold war against the ANC’s alliance partner, the SACP; were sanctimonious about the ANC’s recourse to violence; and “acquiesced in [PW Botha’s] murderous states of emergency … and aggression against neighbouring African states” in the 1980s.

Peter Brown’s life and work present the clearest refutation of such arguments.

Brown had a pragmatic approach to communism. He wrote in 1959 that communists had “been in the forefront of those who have put up the most spirited defence there has been of fundamental democratic rights”, and pleaded for liberals and communists to sink “our ideological differences for the moment and get on with the job of disposing of the devil we know”.

Dismissive of dogma, Brown sought to bring together different interests, traditions and organisations in the anti-apartheid cause. His liberalism was of the practical, not the purist, variety.

Always focused on the promotion of social justice and non-racial equality, Brown’s liberalism was nurtured by close personal friendships and interactions that transcended racial and ideological divides.

Although Brown abhorred violence, he never judged those, both in his own party
and in the ANC, who turned to arms. He believed that violence was “forced on reluctant people by the failures of the past”.6

The magazine *Reality*, which Brown edited after his decade-long ban expired in 1974, vigorously condemned the states of emergency imposed in the 1980s and the apartheid government’s incursions into neighbouring countries.

Peter Brown’s life history, which spanned the rise and fall of apartheid, offers the chance to re-evaluate some of the criticisms that are frequently directed at liberals. Brown’s biography is a political history of the times: in particular, it encompasses the history of a remarkable party, which, despite a brief life, left an enduring legacy.

Forced to disband in 1968 by the state’s Prohibition of Political Interference Act, which forbade blacks and whites from belonging to the same political organisation, the Liberal Party worked to make the common society a reality.

Through his leadership of the Liberal Party, Brown played an early and crucial part in articulating an alternative vision to the racial exclusiveness of apartheid: this was at a time when other anti-apartheid organisations in South Africa, such as those that formed the Congress Alliance, were racially compartmentalised.

In some ways, the Liberal Party marks a rupture in the history of South African liberalism. In style and substance, there are important discontinuities between the Liberal Party and the political tradition associated with nineteenth-century Cape liberals that preceded and nourished it.

And here it is necessary to confront some of the misconceptions that linger about the South African liberal tradition.

*Liberal versus Progressives*

There were significant differences between the activist extra-parliamentary liberalism of the LP and the parliamentary liberalism of the Progressive Party in the 1960s.

The Liberals launched as a non-racial party, whereas the formation of the Progressives in 1959, Brown noted, “was an all-white launching and the policy decisions were all-white decisions”.7

The Progressive Party only reopened its membership to blacks, in defiance of the Prohibition of Political Interference Act, in 1984.8

While the Liberals advocated universal suffrage from 1960, the Progressives continued to support a qualified franchise until 1978.

Where the Progressives rigidly adhered to ‘constitutional’ means of protest, the Liberals advocated boycotts and sit-ins. And, as the Progressives focused on civil rights, the Liberals campaigned for socio-economic rights, proposing various forms of regulation and redistribution to deracialise the economy.

Compared to the Liberal Party, the Progressives’ brand of liberalism in the 1960s was hidebound.
removals in Natal, for example, the Progressives focused on the Sisyphean task of converting the white electorate to non-racialism through the ballot box.

This is not to undermine the Progressives. They achieved something the Liberals did not: they bequeathed an enduring and sustainable institutional legacy for liberalism, through a political party which still exists today.

In his memoirs, Tony Leon observes that the history of the Progressive Party is not that of a “pristine political priesthood”, but of a political party that had to make “pragmatic ideological compromises in order to stay competitive and relevant”.

That is exactly what the Progressives did, and South Africa is better off for it.

But the Liberal Party also achieved something very important in the fifteen years of its existence, and Brown made a significant contribution to that achievement.

The Party championed the principles and values that, decades later, would constitute the foundations of non-racial, democratic, post-apartheid South African society: universal suffrage, the rule of law, and the legal protection of basic civil liberties alongside a commitment to social justice and equity.

In the 1960s, it was the only party in the electoral arena to do so.

While the Liberal Party failed in its quest to win a seat in the whites-only parliament, it succeeded in attracting a substantial black membership. The majority of delegates at its 1961 conference were black.

The Liberal Party was not a party for minority interests. It was not beholden to big capital. And it understood that liberalism is not just about formal equality alone.

**Liberalism in the future**

Very few people on all sides of the political spectrum understood and appreciated what the Liberal Party was attempting to do in the 1960s.

Very few people on all sides of the political spectrum understand and appreciate what liberals are attempting to do now.

Of course, liberals must take on board informed criticism. But they should reject with contempt the suggestion that they are engaged in an offensive against our democracy, as their opponents on the left have contended. The exact opposite is true.

The biggest challenge for liberals in our plural and unequal society is to find ways of accommodating diversity and addressing poverty while gaining the momentum of political support.

This task requires liberals to meet majority aspirations and quell minority fears, which seem at odds with one another, but which needs to be done if the liberal project is to succeed.

What did Brown think of the prospects for South African liberalism before he died? Interviewed in 1996, he predicted:

“There may come a time when the ANC starts to disintegrate or to produce factions … and … perhaps as the economy improves and so on …. there will be an opportunity to form a fully non-racial Liberal Party again. Something which will absorb the DP [now the Democratic Alliance] and elements from other political organisations …”

Time will tell if he is proved right.

NOTES

1 Alan Paton Centre (APC), University of KwaZulu-Natal, PC16/5/3/92, Winnie Mandela to Brown, 15 January 1982.
5 ‘Apartheid is the real enemy’, The Long View, Contact, 13 June 1959. Duncan’s open letter appeared in Contact, 2 May 1959.
6 ‘Why I support the boycott’, The Long View, Contact, 8 February 1960.
When I first studied history at the University of Cape Town in the 1980s, I came across a debate which had been raging in scholarly circles over liberal versus radical (usually Marxist) interpretations of South African history. We had, I recall, representatives of all the factions at UCT; liberals, Marxists, fairly conservative empiricists, and increasingly, scholars who were not so easily categorised. They certainly understood that economics was the engine of history, but noted that the dynamics of events could not simply be determined by one’s social class. They saw a role for ideas and individual human agency.

For too long ‘liberalism’ has been a swearword in South Africa, quite often associated with terms like ‘racist’ or ‘white’. While this association has rightly been contested (indeed with many authors showing how liberalism has been integral to African nationalism and to the polity of the new South Africa) the liberal/radical debate in South African historiography has been muted. Perhaps this is because that ideological divide no longer exists in South African historical scholarship.

Why does it no longer exist? It does not seem that either ‘side’ has been vanquished – if anything, it seems that a synthesis has emerged that takes account of race and class, structures of power and individual agency. Though this may be the result of the crisis of Marxism since 1989, I would like to suggest that it reflects a new accommodation – a new modus vivendi, one might say, which has emerged. I will suggest that such an accommodation is central to a proper understanding of liberalism.

**Making a distinction**

In teasing out the question of how South African Liberalism is represented historically, I wish to draw a distinction made by British political philosopher John Gray, who sees what he calls two incompatible distinctions within liberal thought. The first he categorises as a kind of universal rational consensus, the second as a project of peaceful consensus, which allows for values of toleration and coexistence between regimes and ways of life.

Gray rejects a simplistic liberal universalism in favour of a liberal pluralism that seeks consensus. Properly understood, universal human values “frame constraints on what can count as a reasonable compromise between rival values and ways of
life." This is a necessary step to resist totalitarian and fundamentalist regimes and ideologies. It acknowledges that there are “many varieties of human flourishing ... no less incompatible with the universalist political projects that have emerged from the Enlightenment” but, “To affirm that humans thrive in many different ways is not to deny that there are universal human values. Nor is it to reject the claim that there should be universal human rights. It is to deny that universal values can only be fully realized in a universal regime. Human rights can be respected in a variety of regimes, liberal and otherwise. Universal human rights are not an ideal constitution for a single regime throughout the world, but a set of minimum standards for peaceful coexistence among regimes that will always remain different.”

Gray’s understanding of liberalism as a modus vivendi, a project of peaceful consensus, rejects a crude ‘one size fits all’ universalism and the notion of a universal regime. Classic enlightened liberal thinking, from Locke and Kant to Rawls, Nozick, Popper and Hayek, cannot embody a kind of universalism tenable in today’s pluralist society. Liberalism as modus vivendi can.

According to Gray, modus vivendi

“expresses the belief that there are many forms of life in which humans can thrive...[it] accepts that there are many forms of life, some of them no doubt yet to be contrived, in which humans can flourish. For the predominant ideal of liberal toleration, the best life may be unattainable, but it is the same for all. From a standpoint of modus vivendi, no kind of life can be the best for everyone. The human good is too diverse to be realized in any life. Our inherited ideal of toleration accepts with regret the fact that there are many ways of life. If we adopt modus vivendi as our ideal we will welcome it.”

Notice how, if I read him correctly, Gray helps us to contextualise liberalism: universal liberal values (freedom, conscience, human rights, etc) have to be situated in real, as opposed to imaginary, idealised societies, so that they may be a universal force for good. They have to adapt and take their shape within particular political regimes, economic systems, religious beliefs and cultural practices.

I would add that Gray’s argument helps one to recognise the particularity and persistence of liberalism in societies such as South Africa, and to explain how one can see Liberalism as both a progressive and conservative force. With such lenses we can see how Cape liberalism in the 19th century was indeed progressive in its context; part of a trend that saw greater democracy in some of the outposts of the British Empire (notably New Zealand, Australia, Canada and the Cape Colony) than in metropolitan Britain itself. We can also see how the same tradition, espoused in the 1950s by elements of the Liberal, United and Progressive Parties, came to be justifiably challenged. In an era of universal metropolitan franchise and rapid decolonization of the Empire, the notion of qualified franchise was indeed anachronistic and patronising.

In fairness, the problem remained one of situatedness. Given the difference of constituency between the SA Liberal Party and the African National Congress, it is also reasonable to see how, between 1953 and 1958, the Liberals were able to apply
a gradualist approach to the application of universal liberal values, while the ANC (which had, until well into the 1930s, been a party of the black petty bourgeoisie, and reformist and gradualist in discourse) could now appear more universal in its call for full adult franchise.

That the latter were increasingly framing their call in Marxist language (another form of universal consensus) should not detract us from seeing far greater common ground with liberalism than many would today like to imagine. Socialist, or more accurately, social democratic, thinking was by the 1950s part of South African liberal thinking too, so much so that in 1961 Alan Paton could ask the Liberal Party conference whether the party considered itself a liberal or a socialist party. Similarly, prominent ANC leaders like Albert Luthuli, many of whom, like Luthuli, were close to Liberal Party leaders, could be seen to have feet in both classic Liberal and Marxist camps.

It is all too easy to ascribe such complexity to South African particularity, political confusion or an early form of ‘liberal slideaway’. Such analyses, I think, are too facile, often rooted in an understanding of liberalism that regards universal rational consensus as the unchanging and unchangeable norm. Rather, what I see in these particularities are illustrations of Gray’s case for liberalism, which seeks as a modus vivendi the particular application of universal principles in a specific context.

As we turn to look at the way in which South African liberalism has been represented in history, both as a ‘school’ of history writing and in the history of liberal politics, we shall see that much of the debate has been centred on conflicting universal rationalisms (liberalism and Marxism) rather than the search for a modus vivendi, and in this case, a modus intelligendi; a way of making sense of the past.

**Liberal versus radical historiography**

Within studies of South African historiography a number of key areas emerge that seem to categorise interpretations of the South African past: imperial, Afrikaner nationalist, African nationalist, liberal and radical ‘schools’ of interpretation. On closer examination, many of the authors and exemplars of the various schools conflate into each other, often unintentionally, as a result of the fidelity of the historian, however ideologically motivated, to the evidence he/she uses.

For the purpose of this article I shall focus on aspects of the liberal.radical debate in South African historiography. I shall argue that much of the ‘debate’ is more a reflection of the debaters’ positions than of the historical texts under examination. I shall also suggest that Gray’s distinction is a useful means to challenge the underlying liberal and Marxist universalisms that underpin the debate.

The crude lines of the debate might be sketched as follows: while liberal historians emphasised race (cooperation as much as conflict), radicals emphasised class (both its formation and struggle). Even as they picked over the same area or period (e.g. 19th Cape frontiers), historians stressed different things, sometimes to such a degree that one imagines they were writing about a different subject. Both groups have been accused of excessive selectivity in the facts they chose to advance their argument, but, as we know, a list of factoids does not a history make! What we
have in both cases are attempts to construct a narrative that has contributed to a contested understanding of a past that has a bearing on the South African present and future.

From the 1960s until well into the 1990s there was a real sense that the writing of history reflected trends in the broader struggle against apartheid. For the narrowly positivist empirical school of research it seemed that facts alone could change peoples’ minds – epitomised by the annual Surveys of Race Relations produced by the SA Institute of Race Relations, as well as by journalists who believed that unvarnished factual exposés could bring down apartheid. Marxists countered (correctly, I would argue) that such a view failed to recognise how economic and social self interests rendered such evidence impotent, unless framed in terms which showed the futility of minority privilege in the face of popular resistance.

Just as much Afrikaner history had become a function of the myth of Afrikaner nationalism, so too had Marxist history become servant to the (real or imagined) class struggle. At its most crude, it expressed (often rousingly) the forward march of a proletariatised African people, heading with varying degrees of inevitability towards its own October Revolution. In other forms, it reduced ‘liberal’ agencies such as churches, missionaries and white liberals to little more than agents of colonial power. (The fact that said subjects occupied a more ambivalent position did not fit into the schema).

In contrast, it must be noted that many liberal historians committed much the same error from the other side. With liberal history’s emphasis on race cooperation and, at times uncritical, presuppositions of the truth of universal humane rationalism, not mediated through the frame of a particular constraint of context, they presumed only the best motivations of the subjects they examined. Many also mirrored in their assumptions the electoral gradualism of liberal parties. Few tried to seriously address the real question that Marxists hammered home: that in some way or another apartheid was linked to the economy, that existing South African capitalism had to varying degrees benefitted from apartheid and that any future democratic dispensation would have to address what kind of capitalism (if any!) was needed for South Africa.

An exception to this, and one that proves both the complexity of liberalism and the need to avoid making historical overgeneralisations, was the historian C W De Kiewiet, whose superb synthesis *A History of South Africa: Social and Economic* remains a classic attempt to understand South African economic history by one who was undoubtedly a liberal in his politics, but who was open to certain forms of socialism. Another example of a liberal who took economics seriously in his analysis of society was the young Leo Marquard, who under the name ‘John Burger’ presented a case for socialism in South Africa in the 1940s.

Even as the debate between liberal and radical historians came to a head in the late 1970s, one of the most astute observers, American historian Harrison Wright, noted that despite their differences liberals and radicals shared much common ground. Both, he noted, shared a common faith in reason and optimism for a possible future (which echoes Gray’s point about universal rational consensus); both look for agency...
behind social crises and are sure that they can judge such agency. Both have a sense of moral superiority about the rightness of their cause, and the sense that past and present can influence a future that they desire.\textsuperscript{12}

Reasons of space prevent me from revisiting the debate that Wright himself generated. Rather let me point out that from the 1980s onwards the lines between liberal and radical history writing in South Africa blurred even further. Marxist scholars, with the exception of a handful enamoured of Poulantzian structuralism, were already moving beyond where they had been — they were increasingly open to the role of culture, identity and even personalities in history. Some Poulantzians would soon follow suit. Liberals, too, emulating the pioneering thinking of De Kiewiet, came to see the economic dimensions to history more clearly, and even recognised the accuracy and validity of class analyses and class struggles as forces for historical change.

Indeed, one often wonders today whether distinct terms like ‘liberal’ or ‘Marxist’ make any sense. Historian Charles van Onselen, coming from the stable of ‘cultural’ Marxism (influenced by British social and socialist historians like E P Thompson and Eric Hobsbawm), made his name with brilliant socio-economic studies of black and white working-class culture on the Witwatersrand\textsuperscript{13}. His later books include biographies of a black sharecropper and an international gangster (who may have been Jack the Ripper!), as well as a rip-roaring narrative of Highveld banditry\textsuperscript{14}. Though these books, with their focus on individuals and personal agency, may seem the kind of thing a liberal historian may write, they share, together with his earlier work, an interest in social and economic outsiders. That they show a toenadering between liberal and Marxist scholarship is no anomaly, but rather a sign of Gray’s notion of the modus vivendi: liberals and the left finding at least elements of common ground in a new context.

The role of liberal movements and persons in South African historiography is all too often underplayed by radicals or overplayed or addressed uncritically by Liberal historians.

The historiography of South African liberalism

Less friendly are the relations between liberal and radical historians of South African liberalism itself. Given that a certain form of South African liberalism continues in party political form (the Democratic Alliance) and that a less explicit but no less real form of liberalism has in fact triumphed post-1994, in the South African Constitution and Bill of Rights, in the rule of law and in the primacy of institutions like the Constitutional Court and the office of the Public Protector, this should come as no surprise. We may even say that Gray’s modus vivendi liberalism has become the consensus from which all but a few slightly odd political players operate. But the need of the present to affirm the triumph of ‘liberation’ over ‘liberalism’ necessitates downplaying liberal political figures and parties.

The role of liberal movements and persons in South African historiography is all too often underplayed by radicals or overplayed or addressed uncritically by Liberal historians. A historian like Paul Rich, particularly in his earlier book White Power and the Liberal Conscience\textsuperscript{15}, epitomises the former tendency. In his book, covering 1921 to 1960, Rich focuses almost exclusively on liberalism as a tool for white social control, assimilation of the black middle class and the promotion of 19th century Cape liberal political gradualism. He seems not to recognise that the Liberal Party itself comprised a range of traditions, split between generally conservative Cape
liberals, radical Transvaalers and pragmatic Natalians, or indeed that it underwent a fairly rapid radicalisation. In 1953, it stood for a (Cape-style) qualified franchise. By 1958 it advocated universal suffrage, and by its demise in 1968 it stood ideologically more or less in the same camp as the ANC.

While his later book *Hope and Despair*\(^\text{16}\), a collection of essays interpreting liberalism as caught between these two emotions (once again, a gross simplification), is somewhat more nuanced in its critique and more generous in acknowledging the radical potential of liberalism, the damage Rich did was already done. Former Liberal Party members treated the approach of historians with suspicion, refusing them access to their papers, jealously guarding privately held collections of Party documents and tending towards defensiveness in interpreting their own history.

A breakout came in 1987 with the publication of a collection of conference papers from 1985, *Democratic Liberalism in South Africa*.\(^\text{17}\) The book went further than any previous work in reaffirming not only the importance of the Liberal Party, but also the role of liberalism in many other sectors of society. Significantly, it noted how conservative, centrist and radical streams had coexisted and persisted in liberalism. Some of the scholars even drew connections between the liberal tradition and the demand for national liberation. This was echoed, interestingly, in an entry on liberalism in a more radical book, a theological reflection, *Contending Ideologies in South Africa*. The authors admitted that liberalism was varied, had radical potential and could indeed find common ground with liberation theology, even if, in the opinion of its authors, liberal individualism might challenge the covenantal relationship of God with humanity.\(^\text{18}\)

Yet liberal defensiveness has remained a factor. One senses elements of liberal apologetics even in the otherwise excellent history of the Party by one of its sometime members, Randolph Vigne.\(^\text{19}\) While earlier historian, Janet Robertson,\(^\text{20}\) seems to take up a kind of ‘centrist’ view (a la Alan Paton), Vigne is more clearly concerned to show how the Liberal Party became a radical movement in South Africa at a time, the 1960s, when African nationalism was crushed and the mantle of resistance was passed to the churches, the student movement and the Party. By showing it interacting with many different sectors, he manages to avoid a kind of moral universalist model of interpreting the Party and portrays liberalism in splendid ideological isolation.

Perhaps more than any area of South African historiography (except maybe church history), biography is the realm in which liberalism has thrived. From the works of Paton (on Jan Hendrik Hofmeyr and Archbishop Geoffrey Clayton) to Michael Cardo’s recent biography of Peter Brown, the figure of the liberal has been central. This makes sense. Distinguished historian and biographer Hugh Brogan observes:

“Biography at its best is a profoundly civilising force. It rebukes historians, with their bias in favour of generalisations, social forces, political machinery and machinations. It rebukes bigots, who forget the price in individual human suffering that their rigidities exact. It rebukes philistines of all sorts, showing the richness in variety of human life and experience. It can display greatness but it also shows the cost of greatness to the ordinary people surrounding the hero or heroine.”\(^\text{21}\)

In short, it epitomises the liberal project that emphasises human agency, personhood and liberty. Unfortunately, practised in a vacuum it may equally obscure the situatedness of any biographical subject. Moreover, it heightens the sense of person in the process (a person writing about another person) where all too easily (and perhaps inevitably) the selfhood of the writer rewriting the subject of the biography in the writer’s own image. If all writing is a projection of one’s self, how much more is biography a self-projection of the other? Radicals and liberals alike are vulnerable to this, with many a Marxist scholar knowingly or unknowingly projecting his/her Marxism onto the events and opinions of the person under examination.

**Why writing and reading history matters**

Historical writing is a modus intelligendi, a means of understanding and interpreting the past. It is almost inevitably done from the perspective of the present, and as in any act of writing, is implicitly, if not explicitly, an expression of the values, preoccupations and ideas of the author. With this in mind we should be wary of any claim to radical objectivity; if anything we should acknowledge and perhaps celebrate the subjectivity of the exercise. Such subjectivity should not however be seen as an excuse for either fabrication of evidence or epistemological relativism.

Where does this leave the representations of liberalism in South African history (both as liberal history writing and as the history of liberalism)? I would like to sum up my thoughts by means of a few theses.
Thesis One: South African liberalism is best understood historically as a pragmatic response to the situation in which liberals find themselves. At its best South African liberalism sought to adapt universal values to a concrete situation to find an acceptable modus vivendi. This accommodation to context gives liberalism the opportunity to engage with other ideologies, and does not tie liberalism to laissez faire capitalism or restrictive electoral politics.

Thesis Two: The liberal/radical debate in South African historical writing reflects a changing relationship between liberalism understood as a universalism and its development of a modus vivendi. At its most acrimonious there was a clash of universalisms; as a more pragmatic understanding of liberalism and Marxism developed, the tensions eased. The negotiated transition expresses a decidedly liberal way out of apartheid, as does a Constitution rooted in tolerance. This, needless to say, needs encouraging.

Thesis Three: Far from being an ivory tower debate, the liberal/radical controversy in South African history points towards a positive re-evaluation of liberalism in our society. By seeing the complexity in our past, be it the role capitalism played in the creation and dismantling of apartheid or the role of human agency and chance in social transformations, we can see the complexity of our present and future. The negotiation of value, the practice of compromise, based on the affirmation of core values, is essential to peace in South Africa. Liberal values as a modus vivendi that take into account changing contexts make this peace both possible and desirable to the broadest base of people.

NOTES
2 Ibid, 21.
3 Ibid, 5.
4 Much as present interests try to wipe out this initial gradualism, couched admittedly in a ‘one day’ attitude to universal franchise, the case remains that the early ANC were essentially a party of black middle class liberals whose own interests came before national liberation; see Dale T McKinley, The ANC and the Liberation Struggle: A Critical Biography (London: Pluto Press, 1997).
6 It is worth noting that harassment of journalists then and now suggests that successive Establishments may well be empirical positivists!
8 Nosipho Majeke [Dora Taylor], The Role of the Missionaries in Conquest (Johannesburg: Society of Young Africa, 1952).
10 On De Kiewiet, see: Christopher Saunders, De Kiewiet: Historian of South Africa (Cape Town: UCT Centre for African Studies, 1986).
12 Harrison M Wright, The Burden of the Present: Liberal-Radical Controversy over South African History (Cape Town: David Philip, 1977), 94.
Liberalism as a political ideology is the product of the peculiar political evolution of Europe during and after the decline of feudalism. As a system built on and sustained by undisguised privilege, feudalism had placed severe constraints on the individual, with impositions from both secular and clerical authorities. Consequently, the struggle for greater freedom was framed as one to emancipate the individual from what were seen as unreasonable laws, customs and mores that restricted individual freedom.

Liberalism regards the individual as the ultimate social and political agent, endowed with a number of rights. The ideology also acknowledges that individuals live in societies and are not totally autonomous atoms, so it recognises a number of societal obligations the individual should fulfil in order to co-exist with others. In the continent of its birth, liberalism proved most attractive to propertied classes of the emergent cities and gentlemen farmers of the countryside, who had embraced the anti-feudal ethos of high social status attained through individual achievement rather than through birth. As propertied persons, the early liberals were very distrustful of the working poor and property-less, whom they saw as venal and easy to corrupt. The franchise and attendant political rights were therefore to be enjoyed by the propertied classes, and extended to the other classes on the basis of merit, demonstrated by a certain lifestyle.

At its birth in the 19th century Cape Colony South African liberalism was in the midst of an expansionist, European settler, colonial society in which class, race, ethnic origin, religion and even home language directly impacted on a person's status. Liberalism was a political current among the White settlers, and was fraught with ambiguities and contradictions.

These are captured in the persons of Thomas Pringle and William Porter. Pringle, the abolitionist and pioneer of a free press, identified with the Africans' resistance to colonial subjugation. He campaigned tirelessly for the release of David Stuurman, whom he dubbed “The Last Hottentot King”, and his poem, “Makanna’s Gathering” is an unequivocal endorsement of the defensive wars of resistance.

The other renowned liberal, Porter, was a clever imperial political strategist. As Attorney General of the Cape Colony, he was largely responsible for the 1853 Cape constitution with its Whig franchise, deliberately designed to counter the weight of the Afrikaner vote with those of Coloureds and Africans and to encourage a cross cutting compact among the propertied classes. Porter famously remarked: “I would rather meet the Hottentot at the hustings, voting for his representative, than meet the Hottentot in the wolds with his gun on his shoulder”, articulating a pragmatic preference for peaceful contest over armed conflict.

South African liberals’ split personalities can be traced to the decades preceding the opening up of the mines in 1867. Their humanism persuaded a man like Pringle to raise his voice against racism, slavery and colonialism. But the liberals were also integral to the colonial settler society and saw their future within it. Thus were the majority of liberals tempted to expediently compromise principle when it clashed
with the interests of empire. Porter’s liberal politics converged with the imperial project. But like his European contemporaries, Porter and his supporters distrusted the poor. In the Cape Colony the working poor were Coloureds and Africans. The Cape franchise thus had both a class and racial dimension.

For African and Coloured voters, the Cape franchise was the token of their citizenship, the promise of an expanding floor of rights as equal subjects of the British Empire with the Whites. For the strategists of empire, it was a political instrument to impose and secure British hegemony in South Africa, by containing the Afrikaners on the one hand while co-opting the Black propertied classes on the other, as junior partners in an alliance against the Afrikaners who sought to disenfranchise them. The Colonial Office in London regarded the Cape franchise as a device to build a multi-racial bloc amongst the propertied classes as the bulwark of empire in Southern Africa. Concrete material and political interests undergirded Cape liberalism.

In exchange for the surrender of Boer sovereignty at Vereeniging, the British surrendered the political rights of their erstwhile African and Coloured allies in the Cape. The Cape franchise was sold down the river at Vereeniging, a betrayal confirmed by the 1905 Native Affairs Commission, where the colonial system that evolved into apartheid was first elaborated. The 1905 Commission charted a new path for South Africa, in which only Whites would be citizens and all Blacks would be reduced to subject peoples. The tattered shreds of the Cape franchise were swept away in 1955, when the NP finally disenfranchised the Coloureds. By the 1960s, no Black South African had a claim on citizenship. We were Bantu citizens of some nine or ten “homelands”, Coloureds and Indians, but definitely not South African citizens.

A portent of the ambiguous role the White liberal was destined to play in twentieth century South African politics was W.P. Schreiner, the only White who associated himself with the delegation opposing the Act of Union that arrived in London in 1909. An outspoken Eastern Cape liberal, he had watched in dismay as the convention movement gathered momentum amongst the Whites, with emphasis on White unity against the Black majority. Schreiner was compelled to link up with the political representatives of the Blacks. After Union, liberals were compelled to fight a losing rearguard battle, as successive White governments whittled away the political rights the Black propertied classes had formerly enjoyed. What was horse-traded at Vereeniging and during the South African convention made the Black Sash, mourning the violation of the Constitution to abolish the Coloured vote, inevitable.

For most of the twentieth century the overwhelming majority of Whites refused to accept and embrace the verdict of history: that it was impossible to unscramble the historic omelette that South Africa has become. Consequently, twentieth century White South African politics was dominated by ever more dangerous attempts to deny and reverse the reality that Black and White lived together in a common society, in which powerful centripetal forces were knitting them ever closer together. In contrast, the oppressed majority responded to their existence in a common society by evolving an inclusive African nationalism that defined the national project as the realisation of a non-racial democracy.
For decades, South African liberals were pre-occupied with the dilemmas this posed. During the 1920s a few were attracted to the notion of territorial segregation, a South Africa devolved into two autonomous White and African states. Liberal ambivalence about African urbanisation is evident too in the Alan Paton of “Cry the Beloved Country”, who portrayed it as a disastrous loss of innocence, leading inexorably into gangsterism, prostitution and political opportunism.

A British aristocrat who has attained notoriety for indiscretion reportedly once required Tony Leon to explain why they chose the name Democratic Party when they claimed to be a liberal party. Unconvinced by the convoluted rationale Leon offered he muttered, “Quite!” before stalking off imperiously.

Apocryphal tales are invariably as highly spiced as this one is, but can nonetheless be helpful in uncovering un-acknowledged truths. The explanation Leon withheld is that it was not wise because the name “Liberal” would have antagonised White voters but would not have attracted a sufficient number of compensatory Black voters.

He also withheld the fact that there had once been a Liberal Party, founded in 1954 after the 1953 elections in which the NP increased its parliamentary majority. While the African voters of the Eastern Cape, holding on to the demeaning communal vote tossed to them by Smuts in 1936, elected the Liberals Margaret Ballinger and Donald Molteno as Native Representatives in the Assembly and Senate, it was a hard fact of South African politics that White constituencies did not elect Liberals. Perhaps more significantly, commencing in 1948, the African voters of the Western Cape successively elected the Communists, Sam Kahn, Brian Bunting, and then Ray Alexander to these positions. When named Communists were excluded from Parliament, they elected Len Lee Warden of the Congress of Democrats, an ANC ally, who held the seat until the Native Representatives were abolished in 1960.

Yet, even as its voice in Parliament was being kept alive by African voters, the Liberal Party regarded a universal franchise as far too radical. Running like a blue thread through the history of South African liberalism is a readiness to defer to White prejudices consistently repaid in the coin of unambiguous rejection. Left to their own devices after the removal of the Native Representatives, for the next twenty five years the White electorate denied every liberal, save Helen Suzman, a seat in Parliament.

The recommendations of the Fagan Commission of 1946 represent the farthest that post-war South African liberalism was prepared to go in embracing a common society. One of Fagan’s findings was that African workers were destined to displace Whites in virtually every sector of the economy. Yet the liberal, Jan Hendrik Hofmeyr, acting as Prime Minister during Smuts’ absence at the United Nations, prosecuted the leadership of the African Mineworkers Union for organising a strike in 1946, then charged the leaders of the Communist Party with sedition for its involvement in that African Mineworkers strike!

The Smuts government downplayed the significance of the commission’s findings for fear of confirming the NP’s “Swart Gevaar” electoral rhetoric in 1948. It remains a matter of speculation what direction South African politics might have taken had Smuts had the political courage to run on Fagan Commission’s recommendations in 1948. Fear of the conservatism of White voters persuaded him to be cautious.
The vision of the liberals of the 1950s was essentially integrationist: A state designed, defined and dominated by the White minority, into which “deserving” Blacks would be integrated on the basis of merit. As Percy Qoboza once explained, there was degrading racial presumption implicit in the notion of a qualified franchise that assumed that any White tramp was competent to have the franchise, while the African editor of an important daily was required to demonstrate his competence.

South Africa’s liberals tried for decades to merge elementary democratic principles with a political order that would give the White minority veto power over the will of the majority. During the early fifties they thought a qualified franchise, applicable only to Blacks, would achieve this. While the liberals accepted that White and Black lived in a common society, it would be on terms determined by the Whites.

The Liberal Party found it increasingly difficult to manage this tension in its politics. Ghana’s independence in 1957 had set in motion the rapid decolonisation of the African continent. The more far-sighted among the Liberals found ways of coming to terms with these continental developments. Patrick Duncan used his journal, “Contact”, to cover these unfolding African events as did “The New African”, a literary magazine founded and edited by Randolph Vigne. By 1962 the Liberal Party was ready to embrace a universal franchise and was remaking itself as a predominantly Black party fully supportive of majority rule. Patrick Duncan, the most radical amongst them, ended his life as a member of the Pan-Africanist Congress. (PAC)

The Liberal Party opted to disband when the NP statutorily banned non-racial political parties. The Progressive Party (Progs), explaining that this was the only way to retain a foothold in Parliament, bowed to the racist ban and expelled its black members. For well nigh twenty years after this the Progs managed to hold on to only one seat in Parliament. At moments when the democratic movement was at its weakest, a number of liberals once again toyed with the idea of territorial separation. It was the weight of mass political action that persuaded most liberals to return to the mainstream of elementary democratic principles.

For diametrically opposite reasons, both White and Black South Africans distrusted liberals and found liberalism unattractive. The gestation of South Africa’s liberal democratic Constitution was ironically a dialogue between parties from the opposing poles of the political spectrum – the ANC on the left, the NP on the right. Representing constituencies that were suspicious of liberalism, in the process of finding each other in negotiations they arrived at the common ground of the institutions of liberalism.

Racial oppression and apartheid in South Africa were the institutional framework brought about by the development of capitalism in a colonial environment. It required mass action, in which the individual was often subordinated to the collective, to bring it down. Liberals played a very marginal role in these developments.

Because they have historically preferred reformist instead of revolutionary methods the liberals have invariably locked themselves into White South African politics, making them hostages of the racially privileged Whites. Liberal politicians who relied on White votes had a very short shelf life in South Africa. The poor performance of the Progs after 1963 indicates that it was only the wealthiest Whites,
fearing no competition from the Blacks, who were ready to relax the regime of racial oppression.

All political leaders, White or Black, who sought change, were keenly aware of the racial conservatism of the White voters. In deference to such racial prejudice the farthest the ANC of 1923 was prepared to go was a return to the old Cape franchise, to be applied throughout South Africa. The same considerations counselled moderation in language and in political tactics, constraining the leadership to prefer petitions, deputations and a search for dialogue rather than militant tactics. In their desperation to save the Cape African vote, threatened by the Hertzog Bills in 1935, some African leaders even resorted to pandering to White fears with re-assurances that since White women had been enfranchised in 1930, there was no possibility of African voters overwhelming Whites.

For two decades after 1910 Black leaders clung to the illusion that political moderation on their part would persuade a critical mass of White voters to elect a reformist government that would incrementally abolish racism. Unfortunately Liberals made no headway amongst a White population all of whom recognised and cherished their status of privilege at the expense of the Blacks. Liberals usually opted to yield to the prejudices of the Whites, leading to the parting of the ways in the post-war years. Writing to Dr Rheinhallt-Jones in exasperation in 1942, ANC President Dr. A.B. Xuma declaimed: “One cannot wait for public opinion to be ready for reforms. One must lead public opinion to see the need for reforms by stating the case to its final and logical conclusions no matter whose interests it affects.”

“The Africans’ Claims”, adopted by the ANC conference the following year, defines the divergent paths hewn by what had formerly been allies. Democracy in South Africa would inevitably result in the political dominance of the African majority. As this was an outcome Whites found unacceptable, the liberals preferred to compromise democratic principles and capitulate to racial bigotry. In opposition to the integrationist project of the liberals, the liberation movement put forward a national democratic revolution. The liberation movement’s vision is captured in the preamble of the Freedom Charter, as “South Africa belongs to all who live in it!” But this would only be realized by a democratic transformation that would amount to a political revolution.

By the ‘70s it had become so commonplace that only the most dogmatic racists and ethnicists rejected it. But even at that moment the party that had become the flagship of liberalism, the Progressive Federal Party (PFP) was still not comfortable with a universal franchise. When it finally did embrace this basic democratic notion, the PFP hedged it with a federalism, explicitly designed to thwart what it delicately called “majoritarianism.”

After the revival of a mass movement in the wake of the Soweto Uprising, those liberals who had overcome their fears of African majority rule, like W.P. Schreiner in 1909, found ways of cooperating with the movements of the oppressed. Despite
their own misgivings, doubts and scepticism they discovered that the ANC had acquired a growing hegemony over the struggle for change and in order to be relevant they had to relate to it. Those liberals who remained fearful of real democracy sought and found temporary allies amongst homeland leaders, toyed with various constitutional models or tried to stimulate dialogue among the antagonists.

As the system of apartheid unravelled during the 1980s, liberals could be found spread amongst a number of political trends: the Institute of Race Relations, the Urban Foundation and a few smaller bodies that had recently discovered the evils of apartheid on the right; on the left the Five Freedoms Forum, the End Conscription Campaign plus smaller bodies affiliated to the UDF. In the centre was the Institute for a Democratic South Africa (IDASA), founded by the former leader of the PFP, van Zyl Slabbert, and the new phenomenon that Thabo Mbeki dubbed “the New Voortrekker”. The 1988 White elections indicated shifts in the tectonic plates of White political opinion when a few liberals were elected on the PFP ticket. But in both CODESA I and II the liberals were a sideshow.

Liberalism remained an isolated minority trend amongst Whites. The NP’s impressive showing in the ’94 elections demonstrated that the majority of Whites still supported the party of apartheid, perhaps in the hope that it would thwart the ambitions of a democratic government.

The political practice of our liberals tends to be ambivalent, betraying a lingering Whig scepticism about the political capacity of the poor and non-propertied. South African liberals express this in insulting references to our general elections as “racial referenda”.

Under the leadership of Helen Zille, liberalism’s flagship, the Democratic Alliance, has finally come to terms with the post ’94 political settlement and dropped its “fight back” posture. It is trying to appeal Black voters by appropriating the language, style, the icons, images and totems of the liberation struggle.

Perhaps one’s final verdict could be the words of Oscar Wilde: “Imitation is the sincerest form of flattery!”
How Liberal Is the Current ANC?

What is liberalism?

The first question to ask is: what do we mean by “liberal”? A great deal has been written on this subject, and I shall not say very much. Ever since it was first applied in the English language to political opinions and attitudes, the word “liberal” has taken on a variety of meanings. In his book *Keywords*, Raymond Williams teases out some of these. The flavour of the word depends largely on the political perspective of the person who uses it. To a person of right-wing views, “liberal” is apt to suggest a certain slackness or sentimentality, a tendency to be over-generous towards the lower classes. To a person on the left, the word usually conveys a somewhat similar sense of slackness and sentimentality (with the addition, very often, of a suggestion of canny calculation), but now with the implication that the inevitable pressures of class conflict are being consciously or unconsciously evaded. People happy to describe themselves as liberal, however, would normally claim to be operating creatively and soberly somewhere in the area between the prejudices of the right and the presuppositions of the left. Most of them would be willing to accept the general definition of liberalism offered by Alan Paton: “By liberalism I don’t mean the creed of any party or any century. I mean a generosity of spirit, a tolerance of others, an attempt to comprehend otherness, a commitment to the rule of law, a high ideal of the worth and dignity of man, a repugnance for authoritarianism and a love of freedom.”

Various attempts have been made to assess objectively some of the ambiguities held within the spectrum of liberal thinking. It has sometimes been proposed that the more progressive side of liberalism places its main emphasis on human rights whereas the more conservative side insists strongly on property rights. All of these complexities have been and are still present, of course, in the South African scene and its accompanying discourse. The more conservative – or least socialist – edge of liberalism has been highlighted (and perhaps parodied) in recent decades by the introduction of the notion of “neo-liberalism”, which insists heavily on the value of market forces and the wrongness of too much government intervention in economic affairs.

What might the average reader of *Focus* mean by “liberal”? Maybe *Focus* has no “average readers”, but the Helen Suzman Foundation proclaims its support for “liberal constitutional democracy”, which means, presumably, a socio-political system of the kind envisaged in our Constitution. But a Constitution is a large and
complex document. Inevitably, and correctly, it echoes some of the tensions and ambiguities within the society that it is attempting to guide and regulate. In terms of the Constitution, one clearly needs a balance between the conservative emphasis on, say, property rights and the more egalitarian emphasis on the whole range of human rights. But where, in specific situations, should the primary stress fall?

The history of the word “liberal” within the ANC

Bearing these issues in mind, I'd like to look briefly at the history of the contested concept of liberalism, and indeed of the word “liberal”, within the ANC. In its first decades these matters weren't much discussed, but ANC members seem to have taken for granted the norms of the Westminster system of government, and it was against the South African distortions of this system that they raised their protests. In the 1930s some Marxist views entered the discourse, but even with the new militancy of the ANC Youth League in the 1940s it was still mainly the white government’s failure to live up to its own supposed ideals – the ideals eventually put forward at the founding of the United Nations – that was targeted. After this, with the influence of South African Communists and the fact that the ANC in exile got much of its support and training from countries in the Socialist bloc, a fairly hostile view of liberalism and of liberals began to become common.

Meanwhile, inside South Africa, another challenge to “liberalism” had emerged: Black Consciousness. For Steve Biko and his colleagues and followers, liberals – “white liberals” – were people who made inept attempts to assist blacks in their struggle, whereas their real task should have been to conscientise their fellow whites. Liberals were also thought of as hypocritical: well-to-do, claiming a desire for social justice, but ineffective (and often not as distressed by this as they should have been). In the 1970s the pejorative sense of “liberal” was fairly widely found among those firmly committed to the anti-apartheid struggle, many of whom were opposed to capitalism and particularly to the way in which it seemed to be operating in South Africa. I once heard Beyers Naudé speaking very critically of liberals. I asked him who he would regard as a typical liberal, and he replied immediately “Harry Oppenheimer.”

But of course many things changed within the ANC and within South Africa in the early 1990s. Now the movement, inspired by the newly freed Mandela, was aiming not for revolutionary victory but for a historic compromise, for reconciliation, albeit a somewhat hegemonic reconciliation. In these circumstances those who had often been branded as “liberals” turned out to be the people with whom the ANC had to work, and indeed could work. And the more perceptive thinkers within the ANC recognised that “liberalism” had in fact achieved a good deal in making it possible for the majority of whites to accept the radical political changes which were beginning to take place. The significance of Helen Suzman and the Progressives was quietly acknowledged, though often somewhat grudgingly. Alan Paton’s great novel, with its talk of blacks and whites working together for the good of the country, which had in 1980 seemed to many to be absurdly unrealistic, suddenly appeared to make some sense. Speaking in Durban shortly after his release from prison, Mandela mentioned the example of Peter Brown, a leading member of the Liberal Party.
South African politics was transformed, but (for better or worse) the economy was not, so the ANC also found itself working with the Oppenheimer's and other leading industrialists and business people. And the new Constitution, which came out of tough negotiations, was a striking blueprint for what could only be called liberal democracy.

How did this happen? How did this liberal text emerge after years of Communist influence within the ANC? A number of things need to be noted here. The ANC didn't become a communist organisation; it never merged with the SACP. The anti-liberal prejudice, in so far as it existed, had been against the sort of people that “liberals” were assumed to be rather than against all liberal concepts in themselves. Moreover, as I have noted, there was a new recognition of the value and the values of liberalism. But almost certainly the crucial fact was that, with the collapse of international communism, there was really no viable alternative to the liberal democracy that dominant world opinion seemed to expect or demand. South Africa wished to be accepted by the international community: both any curtailing of democracy and the introduction of a command economy of any sort were out of the question. It is worth remembering, then, that though the ANC could certainly not be accused of accepting and indeed fully participating in the new constitutional dispensation in bad faith, it was to some extent ushered along the path that it took by the circumstances of the time.

The current ANC view of “liberals”

I have said something about the history of the concept of liberalism and of “liberals” within the ANC. What is the current situation? How are “liberals” regarded nowadays? And how liberal, in the broadest sense, are the views of most ANC members?

To tackle the first question first: for many ANC members “liberals” are still regarded as the enemy. One of the main reasons for this is that the Democratic Alliance, the official opposition which is growing stronger and beginning to become a threat to ANC dominance, describes itself as liberal. It does this with justification, as it is firmly committed to “liberal constitutional democracy.” Unfortunately and inevitably, however, the DA is also the party which represents the interests of the more affluent whites – whether it likes it or not, it is South Africa’s Tory party – and the result of this is that the term “liberal” still implies in the minds of many ANC members the notions of conservatism and a reluctance to seek ways of redistributing the country’s wealth.3

The views of ANC members

The question of how liberal are the views of most ANC members, and of the party as a whole, is the main question that this article needs to tackle, and it is of course the most difficult one.

One needs to begin with a few fairly obvious points. Any political party in any country is likely to harbour a variety of viewpoints; this is particularly true of the ANC which has a large following and is, as is so often said, a “broad church.” This “church” shows signs of getting even broader now that its newly affluent adherents are starting to
savour the advantages of the current status quo and its poorer members are feeling disgruntled and beginning to look for populist and/or radical left-wing solutions.

Another clear point is that, in any political party anywhere, a fair number of its members will be not particularly thoughtful or well-informed, and will rely to a large extent on the views of leading members. Again this is particularly true of the ANC, most of whose members or voters had had no experience of formal democratic processes before 1994 and were and are (for reasons that we know well) poorly educated.

Having said that, I must add that, in electoral terms, things have so far gone well under ANC rule. Though corruption has emerged in many areas of public life, elections seem to have been, broadly, distinctly free and fair. The Independent Electoral Commission has run things sensibly and has used procedures for counting votes which make vote-rigging very difficult. When one reads accounts of probably falsified election results in a country like Russia, one realises how fortunate we have been. There are of course the cynical voices which say: “No problems yet, as things are still going pretty well for the ANC. The real test of electoral integrity will come when it begins to lose votes on a large scale.” This may perhaps be so; but, though in recent elections the ANC has lost votes in eight of the nine provinces, there have been no serious allegations of fraud.

The views of ANC leaders

It is, however, the views and attitudes of the leaders of the ANC that are most important as we attempt to tackle our main question. How liberal are these views and attitudes?

The ANC has changed a great deal in the last twenty years. In the 1990s, especially the earlier years of the decade, the leadership of the ANC seemed to be firmly supportive of the liberal constitutional democratic ideas that later became inscribed in the Constitution of 1996. The leadership was strong and respected by members, and there was an overall coherence in the positions that were advanced. There were a few maverick voices, such as those of Harry Gwala and Peter Mokhaba, but one never suspected them of representing mainstream ANC points-of-view. One was aware too that, after centuries of discrimination and suffering, a great deal of resentment must have been simmering beneath the surface. But discipline was strong, and the unembittered and magnanimous Mandela was the role model.

When I joined the ANC in 1990 some of my old Liberal Party friends expressed some surprise; many of them headed in the direction of what is now the DA. They were no doubt very aware of the Marxist and totalitarian elements that seemed to have been present in the ANC until shortly before 1990. My view was that, after the struggle years in which so many people had died or suffered, the ANC, which for all its imperfections was now committed to democratic procedures, occupied the moral high ground. It seemed to me right that the transition to democracy and sanity should be led by the party the majority of whose members were black. Many of my white friends seemed to share my admiration for Mandela, but I found it frustrating that most of them were unwilling to vote for him and the ANC.

One was aware too that, after centuries of discrimination and suffering, a great deal of resentment must have been simmering beneath the surface. But discipline was strong, and the unembittered and magnanimous Mandela was the role model.
**Change in the ANC**

But in the years that followed the ANC began to change. Mbeki’s leadership proved divisive, and divisions at the top led to a loosening of the political and intellectual discipline which had been important and impressive under Mandela. Mbeki also made some serious mistakes, particularly in relation to the arms deal and HIV/AIDS, and these served to open the door for corruption and to shake the integrity of the organisation. Mbeki also had moments of paranoia when an understandable bitterness seemed to contradict the ANC’s belief in a non-racist society. Without-condoning Mbeki’s lapses, one must recognise how difficult it was and is for the previous victims of oppression not to be irritated by the smooth, often complacent ride that many whites have had into the new society.

Mbeki became unpopular, and was ousted. Zuma took over, but he arrived in power without any very definite political programme. He had been chosen not as a person with clear proactive views but largely as a charismatic and colourful personality, a pleasant alternative to the austere and somewhat obscure Mbeki: he had wooed the people mainly with a song and a dance. It is hardly surprising that his leadership has been fairly weak and that he has been unable to restore the political unity and the conceptual coherence that the ANC had in the early and mid 1990s. Zuma’s own views are not always clear: from time to time he makes statements, sometimes unconsidered statements, which seem to place him well outside the liberal constitutional democratic paradigm. And under his presidency of the ANC political factions and an at times wild variety of opinions have flourished more or less unchecked.

**The current situation**

I have mentioned corruption, which includes fraud and cronism. I don’t need to elaborate on the issue: it is well known. What is relevant here is that people who are corrupt, people whose main reason for being involved with the ANC is to seek positions of power or simply to make money, are likely to have no strong or clear political views, Mbeki became unpopular, and was ousted. Zuma took over, but he arrived in power without any very definite political programme. He had been chosen not as a person with clear proactive views but largely as a charismatic and colourful personality, a pleasant alternative to the austere and somewhat obscure Mbeki: he had wooed the people mainly with a song and a dance. It is hardly surprising that his leadership has been fairly weak and that he has been unable to restore the political unity and the conceptual coherence that the ANC had in the early and mid 1990s. Zuma’s own views are not always clear: from time to time he makes statements, sometimes unconsidered statements, which seem to place him well outside the liberal constitutional democratic paradigm. And under his presidency of the ANC political factions and an at times wild variety of opinions have flourished more or less unchecked.

The ANC government’s failure to deal effectively with the issues of poverty and proper service delivery is also, arguably, an indication of its inability to function in a democratic manner. The unemployed and the poor make up a considerable percentage of the South African population, and many of them customarily vote for the ANC, but most of those who have acted in government, in the name of the ANC, have lacked the competence, the imagination or the political will to transform South African society.

The Constitution stands firm, however. But at the moment it seems to be under threat from a number of different directions. A new security bill (which has recently been softened but remains ominous) may well curtail the freedom that the media have enjoyed since 1990. It is difficult to tell whether the ANC is fully aware of the implications (including the international repercussions) of the restrictions that it is
preparing to impose. Similarly the independence of the judiciary seems to be threatened: leading members of the government have said that the courts should not be able to dictate to democratic institutions, and have proposed that the decisions of the courts should be “reviewed”. This strongly suggests an imperfect understanding of constitutional democracy and of the independence of the judiciary which underpins it. Under Mandela and even under Mbeki (for all his mistakes and miscalculations) one had a sense that a firm constitutional structure was in place and that the people at the top of the ANC understood this. Under Zuma, one cannot be sure. One often has a sense that he regards legal systems of any sort as inherently oppressive; he spends a good deal of time complaining about them.

One of the reasons for this, of course, is that he himself has been charged with corruption. His close association with Schabir Shaik led to Mbeki’s dismissing him as the country’s deputy president. The charges brought against him were later withdrawn in controversial circumstances; the court has now judged that these charges may be resurrected. Members of his large extended family have also managed to enrich themselves. A country which has a president with a record like this cannot easily be described as “liberal constitutional democratic.”

The woolliness and uncertainty of Zuma’s thinking seems to be fairly widespread within the ranks of the ANC. The tension between left-leaning members who would modify property rights and favour rapid redistribution and those who opt for strict constitutionality and a more gradualist approach is a lively and healthy one. But voices advocating racial nationalism or economic radicalism – understandable as they are to some degree – are worrying, all the more so since every deviation (real or apparent) from expected constitutional norms frightens investors and lowers the country’s international reputation. The makers of the 1996 Constitution laid down the railway lines. We are still riding on them, but will the train be derailed? Will the ANC keep to the straight and narrow?

**Conclusion**

A great deal depends, as I have said, on the views of the leaders of the ANC. Things could go either way. If the leadership recognises the importance of maintaining a liberal constitutional democracy, and if it is prepared to insist on adherence to this model, the ANC after its few serious wobbles could swing back on to the path of wisdom. Most of its members and voters would be likely to follow it back on to that path. But if it stumbles on as at present, it seems fairly likely that the liberal constitutional paradigm will slip away.

At the moment (at the time of writing) there seems to be an impending choice between Jacob Zuma, Kgalema Motlanthe and perhaps Tokyo Sexwale as the leader of the ANC. Zuma’s instincts do not seem to be notably liberal; Motlanthe’s do. So complicated and paradoxical, however, is the factional warfare that has erupted within the ANC that to many people a vote for Motlanthe would be taken as a sign of support for Julius Malema, one of the most illiberal, unconstitutional and undemocratic people to have appeared on the recent South African political stage.

**NOTES**

3. A sharply critical view of liberalism is not uncommon. In a chapter on “The liberal tradition in fiction” in the recently published Cambridge History of South African Literature (2012), Peter Blair says “The terms ‘liberal’ and ‘liberalism’... remain widely pejorative.” (p. 479)
Liberalism and Communitarianism in South Africa Today

Philosophically, modern communitarianism is a critical reaction to the Rawlsian original position, as the standpoint from which judgements of justice can be made. In Rawls’s view, the individual in the original position is removed from all the contingencies of a concrete social position, and so from all partiality. Communitarians, by contrast, hold that moral and political judgements are determined in determinate contexts by situated selves in all the fullness of their existence. Justice, in this view, is practical support of ends shared by the community.

But what if community values come into conflict? Such was the situation in 1840s India, when protest was made to General Napier against the abolition of sati. Napier replied:

“Very well. This burning of widows is your custom. Prepare the funeral pyre, but my nation also has a custom. When men burn women alive, we hang them. My carpenters shall therefore erect gibbets on which to hang all concerned when the widow is consumed.”

From a communitarian point of view, this conflict was resolved simply by force. From a universal human rights point of view, force was justified as a necessary means to protect the right to life. Intertwining communitarianism and liberalism was a feature of ‘indirect rule’ in British imperialism. For instance, legal disputes where all the parties belonged to a subject people were governed by customary law (a communitarian rule), except where this law was repugnant to morals (a universal reference).

Partly because of its entanglement with British imperialism, the intertwining of communitarianism and liberalism has featured in South African history as well. Apartheid could never have been imposed in a country where communal identities were not strong. Except in the years of its dissolution, disputes over legally assigned identities were few. The most heart-rending administrative cases of race classification affected neither whites nor blacks, but the heterogeneous ‘coloured’ category, as it shaded over into white and black. Although apartheid could give an account of itself in terms of actual or (for most people) imputed community values, it was quite incapable of justifying itself. It was also fictive. Benedict Anderson entitled his celebrated study of nationalism ‘Imagined Communities’. Late apartheid cartography was fond of drawing consolidated blocks of land as black homelands, but a more a careful look revealed a patchwork of land ownership and tenure.
More importantly, Helen Suzman never tired of pointing out how incompatible apartheid was with a growing modern economy. In the end the economy won, for the time being at least.

Language can be a key marker of communal identity. The grail of linguistic nationalism is the monolingual general dictionary along the lines of the *Oxford English Dictionary* or the *Dictionnaire de l’Academie Française*. The nearest thing to it that we have in South Africa is the *Woordeboek van die Afrikaanse Taal*. Its production has been glacial. The project started in 1926, but it published nothing before 1948. A to C appeared in 1951, and by the end of apartheid, the project had reached K. P to Q appeared in 2005.

Slowness is standard in dictionary compilation; the last complete edition of the *Dictionnaire* appeared in 1935, although some parts of a new edition have emerged in recent years. In a world of rapid technological change, French dictionary users generally rely on commercial dictionaries with more limited aims, which can be updated more quickly. South African English is represented by Silva’s *Dictionary of South African English on Historical Principles*, but South African English is usually regarded as a dialect of the English standard, if such a thing exists.\(^1\)

By the end of apartheid there were four dictionary projects in African languages: Xhosa at Fort Hare, Zulu at the University of Zululand, Tswana at the University of the North and Northern Sotho at the University of Pretoria. The Pan South African Language Board (PanSALB) Amendment Act of 1999 provided for the establishment of national lexicographic units for all official languages. These units have initiated or carried forward a variety of publishing projects. The general monolingual dictionary is by no means regarded uniformly as the key objective. The *Greater Dictionary of Xhosa*, published between 1989 and 2006, is a trilingual dictionary. Its entries are in Xhosa, with English and Afrikaans translations, and it has been considered exemplary by one lexicographer\(^2\). On the other hand, the first Zulu monolingual dictionary, *Isichazamazwi SesiZulu*, was published in 2007. National lexicographic units juggle with what they have inherited, and with the competing priorities of translation – usually into English or Afrikaans – and of establishing and defining lexical repertoire. And, as Alberts points out\(^3\), none of this lexicographic activity deals with the related problem of developing terminology, for which only rudimentary capacity is available. So much to do, so little done.

Meanwhile, back in Babel, the pressure has been mounting. The Constitution specifies that PanSALB should promote and create conditions for the development and use of the Khoi, Nama and San languages, sign languages, German, Greek, Gujarati, Hindi, Portuguese, Tamil, Telegu and languages used for religious purposes such as Arabic, Hebrew and Sanskrit. Moreover, analysts often refer to two versions of any of the African languages: ‘deep rural’ and urban. Fanakalo and Tsotsitaal contend, and gays and lesbians add two more: the west Germanic *Gayle* and the (apparently) Zulu-based *IsiNgqumo*. Ordinary people must make the best they can of this mix, in a manner little documented by studies unprejudiced by cultural and political agendas. It may well be that the master linguists in South Africa are those who possess a diverse repertoire and shape their performances to the demands of circumstance.

*It may well be that the master linguists in South Africa are those who possess a diverse repertoire and shape their performances to the demands of circumstance.*
The ANC in government has been circumspect about language policy, aware that it is a touchy issue for Afrikaners and a potentially divisive one among speakers of the nine African languages. Education policy, for instance, favours additional multilingualism and requires at least one approved language in Grades 1 and 2, followed by the language of teaching and learning (LOLT) (which must be an official language) and at least one more approved language from Grade 3. The learner (or a parent where the learner is a minor) chooses the LOLT and is admitted to a school which offers it. Schools can offer more than one language of teaching and learning. Parents by no means always select the language spoken at home as the LOLT, and pupils often change their LOLT during primary school as result of school policy. Quite often, the degree of code switching within a lesson makes it difficult to know what the effective LOLT being used is.

Section 6(4) of the Constitution requires national and provincial governments to regulate and monitor the use of official languages by legislative and other means. In 2010, Cerneels Brits, an Afrikaner lawyer from Brits, brought a successful action against the government for neglecting its duties in this respect. The government was given two years to comply. The response has been the introduction of the South African Languages Bill into parliament. This provides for the establishment of a policy on the use of official languages by national government, a national language unit in the Department of Arts and Culture and language units all over the place: within each national department, public entity and national enterprises. The Bill as originally published was neutral between the official languages, but an amendment specifies that each department, public entity or enterprise must identify at least three official languages, at least two of which must be indigenous languages of historically diminished use and status. This has prompted the F W de Klerk Foundation to denounce the Bill as aimed at eliminating Afrikaans as an official language for practical purposes. It might have been better to let sleeping dogs lie.

So is language a basis for communitarianism in contemporary South Africa? On the whole, no – not in a full democracy. The situation is both fragmented and fluid, particularly among the young. Effort will be expended on getting by linguistically, and getting on socially. Newspaper reports have appeared regularly on the 'Xhosa Nostra' in the time of President Mbeki, and on 'Zulufication' now, but such trends, to the extent that they are realised, sow the seeds of their own destruction by creating a coalition of discontents.

More modish than linguistic nationalism is ‘postcoloniality’; a complex of ideas, not necessarily fully coherent. At its core is the contention that colonial narratives are inherently false, covering up, as it were, the imposition of coercion. This might be done by creating images of the colonized (‘the other’) which justify continuing domination, as argued by Edward Said in his well-known Orientalism. On this position, colonial falsity does not just disappear with the colonizers, it becomes embedded in the consciousness of the colonized and has to be struggled with in postcolonial countries.

What are the resources available in this struggle? There seem to be two main answers. The first seems to be a strategy of recovery, perhaps along the lines of the
folk song movement of the early 20th century, when composers realised in England and elsewhere that recordings had to be made before industrialization wiped out the tradition completely. Oral history more generally might get at what would otherwise be lost, but it has limited reach into the past. Written history has a longer reach, but is much more bound up with ruling class interests. One has usually to ‘read against’ the text, as Ladurie had to do in Montaillou in order to retrieve the beliefs of the Cathars from hostile Catholic texts. Historians everywhere, South Africa included, have been engaged in such retrieval for decades, and have created accounts of people and movements which did not survive. They enrich our historical sense. What else might they do?

The second strand of ‘postcoloniality’ is hostility, either to globalizing neo-liberal capitalism, or, as Achille Mbembe puts it, to the way in which ‘successive US governments have claimed to build univeralism and promote democracy on the basis of crimes that are presented as so many earthly fulfilments of God’s law and divine providence’. This is an expression of postcoloniality’s radical dimension. In an African context, it amounts to a hope that, in countries with a short and superficial colonial history, there might remain large parts of society, relatively untouched, in which memory of an older tradition could be mobilised against colonial-minded elites. Some consideration of this sort may have motivated the radical Kenyan author Ngugi wa Thiong’o to stop writing in English and start writing in Gikuyu. Given Africa’s political instability over the last half century, it may be possible for a postcolonialist movement to overthrow an African government.

But the odds are very long against postcoloniality being a serious political movement in South Africa, rather than a branch of literary criticism. Capitalist development has turned this society upside down over more than a century, and reached into its remotest corners. The government is stable, at least for the time being. Black consciousness, the nearest identifiable thing to postcoloniality, has not fared well politically. Here then, postcoloniality is better regarded as a type of literary criticism, not unrelated to romanticism.

Religion is another potential source of communitarianism. The main trends in the late twentieth century, as evidenced by successive censuses, have been a rise in the proportion of the population reporting no religious affiliation, the rise of Pentecostalism and, partly in reaction to both developments, a trend towards fundamentalism in Catholicism, parts of the Protestant spectrum and Judaism and Islam. Pentecostalism and Protestant fundamentalism often have a conservative cast, with an emphasis on helping their adherents to cope and to get ahead within existing society. Catholic fundamentalism shades Catholic identity in a more religiously conservative direction, likewise for Jewish fundamentalism, in what is now a small community. Islamic fundamentalism has greater potential to change the landscape, and to do so in ways not easily predictable, given the shifting currents within Islam internationally and the tensions in the Middle East.

Historically, the South African tradition has been one of religious tolerance, broadly speaking, with a couple of important qualifications. Since its formation in the late nineteenth century, the Jewish community has been subject to a degree
of anti-Semitism from a variety of sources. To-day it feels beleaguered in its institutions, a sad state for a small community which has contributed massively to South Africa's development. Security checks now precede religious events in some of its synagogues. Under apartheid, Islam and Hinduism were largely contained by segregation, since 1994 they have entered the national arena and can compete within it. This makes little difference to Hinduism, but more to the proselytising Islam. Substantial building programmes and extension activities to keep Muslims in touch with their faith are ongoing.

The geographic distribution of religious affiliations is widely dispersed at the meso-level and often at the micro-level, so that geographical coalescence of religious identity is on the whole not possible. Religion does confer a degree of communitarianism, but not such that it has much political salience in ordinary times.

Consider now a currently more popular identity: that of the 'historically disadvantaged' person. In fact, this form of identity is not a basis for communitarianism at all. Communitarianism works with thick identities attached to community norms and practices. That is its appeal; participation in community life and subscription to community values are all that is required, with no need for anxious cerebration about the good and the right.

By contrast, a historically disadvantaged person is a claimant for compensation, which is quite another matter.

The more disadvantage, the greater the claim, which is why South African history since the rise of the modern economy is often depicted as a dark pre-history to life since 1994. Such a view divides many lives into two parts, one of which is lost. Jacob Dlamini, in his *Native Nostalgia*, has found an ingenious way around the problem. He distinguishes between restorative nostalgia (a longing to have apartheid back), to which he is opposed, and reflective nostalgia (a recovery of the lives people had then, and what they achieved), as a resource for the present.

Actual compensation has formed only a minor part of the government’s programme for historically disadvantaged people, and is the principle behind land restitution, in which coerced transfers of land were identified and reversed, or monetary compensation paid. The principles behind the larger programme of black economic empowerment (BEE) are rather different. There are several components to black economic empowerment, of which only one will be discussed here: empowerment in employment, for which experience in the United States is a comparator.

The shape of affirmative action in employment in the US was (and is) defined by Executive Order 11246, signed in 1965. It requires contractors with 50 or more employees and contracts of $50,000 or more to implement affirmative action plans if a work force analysis demonstrates that fewer women and minorities are employed than would be expected, given the number of women and minorities available. Contractors are required to establish reasonable, flexible goals and timetables for increasing employment opportunities. As a review under President Clinton observed, the regulations specifically prohibit quotas and preferential hiring and promotion under the guise of numerical affirmative action goals. Numerical goals are not designed to achieve proportional representation. A contractor's failure to attain its goals is not, in and of itself, a violation of the Executive Order, but failure
to make good faith efforts is. Means to accomplishing the purpose of the Executive Order are inclusive hiring practices and removal of discriminatory practices within firms. The US Bureau of the Census maintain Equal Employment Opportunity data, broken down by ethnic group, gender, geography, occupational category, educational attainment, age group and earnings, so that firms can estimate labour market conditions in the detail necessary for their analyses. The American system is focused and designed to find local solutions (or the best practicable approximation) to local labour markets where there are problems of minority participation.

The contemporary South African system works in a very different way. The compliance targets for black employment set for categories of management are global and independent of local labour market conditions and of the education and age of employees. The difficulty of achieving the compliance targets will vary from place to place and from job category to job category. Accordingly, improvements to inclusivity in hiring practices will be variable. The scorecard approach to BEE, which aggregates scores from seven components, incentivizes firms to make the easy adjustments first. On the one hand, this creates flexibility for firms to optimize; on the other, it creates further variations in outcomes. And firms can choose the level of compliance, bringing programme costs into relation to the expected successes in bids for government contracts awarded partly on the basis of a BEE score.

A firm can choose to have its BEE score compiled by a verification agency, and this verified score can be used as part of a tender. It can also be used by other firms in a supply chain, since supply chain conditions form part of the BEE scorecard. These are the two main uses, though firms can also publicise their scores if they see advantage in doing so. But there is no central record of BEE scores; the Department of Trade and Industry in its only published report (for 2007) had to use sampling methods, and the results were severely exposed to non-response bias. Moreover, the DTI report was almost wholly concerned with compliance with BEE targets and hardly at all with the consequences of the programme. It is generally assumed that the goals of BEE are to overcome the exclusion of a large part of the population from the primary economy and to soften racial disparities of wealth, and that BEE will straightforwardly achieve them.

But this assumption slides over a host of issues. In the first place, there are different types of discrimination. One stems from employers’ discriminatory tastes. Another arises from mismatches between employees’ ability and skills and the jobs to which they are assigned. If there are explicit or implicit quotas, there may be skill bumping, when employers hire unskilled workers of the preferred category into skilled roles in order to hire more workers of the non-preferred category. There may be statistical discrimination, in which workers are hired partly according to the average characteristics of the group to which they belong. And associated with each of these types of discrimination in the hiring and utilization of workers is an effect on human capital formation among preferred and non-preferred groups, as well as an effect on the efficiency of production. In fact, theoretical models of different types of affirmative action policy yield ambiguous predictions about their effect on efficiency.7

BEE is a major social intervention. It re-racializes production. It is, like the civilized labour policy before it, a policy for hard times. A few years of the growth rates
of the late 1930s or the 1960s, and it would become irrelevant, as producers scrambled for human resources, whatever their historical status.

The effects of BEE are not known. It could theoretically have very little impact, or it could start to divide the South African work force into non-competing groups, which is what apartheid did in its early and middle phases, with different beneficiaries. Expect claims and counter-claims about it in the next few years.

Against this backdrop, liberal priorities should be:

1 Constitutionalism and the maintenance of background conditions for free political competition, including free and fair elections, freedom of speech and information and accountability by politicians and administrators. Everything which ventilates and tests public policy is to be encouraged.

2 The promotion of a high rate of economic growth. A large number of middle income countries have been in the middle range for a long time, and threaten to remain in it for a long time to come, implying poverty rates which are relatively high and stable. The liberal project depends on the ability to move towards full employment. If achieved, this will not be swift in South Africa. South Africa can make its way in the world by supplying an increasingly prosperous Asia; trade patterns have already moved in this direction. The internal organisation of the South African economy is also important, and reduction in corruption, rent creation and rent seeking will be needed. Above all, adventures in economic policy in a populist direction or in the interests of a narrow elite which captures state power, must be avoided. Indeed, a populist front for an elite interest is not uncommon. We have much to learn from twentieth century Latin American experience.

3 Permanent attention to the situation of the poor. Some versions of liberalism leave this out, and some argue that the rest of the liberal programme will automatically take care of it. Here, the view is that the condition of the poor indicates the quality of the society as a whole. Poverty rather than historical disadvantage lays claim to help.

4 A Weberian civil service. Our civil service has suffered from being used as a first line patronage item by two successive nationalist parties. Weber distinguished legal-rational civil services from patrimonialism by two characteristics: meritocratic recruitment and a long term career structure in an organization which has its own distinct set of decision making procedures. Based on an analysis of data from 35 countries, most of them developing, Evans and Rauch⁸ were able to develop a Weberianness indicator and to show that it was positively related to growth. Henderson et al⁹ show that the indicator was also related to the reduction of poverty. So a Weberian bureaucracy is a means to both growth and poverty reduction.

To the extent that these goals are met, a change in existing linguistic and religious identities can be expected. They will not disappear, but will become more porous and more fully absorbed into a national identity ruled by law and greater economic dynamism. The danger (historically realised) is a hijack. The goal is a diversity that everyone can enjoy.

NOTES

1 “A dialect is a language without an army or navy”, quipped Max Weinreich in 1945.
2 M J Mongwe, The role of the South African national lexicography units in the planning and completion of multifunctional bilingual dictionaries, M Phil thesis, University of Stellenbosch, 2006
4 Achille Mbembe, What is postcolonial thinking? Eurozine. 2008
5 A parallel comes to mind in the characterisation of Arthur as the ‘once and future king’ in some versions of the Arthurian legends
6 Which includes Coloureds and Indians
7 See, for instance, Harry Holzer and David Neumark, Assessing Affirmative Action, Journal of Economic Literature, 38, 2000
Development, Business and Government: From Inflexible Ideologies to a Sustainable Partnership

A pragmatic relationship between business and government in the form of a developmental coalition for growth offers the most sustainable solution for overcoming South Africa’s deep-seated developmental challenges.

However, to do this, social partners in South Africa – organized business, labour and government – will have to go beyond holding inflexible ideological positions such as either narrow neo-liberalism or narrow socialism, and adopt more pragmatic approaches.

South Africa’s relatively large and sophisticated business sector is a competitive advantage compared to many other competing emerging markets, including the other BRICS countries. However, the collective energy, skills and know-how of South Africa’s business sector has not been effectively leveraged by the ANC government for development.

Most of the successful East Asian developmental states were built on the back of sustainable growth coalitions between government and business. East Asian governments did not force business into these partnerships. Business entered into them voluntarily. Importantly, business there saw the mutual benefits of partnering with their governments in such development coalitions: a virtuous cycle of new growth opportunities for them and their countries.

In these East Asian developmental states, business, not the state, disciplined free-riding peers itself, as a grouping. East Asian developmental state governments secured and retained the trust of business by delivering effective services, minimising corruption and governing fairly in the interest of the widest number of people, not only a small elite.

What are the obstacles to cobbling together a sustainable coalition for growth between business and government in South Africa? There is deep distrust between SA’s main market stakeholders or social partners, including between the ANC government and organized business. Yet trust is essential to foster a developmental coalition.

One problem may be that different social partners in South Africa are simply too ideologically rigid. Some in the ANC government are ideologically opposed to business playing a leading role in development. People in this group wrongly argue that only the state can generate growth. They furthermore argue that the state should ‘discipline’ business – in other words, business must bend to the state’s will.
This ideology is illustrated by history. During the struggle for liberation, black businesses in the townships were often attacked by some ANC cadres for being ‘collaborators’ with the apartheid regime. The argument was that if they were thriving despite apartheid segregation rules – which restricted black business operation – they must be on the cut with the apartheid regime. In the post-apartheid era, black business leaders who cut their teeth as entrepreneurs during the apartheid era were often ignored by the ANC despite all their experience and know-how. In fact, the black business leaders who have dominated the post-1994 era are those who made their money through political capital. They lack the kind of real entrepreneurial skills and authentic business experience possessed by those like Soweto businessman Richard Maponya, who built his business during the apartheid era with no political help.

Another problem is that certain ANC members want to opportunistically use business for their self-enrichment – the phenomenon of narrow black economic empowerment, which only enriches the few well-connected ANC leaders, is the result.

Sections of South African business are also unduly ideological. Influential sections of South Africa’s mainstream business and academic economic complex have been dominated by a narrowly-defined Anglo-Saxon discourse on economics. This discourse fits into the neo-classical tradition of economics, which argues that only the market, with no regulations, can deliver on development. A more appropriate capitalism orientation for South Africa would be a “social market” model – a rule-governed, competitive market, where there is an inherent partnership between labour and capital at board and shopfloor level; or the stakeholder model, which sees the firm as an enterprise involving all its stakeholders. However, in South Africa, it appears that many mainstream business leaders adhere fervently to the neo-classical view, wholly distrusting the idea of the state and trade unions as influential market players.

A good example of such rigid ideological positions undermining development can be found in the dispute among social partners over whether South Africa’s labour laws, rules and regulations undermine growth and job creation, and if so, what kind of reforms to pursue. Many companies and business leaders say South Africa’s labour market is too rigid, saying central bargaining wage settlements are too high, trade unions too unreasonable and that it is difficult to fire unproductive employees. Trade unions, on the other hand, are fearful, believing that if labour laws are eased, organized business would deliberately and intentionally introduce practices to undermine basic employment and human rights conditions. Cosatu leaders such as Zwelinzima Vavi say, given the fact that racism is still deeply ingrained at South African workplaces, the exploitation of poor, vulnerable, black workers will increase.

However, pragmatism from all stakeholders is essential, as the problem may not be an simple either/or one, neatly fitting one or the other ideology. South Africa has a segmented labour market, differing in characteristics depending on rural or urban areas, or the formal or the informal sector. In every segment there are seemingly barriers to entry if one is unemployed, unskilled or low-skilled.

Additionally, South Africa’s labour market is highly racialised. Organized business is mostly white-managed, with managers often coming from a select few universities.
and private schools. This is partly because public schools produce poorly skilled individuals, of little use to the job market. Black public school leavers do not have the hard skills, social skills or connections to enter the labour market. Those without jobs and skills are therefore likely to be black and often young. Furthermore, since most public schools leavers come from townships or rural areas far from the labour market, and public transport is erratic and costly, job hunting is an expensive exercise.

More often than not, the unemployed unskilled or low-skilled school leavers do not have information about job opportunities, or cannot access them because of distance to the markets and high transport costs. In the private sector, where management and ownership is dominated by established (white) owners, white jobseekers appear to have easier access to jobs. In the public sector, even if one is black, political connections rather than merit often determine securing a job. This excludes a sizable number from the workforce.

The middle way is most probably Finance Minister Pravin Gordhan’s approach, which argues that some of South Africa’s labour laws may have to be ‘loosened’ if the government’s job-creation targets are to be met and if jobs have to be created for the country’s young unemployed. In such a compromise approach there would not be a wholesale relaxation of labour laws, but a more targeted relaxation of specific regulations, specifically intended to create jobs. As a case in point, Gordhan says a balance needs to be found to retain the jobs of the 10 000 people working at clothing factories in Newcastle, KwaZulu-Natal, while still allowing them to earn a reasonable wage and keeping the factories open. Some textile factories in the area have said they would be forced to close down if they were to pay minimum wages.

Another example, says Gordhan, is to relax laws in order to allow young people to enter the workplace and gain skills and experience. In this context, lower wages would have to be introduced, but not at the expense of people who already have jobs. In this same context, small and medium-sized businesses should be exempted from collective bargaining agreements.

Since attempts to foster social pacts at a national level between government, business and labour have not been successful, perhaps a better option would be for social partners to focus on specific sectors and policies and try to reach narrow agreements on these, rather than broad national agreements. A good example is that of the deal between trade unions and companies in the textile industry. In 2011, these groups signed a ground-breaking agreement which could serve as a model for other sectors. The South African Clothing and Textile Workers Union (Sactwu) agreed to cut wages for entry level jobs by 30% to save existing jobs, create new ones and revive the textile sector – currently on its knees because of cheap Chinese imports flooding the market.

“We estimate that this would create 5 000 jobs by March 2014. If this is not achieved, then the agreement will fall away,” said Andries Kriel, Sactwu’s General Secretary. Kriel said that although wage rates in the clothing industry are bitterly low, Sactwu has allowed a concession that employers can pay 70% of these rates as part of a phase-in programme towards full compliance.
To move South Africa forward all of the social partners will have to make compromises – such as the textile agreement – on the core issues which they perceive as non-negotiable. If not, South Africa’s policy debates will remain stuck in a blame-game. Labour will also have to do more: it will have to discipline its members to stick to inflation-linked salary increases, and link wage increases to productivity increases. Public sector trade unions must also discipline their members, such as teachers and nurses, to pursue a better civil service work ethic.

But South African businesses will also have to become better corporate citizens to build broad-based credibility. Business must come to the party by genuinely pursuing equity, skills development and community development, rather than making token affirmative action appointments. At present, too many primarily white companies have implemented BEE and affirmative action policies by selecting well-connected black politicians for black economic empowerment deals, and by appointing such politically connected individuals to boards and senior executive positions, in the hope that such individuals will provide protection from government criticism, or political ‘insurance’ against calls for radical redistribution. Other still more cynical companies are criticized for appointing token blacks without adequate skills for the role. These ‘tokens’ are set up for failure – and when they fail, the companies who appoint them can argue that affirmative action does not work.

Government has responded to organized business’ perceived reluctance to implement genuine transformation by introducing tougher BEE and equity rules. On the other hand, black professional bodies such as the Black Management Forum have adopted increasingly strident positions, in response to the perceived lack of transformation from mainstream business.

Tito Mboweni, the former Reserve Bank Governor, says that the mining industry’s failure to meet its side of mining BEE targets, together with its failure to “act timeously” to remedy the harm it did during apartheid, has put it in a weak position to respond to the ideologically motivated call for nationalization. The initial reaction of the mining sector and organized business to calls for nationalization has been to issue strong statements describing nationalization as bad, ‘socialist’ and ‘communist’. Such business statements played right into the hands of the ANC Youth League, who portrayed ‘white’ business as typically ‘opposed to transformation’, and ‘unable’ to provide alternatives to tackle black poverty.

It would have been better if organized business had pro-actively proposed a ‘big-bang’ compromise solution, such as for South Africa to introduce an Australia-like royalty tax regime, with the proceeds – jointly managed by the private sector and government – going into training, skills transfer and empowerment of communities and employees, rather than to politically connected individuals. The private sector could voluntarily implement such measures, following clearly agreed targets and timeframes.

Including employees in share-ownership schemes and engaging in more skills transfer and community development schemes would have been a more morally powerful approach to black empowerment. A more proactive business lobby could begin such schemes without waiting for government – for example, it could join forces to start artisan academies and plug the technical skills gaps in areas such as IT.

The ANC government will have to come to the party too. The current policy focus on securing employment equity in terms of numbers, replacing white faces with blacks, no matter the merit; and the focus on wealth redistribution to a selected few well-connected individuals through black economic empowerment will have to change. A better approach would be to focus on skills transfer, improving education outcomes, creating new industries and helping entrepreneurs succeed, including the 5 million entrepreneurs in the informal sector. Those black entrepreneurs who did not make their money by using political capital currently struggle with high barriers to entry, such as lack of finance, lack of access to markets and lack of institutional support for entrepreneurship.

Government must genuinely improve the capacity of the public service. It must ensure merit plays a much greater role in appointments, it must seriously deal with corruption and waste, and it must become more accountable and cut the costs of doing business. In this way it will secure the trust and credibility that will make partnerships with business sustainable. Unless government governs better, it will be difficult for it to generate a partnership with business based on trust – so important for a sustainable business/government relationship.
Media Freedom from Apartheid to Democracy

Current travails over media freedom in South Africa, arising primarily but not exclusively from the inroads into press freedom inherent in the Protection of State Information Bill, warrant an examination of where the media has come from under apartheid for clues to where it is going now that the country is democratic.

South Africa’s democratic Constitution promotes liberal values – the rights to freedom of expression, association and access to information in an environment tolerant of the expression of the widest possible range of views including those of minorities.

While the major thrust of the Constitution’s intention, and especially of its Bill of Rights, was supported by many of the negotiators who were not themselves part of a liberal tradition, they supported and promoted its formulation. Some did so because they expected to lose power, some from recognition that the decline of the Soviet Union had changed the ideological landscape of the world, but many also acted from a genuine wish to turn the page and enjoy the benefits of a free media after generations of repression. Where did they acquire both these views and an understanding of their content and value?

The TRC media hearings

From September 15 to 17, 1997, the Truth and Reconciliation Commission (TRC) examined the role of the media under apartheid. Among the major questions asked were whether the media had provided ‘cloud cover’ for a climate in which gross human rights violations could occur, and what lessons could be drawn for the future.

An examination of the transcript shows dramatic, emotional and heart-wrenching moments, including testimony from spies in the newsrooms, and apartheid conditions for black journalists, that, in at least one case at the South African Broadcasting Corporation, included sjambokking black reporters! South Africa has a lot to be ashamed of.

There was enough material in the hearings to show how the government-controlled state broadcaster worked. This included evidence from Johan Pretorius, former political correspondent and later TV News editor, who reminded the commission that his nickname when covering the presidency was the ‘Tuynhuis muis’.

The alternative press, in several languages, was well-represented at the hearings and rightly praised for exposing the realities of repression, of fighting the states of emergency, and death squads.

The Afrikaans press refused to officially appear at the hearings, though several individual journalists made submissions despite their companies’ reluctance. But the work of the Afrikaans press on behalf of the apartheid system was demonstrated by...
the evidence that three of its titles were official organs of the ruling National Party, and all of the papers in the major Afrikaans groups supported it.

There was also enough evidence presented to reach refined conclusions about the mainstream English-language press, but actually reaching these conclusions, perhaps unsurprisingly, was more problematic. Officials who worked on the TRC freely admit there was insufficient capacity or time to do the subject justice. As a result, confusion crept into the TRC’s final report. The terms ‘English press’, ‘opposition press’ and ‘liberal press’ were interchanged promiscuously. Some ‘opposition’ editors did not accept their reporters’ evidence that there was a ‘third force’ of government-inspired assassins and provocateurs. While exceptions among journalists and individual stories were cited, the water was further muddied when the report referred to the pioneering investigative work of newspapers like the Rand Daily Mail as a ‘claim’ made by their parent companies. The reader of the report is left hanging. Was the ‘claim’ legitimate or not?

**The Rand Daily Mail.**

Complaints about apartheid conditions in all newspapers, including the Rand Daily Mail, dominated much of the three days of hearings. After that, it was a brave TRC member who would sound off on the Mail’s virtues. But then the report commented that the Mail’s closure in 1985 “was a blow to the progressive forces in South Africa”, “left a vacuum”, and may well have been politically motivated.

What kind of vacuum the reader is left to infer. Yet those who lived through especially the 1960s and 1970s remember that the Rand Daily Mail’s role in exposing everyday apartheid was seminal.

Other English-language papers also played their roles in this respect. The black magazine, Drum, under the later renowned British journalist Anthony Sampson, pioneered the reflection of black society in an authentic way, including seminal investigations of prison conditions and farm workers’ treatment. In the 1960s, Charles Bloomberg, first in the Sunday Express and then in the Sunday Times, under the editorship of Joel Mervis, exposed the impact of the Afrikaner Broederbond on the development of apartheid. The implications went far beyond white politics – it explained how race policy was being developed and implemented throughout South Africa, as Bloomberg, an active member of the Congress of Democrats, well understood. But Mervis’ paper avoided substantial coverage of black society.

And the Rand Daily Mail, from the 1960s on, moved further and further into coverage of the realities of apartheid. Race classification, the Group Areas Act, forced removals, prison conditions and the impact of removing habeas corpus from the legal system, all received front page treatment.

Its impact was substantial. The Mail was the largest circulation morning newspaper in the country. Its sister papers, the largest morning papers in each major town, carried a large number of its reports. Afternoon papers, especially the Johannesburg Star, regularly led page one with follow-ups from the Mail’s morning lead. Readers were told about apartheid with their morning coffee in Johannesburg, Cape Town, Durban, Port Elizabeth and East London. It was the Mail’s financial success until the mid-1970s that allowed its aggressive coverage to survive as long as it did.
“We didn’t know”

Could white South Africans honestly say they didn’t know? Only if they maintained the rigid certainty that everything in papers like the Mail and later the alternative press was a lie.

And that is exactly what the TRC was told. Former Afrikaans journalist and Potchefstroom journalism Professor Ari de Beer said he didn’t believe newspaper reports, particularly about death squads, because he knew cabinet ministers who denied published reports, and he did not believe they were the kind of people who would do what the newspapers said they did.

Beyond the hard news coverage which offended the apartheid government much more than its analysis and criticism, the Mail – and other newspapers, to varying degrees – provided an intellectual framework for the critique of apartheid.

It was in particular Helen Suzman who used her prominence and parliamentary privilege to brilliantly expose and explain the likely consequences of abandoning, for example, the rule of law, habeas corpus, openness and tolerance of diverging opinions. The Mail will understandably be criticised for its support for the Progressive Party at a time when it proposed a qualified franchise. But readers could have been in no doubt that apartheid was immoral.

The Mail covered Suzman to a far greater degree than her white constituency justified during the period when the liberation movements were banned. I certainly did. Most of us knew very well that this was not a balanced reflection of all opinion, but we also knew very well that reporting her views, and her meetings with banned black leaders, went some way towards reflecting black realities. These were some of the many stratagems used to squeeze past the myriad of censorship laws. I spoke to banned leaders like Steve Biko to establish his position on the issue, then asked who he recommended I talk to who was not banned, and whom he trusted to convey his real views, then quoted that person.

But the question remains: how did leaders of the authoritarian National Party, as well as the ANC and its communist allies, so easily understand and adopt liberal values in the press, while rejecting angrily any suggestion they might be liberals themselves? Hardly a member of the constitution-writing teams would not have been familiar with the Mail’s coverage of the evils of apartheid and the need for the rule of law, free expression and tolerance. Our founding fathers and mothers understood the line of reasoning well.

The media in the democratic era

How has the South African media done, since the heady days of 1994? Has it brought the great constitutional goals of free expression, freedom of association to life? Do its citizens have access to the information they need to make informed decisions about the affairs of the day, including for whom to cast their ballot on polling days?

The objectives of the Independent Broadcasting Authority Act of 1993 can be summarised as to create a broadcasting environment that achieves four things: diverse content, diverse ownership and control, more local content and bringing in...
significant historically disadvantaged ownership and control. These objectives were broadly achieved.

The electronic media – radio, television and the internet – underwent substantial change after 1994. The virtual monopoly of the state broadcaster was firmly and decisively broken by the Independent Broadcasting Authority (IBA), established as a Chapter Nine body under the constitution, which means that its independence is protected. Close to 100 new radio stations were licensed by 1997, each with their own news, in all the official languages as well as many others, including some broadcasting in Urdu, Arabic, Portuguese, Chinese and Greek. The listener in the vast townships of Soweto, Botshabelo and Winterveldt has a choice of at least one other station in his or her own language with a different mindset to that of the SABC. Many, but not all, small communities also do. Local music as well as political and cultural expression received a significant boost, creating jobs as it enriched the culture. The IBA and some in the SABC took steps to realign the broadcaster’s mandate from a state broadcaster to the ethos of an independent public broadcaster.

But turf battles soon followed. SABC executives gradually understood that they could bypass the IBA by dealing directly with politicians. Then the IBA was amalgamated with the South African Telecommunications Regulatory Authority (Satra) to form the Independent Communications Authority of South Africa (Icasa). There was good reason for this, given the increasing convergence between broadcasting and telecommunications, but it led to an anomaly, in that while the broadcast regulator is constitutionally protected from outside interference, the telecommunications regulator is not. The Minister of Communications has certain powers to override Icasa decisions.

Perhaps less noticed but more serious, the independence of both Icasa and the SABC has been eroded by the ‘revolving door’ through which politically connected individuals are ensured income from government departments in between appointments as ‘independent’ broadcast regulators or SABC board members. Legislation governing appointments to independent bodies requires that they be determined by various kinds of expertise as well as a commitment to independence, but in practice these might be hard to challenge legally, and risky for any vested interest to do so.

In the development of the internet, South Africa has fallen lower in international rankings as a result of corruption and bureaucratic delays in advancing this sector. This is particularly significant in delaying the impact of social media in South Africa. On the other hand, a rise in mobile telephony, available even to those of very limited means, has seen a rise in this method of social communication.

But the South African public is undoubtedly served by a much wider range of opinion and ownership than ever before, both in electronic and print media. The Anglo American Corporation’s control of the two major English language newspaper groups ended with the sale of the Argus company to the Irish Independent Newspapers. And control of Times Media Limited, home of the Sunday Times, and the former home of the Rand Daily Mail, went to new owners with a predominantly black board of directors and executive. But, combined with world trends damaging to
newspaper companies, print media is facing its own crises of financial viability. Since newspapers do most of the investigative journalism, this has disturbing implications for future exposure of corruption. The renamed Independent Newspaper group at first developed more titles and management training programmes. But as the parent company fell on hard times, South African profits have been increasingly repatriated to Europe to prop it up. Without investment, its capacity for good journalism diminishes significantly, and a takeover may be on the cards.

**The TRC recommendations, then and now**

A current reading of the TRC recommendations finds them surprisingly thin. After repeated comments during the hearings from TRC commissioners and staff that the commission must recommend ways to prevent the apartheid experience of media subservience to government at the expense of human rights from being repeated, the findings are limited.

On legislation, the Commission recommended four things:

- There be less, rather than more, legislation controlling the media.
- Section 205 of the Criminal Procedure Act, compelling the revealing of sources, be repealed.
- Existing laws be thoroughly reviewed with a view to reducing restrictions on the free flow of information, freedom of expression and on diversity of opinion.
- Recruitment of spies from the ranks of journalists be prohibited.

The record on implementing the recommendations is not good.

Press freedom campaigners have targeted apartheid-era laws restricting media freedom, but have so far failed to persuade the democratic government to repeal them, despite numerous meetings and appeals. These include laws restricting coverage of military activity and so-called ‘key points’, i.e. industrial or other enterprises which are regarded as strategic, and about which reporting is severely restricted. Old laws still provide for excessive court powers to restrict coverage of inquests and keep the press out of other court hearings. Section 205 has not been repealed. Media freedom campaigner and former *Rand Daily Mail* editor Raymond Louw accepts that rather than full repeal, what is needed is a provision providing journalists with a public interest defence, or a ‘just excuse’ in the public interest. During the commission’s tenure the police did undertake to cease recruiting journalists as spies.

The Commission recommended that the independence of the SABC and the IBA (now Icasa) be maintained. In fact, the SABC has been in a state of disruptive “transformation” under a succession of boards, chairpersons and CEOs, with moves in positive directions being followed by reverses in a repetitive cycle. Perhaps the worst moment showing the loss of independence came when a blacklist was disclosed, a list of commentators who could not be interviewed on the SABC. Its current financial state is critical, near to its worst in its history, which is not a good way to be independent of outside influence.

The Commission did call for more media diversity, an area where indeed great progress has been made, both in the expansion of radio and television, and in relatively diverse ownership of the print media.
**New threats**

From early in the democratic era, government criticism of the media often seemed excessive, but none of it seemed likely to lead to more than the usual government-media tension in a democracy, until the Zuma presidency, when it appeared to underlie a real intention to force the press to change. This time it seems to be different.

The Protection of State Information Bill particularly threatens to hamper investigative journalism. But it is far from the only worrying part of government pressure on the media. Besides this Bill, now known as the Secrecy Bill, there are dangers lurking in other proposed new legislation, including the Protection of Personal Information Bill. Ministers are becoming more reluctant to respond openly to questions in Parliament and from journalists. Treatment of individual journalists by police has become cause for concern.

South Africa’s investigative journalism tradition has, however, continued to be robust. Several newspapers owned by different publishing houses continue to devote resources and space to expose government corruption, and independent political analysis by especially black journalists is of extremely high quality.

Senior members of the government and the police force have not responded well to that coverage. The Sunday Times' senior investigative journalist was subjected to a high-profile arrest by more than a dozen police at his newspaper office, driven through the night and interrogated by police about matters that appear to be purely political. Journalists covering street events have been roughed up by police, and several reporters have asked for bodyguards or reported their phones being bugged. Journalists have been arrested and held overnight, while visiting incident scenes.

The ruling party has passed formal resolutions calling for a new Media Tribunal, tougher than the current self-regulation – which the TRC once branded as appeasement of the old government by press barons.

The key differences between then and now are democracy and the constitution. How robust a defence those will be, we’re about to find out.

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**NOTES**

1. TRC media hearings, Day 1, Pg 34.
2. Interviews with the author.
3. TRC Report Vol.4, Ch.6, Appendix 1, para. 1g
4. TRC Report, Vol.4, Ch.6, Pg 175, para. 47
5. Ibid., para. 88
6. Ibid., para. 92
8. Interview with the author.
Appearance and Reality: Liberal Values in Democratic South Africa

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South Africa is something of an ideological twilight zone. Things are not as they appear. We spend much time debating the nature of those principles and values that define our constitutional democracy on paper, and much less time on the way in which they are interpreted in practice. And between these two things there often exists a substantial gulf. The result is a kind of unstated common confusion.

Ostensibly a discussion will take place about an idea like, for instance, accountability, its nature and purpose, but in reality the two parties simply talk past each other. Each has in their head a set understanding. Each understanding differs. The differences are subtle, the effect profound. The reasons vary. Sometimes the cause is cultural, sometimes political, but either way there exists an unstated and ongoing negotiation for the very things which we assume are set in stone.

And here I am not talking about those more fundamental debates – where freedom of expression begins and ends, or where exactly to draw the line between party and state – but those everyday ideas that constitute the bulk of our democratic lexicon. Often they receive less attention, simply because they never manifest at the centre of a significant public issue, but their role and purpose is no less important. And, sure enough, on closer inspection, they too are the subject of much contestation.

History and Abistoricism

Without exception, every liberal principle that underpins a free and modern democratic society exists and is understood in its current form as a result of long historical battle to entrench civil liberties and individual rights. On many occasions the world has paid a high price in order to uphold such ideals, a fact often taken for granted. The evolution of every central liberal tenet has behind it a bloody story. The many thinkers and activists who have fought for freedom and its component parts contributed in one way or another to that fight, and today, as a result of their sacrifice and insight, we are able to define these ideas clearly and cogently. Perhaps more importantly, we are also able to understand and identify those threats to them.

South Africa is something of a frontier liberal democracy, and the principles that define it are often debated as if isolated from a bigger democratic discussion that has been going on for decades. It is implied we are a special case, and it is not just policy but principles themselves which are up for debate. This sort of abistoricism is, however, to our collective detriment, for as remarkable as the establishment of democracy in South Africa was, its foundational principles are now agreed upon and set out in our Constitution and Bill of Rights, and their value will be only fully realised when they are accepted as primary and non-negotiable.
Like it or not, ignore it or embrace it, we live in a liberal democratic state, and the values which it demands we engender in one another are quintessentially liberal in nature. More to the point, the principles that inform the nature of our democratic state predate the New South Africa by a substantial period of time.

The Nationalist Agenda

Yet there exists a significant force in our society that would argue otherwise. Nationalism, and racial nationalism in particular, has a powerful foothold in South Africa, and its agenda is constantly promoted by those who stand opposed to these liberal ideas. Against them they propose a set of quintessentially 'African' values and principles. We don't practice accountability; we have an 'African' interpretation of accountability. We don't have a democracy; we have an 'African democracy', and so on. As if the universal and intrinsic good that underpins each of those ideals is not enough on its own. To be legitimate, they must have the requisite politically correct disclaimer. This flows from a disdain fuelled in large part by a particular political contempt for Western modernity, which is ironic, given how much emphasis we place on trumpeting the progressive nature of our Constitution.

The idea, of course, is self defeating. Were this the case, every abstract principle would be denuded of its worth; for every country or culture would claim that it practices a form of democracy unique to it and its history. There is room for that kind of thing when it comes to rules and regulations – that is, the nature of and emphasis given to specific policies – but not the principles that underpin them. Were it otherwise, there would be no common democratic ideal towards which a society might aspire, which would lead down a sure path to warping its nature and purpose. In South Africa however, this tendency towards 'African' democracy has resulted not only in a specific kind of policy agenda, but a particular interpretation of those more fundamental principles and values that, constitutionally, should limit and shape policy.

As with every ideological impulse nationalism promotes, its parameters are ill-defined. We have endless discussions about ‘transformation’, which often finds its way into policy. Yet no document, produced by the state or any political party, defines what exactly it is. We debate ‘Ubuntu’, but, just like transformation, no full and formal definition exists – certainly not one which is commonly agreed. In many ways we are a society that lives in the fog, breathing it in, grasping at it, aware it is all around us but unable to capture it in a bottle, and often oblivious to the sure footing on which we stand.

Indeed, the very fact that these sorts of ideas defy a full and proper definition, serves a powerful political purpose: they can be used to mean anything and nothing; to justify everything but to explain little more than their warm and fuzzy appeal. I am reminded of the definition President Mbeki offered of ‘transformation’ in 2008, in response to a parliamentary question, an interpretation as vague as it is dangerous:

“...Transformation represents a new concept of a caring government, underpinned by the belief that the central aim of transformation is to improve the conditions of our people, especially the poor.”
That proposed definition is in fact the very aim and purpose of our Constitution and the principles and values on which it is built. Yet these other ideas, like ‘transformation’ and ‘Ubuntu’, seemingly hold the same weight as core Constitutional values and, where politically expedient, are used to interpret the Constitution, as opposed to vice versa. By elevating the former to the status of the latter, one is effectively saying that each enjoys equal legitimacy and, with that, the ill-defined values and connotations associated with ‘transformation’ have had a disproportionate effect on our core democratic ideals. The result of all of this is that, in South Africa, those historically well established liberal principles which on face value one takes for granted are in truth subject to a constant and subtle negotiation.

**Negotiated Values**

Let us start with accountability, a powerful illustration of the problem. Best democratic practice dictates that the word has to it two component parts, each inextricably linked to accountability’s full meaning: explanation and consequence.

In order for someone to have been held to account, they must have offered an explanation for their actions and, if it is deemed necessary (that is, depending on the nature of that explanation), face some sort of sanction or consequence. In turn, each component part, explanation and consequence, gives the other its full effect. Without the possibility of consequence, there is no incentive to be forthright in explanation; without a full explanation it is not possible to fairly judge what sanction, if any, should follow an indiscretion.

Yet, in South Africa we deal primarily in explanation. As long as someone has explained themselves they are deemed to have been held accountable, a situation which is, of course, politically expedient. The inevitable result is that any explanation need not be truthful or extensive. Why should it be? Without the possibility of any consequence, there exists no incentive to insist on honesty.

And so we spend much time straining for an explanation. When we do get one, it is necessary to sift through the obfuscation and ambiguity that defines it in order for a desperate public to squeeze from it every last drop of accountability. Very rarely is the public’s thirst quenched. Accountability has been stripped of half its meaning, and the result is that it has likewise been stripped of its intended effect.

Respect is another example. It is axiomatic that respect must be earned. It is a response given freely by someone who, on assessing the behaviour of another, has come to the conclusion that they are worthy of respect. One cannot demand respect. To do so is to fundamentally misunderstand the idea. And yet routinely in South Africa we are told that there are things or people we ‘must respect’. Often it is implied that we have a patriotic duty in this regard. But no matter how much you demand respect, unless someone authentically believes it worth giving, you will never obtain it.

The confusion revolves around the idea of deference, respect’s counterpoint. Deference can indeed be demanded. In fact, for those bullies who need this kind of affirmation, it can even be physically enforced. Very often, when someone demands respect, what they are really saying is one should be deferential towards them. Certainly that is authoritarianism’s intent. Respect, ostensibly a far more palatable
idea, is used as a guise to demand loyalty and engender unthinking obsequiousness.

Those who require deference inevitably suffer low self-esteem, and so ‘respect’ is often used to counter offence. Indeed, to cause offence is in South Africa one of the great sins. The disproportional effect that offence has on public discourse has resulted in the right that any citizen enjoys freely to express their opinion being upturned: free speech in principle, inoffensive speech in practice. Instead of speaking freely, almost intuitively one first regulates one’s opinion against any possible offence it might cause. The competition of ideas is the poorer for it, as is criticism, so important to identifying best practice. For fear of not causing offence, there exists a range of orthodoxies or ‘no go’ areas that much South African debate dare not address.

Excellence itself is another idea under threat. The reason for this lies in a misunderstanding of the relationship between effort and achievement, processes and outcomes. The value of excellence to a society lies in its pursuit, in the trying. By striving constantly to improve, progress is given the necessary force it requires to unfold. Determining what is excellent and what is not is a relative judgment at a moment in time. Pursuing excellence is timeless, because one can always aim to improve upon that which already exists.

But in South Africa, because mediocrity has a relatively firm grip on public life, the relevant judgment necessary to determine what is excellent and what is not has become an exercise not in gauging an outcome against its potential, but against the yardstick of ‘just good enough’. And so the ‘excellent’ outcome achieved might well be better than some alternatives, but if the comparisons considered include international best practice then it falls short of the mark. It is certainly nowhere near its potential, yet is nonetheless celebrated as outstanding.

Likewise, the very fact that any effort was made at all is deemed to exemplify the pursuit of excellence. Many people will tell you, if asked, that they are ‘excellent’ because they try hard. Effort for its own sake is, however, meaningless, unless it is attached to an outcome, and excellence and its pursuit is rendered impotent if that outcome is nothing more than acceptable or average. This is how mediocrity strengthens its grip.

That attitude speaks to a bigger problem: the relationship between process and outcome. Because effort in and of itself is rewarded, and not gauged against outcomes, the processes that define public life have been elevated in importance above the outcomes for which they are responsible. And so the South African public mind is regularly engaged in an interrogation of the various processes of the day and its attention is directed away from a focus on the relevant outcomes they were designed to achieve in the first place. We concern ourselves with questions like, “Was the process ‘inclusive’, was it ‘fair’, was everyone ‘consulted’, and was it ‘thorough’ enough,” among many others. Any outcome is held hostage to such questions. To those who would strive for excellence, these are watchwords, to be approached with caution. To those caught in mediocrity’s embrace, they are weasel words, used to mask one’s true intent. Thus mediocrity has
reversed best practice. Instead of using the ideal outcome to determine the process needed to achieve it, the outcome is warped to comply with the process.

Ultimately, freedom itself is being negotiated. There is a widespread belief that many rights guaranteed in the constitution are in fact entitlements, that the opportunity they represent is in fact a burden, and that there is an obligation on the State, not just to provide that opportunity, but also to fulfil it – as if agency itself no longer has any meaningful role to play.

What underpins this tension between a principle's literal meaning and the way in which it is interpreted in South Africa? There are formal threats to freedom: nationalism and, with it, the political and politically correct programmes of the day – things like transformation and Ubuntu. There are also the consequences of these misunderstandings, like mediocrity and victimhood, which act to reinforce the confusion. But these things alone are not enough to explain the phenomenon.

**A Cultural Conversation**

The primary explanation, one which is rarely touched upon in South Africa, such is its political volatility, is culture.

Playing itself out in South Africa today is a cultural war to decide the meaning of those principles and values which define our democratic order. The dominant cultural force in South Africa is not a democratic one, not in the modern sense of the word. It is authoritarian, demagogic and patriarchal. As a result, it engenders deference and victimhood. Most importantly, it has certain expectations which it imposes on any idea, with little regard for whether or not they run contrary to its intended effect on society.

And yet, for all this, that predominant cultural force cannot ever reveal itself for what it really is. For that would be to elicit a conversation that would strike at the very heart of a society which, through no fault of its own, suffers already from heartbreakingly low self esteem.

Far too many in South Africa, particularly those who concern themselves with analyzing politics and current affairs, spend too much time navel gazing, arguing about words on paper. This is of course important (one must first understand an idea if one is to properly interrogate it) but there is a far more important conversation that needs to take place: an honest assessment of the nature and condition of our democratic culture, the forces that impact on it, and the consequences of their effect.

Perhaps it is time to start such a conversation. Certainly it is a necessary one. The following questions might prove a helpful starting point: What sort of cultural forces are at play in South Africa today? Which are in the ascendency and which are in decline? How well are they defined and understood? What sorts of values define them, and how do they relate to those values our Constitution tries to encourage? What is their effect on best democratic practice? What is their relationship to freedom – do they augment it or undermine it? Why is it we are so disinclined to talk about it? What can be gained from such a discussion? And what is it, exactly, we stand to lose?
Spear/Smear/Tear of the Nation: Trauma and Competing Rights in Post-Apartheid South Africa

The Cry

Advocate Gcina Malindi’s recent cry in the High Court – where he was appearing on behalf of President Jacob Zuma and the ANC to have artist Brett Murray’s genitally-flamboyant portrayal of Zuma, The Spear, removed from public sight – represents in the contemporary South African political and psychic landscape that acts as backdrop to the Spear saga what Nomonde Calata’s cry represented at the outset of the Truth and Reconciliation Commission (TRC).

In April 1996 Nomonde, the widow of Fort Calata, one of the tortured and murdered Cradock Four activists, put her head back and wailed in anguish when she described the news of her husband’s brutal murder in 1985 at the hands of the apartheid state. “His hair was pulled out, his tongue was long, his fingers were cut off, he had many wounds on his body. The dogs had bitten him severely,” Nomonde testified to the Commissioners. Her cry was considered a defining moment of the TRC.

A leading United Democratic Front activist, Malindi was among the twenty-two trialists in the Delmas Treason that ran from 1985 to 1988. Today he is a member of the Victoria Mxenge Group at the Johannesburg Bar, named in honour of Victoria and, by extension, her husband Griffiths Mxenge, prominent anti-apartheid activists and lawyers who were brutally murdered by the apartheid state. Four years after Griffiths’ assassination in 1981, and shortly before her own, Victoria orated powerfully at Calata’s and the Cradock Four’s massive funeral. Inspired by this human rights legacy, the group of advocates (which includes Matthew Chaskalson, son of Arthur Chaskalson who was in the Delmas defence team; and Steve Budlender who submitted evidence on behalf of City Press newspaper to the Film and Publications Board’s hearing which subsequently classified The Spear) is “committed”, says Muzi Sikhakhane, Group founding member who appeared with Malindi on The Spear matter, “to ensuring ... that access to justice is facilitated for those whose material conditions still reflect the dehumanizing conditions of poverty engraved on our society by apartheid and colonialism”.

Malindi’s own life was powerfully affected by these conditions. George Bizos, who also represented Malindi in the Delmas Treason Trial and is godfather to his child, recalls his client’s emotional testimony in the witness stand when he described apartheid’s impact on black families. Prohibited from living in the city with his family, Malindi’s father could only visit them for seventy two hours at a time; and as a boy of nine, Malindi tried to prevent his father being arrested by denying who he was. “Malindi wiped away tears with his hands” as he testified in the apartheid court, Bizos remembers. He spent a year of his five year sentence on Robben Island before his conviction was overturned. Breaking down twenty five years later while representing President Zuma and arguing for dignity and against the continuing...
dehumanization of millions of South Africans, Malindi recalled past traumas. “I was just overcome by emotions and there is a history to it as a former activist,” he said immediately afterwards.7

Judge Neels Claassen’s decision to insulate Malindi’s cry from public view reiterated the way his and others’ pain and trauma have consistently been swept under the carpet of reconciliation. Government spokesman Jimmy Manyi’s criticism of E.tv for not broadcasting Malindi’s emotional moment, before Claassen’s decision, provides a key to understanding the significance of the Spear saga. “E.tv censored the visual that would have shown [Malindi’s] deep pain and emotion, that expressed the culmination of the sentiment of humiliation and denigration of the dignity of President Jacob Zuma, his office and the African culture that is shared by millions of South Africans,” said Manyi.8 Consistently suppressed in the name of forgiveness and reconciliation, these ‘sentiments of humiliation’ ‘shared by millions of South Africans’ are manifestly raw to the touch.

**Humiliated, Still**

By eliciting perceptions of The Spear as profoundly attacking Zuma’s dignity, the decision by the Goodman Gallery to hold Murray’s exhibition, Hail to the Thief; II, inadvertently brought to the surface the rage, pain and denigration many black South Africans continue to feel, in spite of all the political changes. “Blacks feel humiliated and spat on by their white counterparts in situations like this,” writer and sangoma Mongane Wally Serote told the Mail & Guardian.9 The painting was “no different to labelling black people kaffirs”, he said10.

Murray was insufficiently attuned to the way his politically satirical representation of Zuma employs a visual language highly evocative of racist representations and treatments of black male bodies. But others quickly drew his and wider attention. “The painting ... reopens old and painful wounds. Flawed as Zuma is as the head of state, husband and father, no one deserves to be humiliated in that way. Especially not in a country with a long and shameful history of publicly putting its black males in ‘a state of undress’,” Siyanda Mhlongo commented.11 “I am a descendant of those who were dispossessed of their land ... [M]y ancestors were made to strip naked in public and – like cattle – walk through a dipping tank filled with disinfectant to live and work in the city,” he said, describing the emergence of the black proletariat and the creation of cheap black labour pools.12 “[M]any of my father’s generation ... still had to be subjected to the dastardly deed of having his genitals exposed in public for city officials to decide if they were healthy enough to work or had to be deported to some ‘homeland’ in the yonder,” Mhlongo said.13

Mhlongo and others compared Murray’s representation of Zuma with the treatment of Sara (Saartjie) Baartman (1890-1915), the Eastern Cape Khoi woman orphaned in a Commando raid and owned as a slave by Dutch farmers. “Ten years after the return of Baartman’s remains ... to SA on May 6, 2002 ... and almost in the vein of Cezar and Regu, the ... Goodman Gallery has exhibited a painting of President Jacob Zuma with his genitals exposed,” Corwin Luthuli Mhlhalo wrote to the press.14 She was referring to Hendrick Cezar, brother of the slave owner, who exhibited Baartman in England, and French animal trainer Regu, who exhibited her in France. After Baartman’s death,
her genitals were displayed in the Musée de l’Homme in Paris, only removed from
view in 1974. Agreeing with regard to Zuma that “Baartman suffered the same
humiliation by the colonialists who ridiculed her body”15, Mhlongo asserted the
necessity of balancing constitutional rights. “[G]iven our country’s history of racial
humiliation and oppression ... freedom of expression, which includes the right to
artistic creativity ... should be exercised with utmost responsibility and respect for
human dignity,” he said16.

Freedom of Expression v Dignity

Indeed, emerging from our country’s struggle against
this history, and responding to its dehumanising and
humiliating impact on the lives of the majority of our
people, the South African Constitution is founded
on three “conjoined, reciprocal and covalent”17 rights:
freedom, equality and human dignity.

Events around Murray’s exhibition, particularly the
thousands of people who marched on the Goodman Gallery to assert the supremacy
doing of dignity over freedom of expression (many wearing free ANC T-shirts declaring
“We say No to Abuse of Artistic Expression”), have forcefully shown us the challenges
involved in balancing these rights as our transitional society reels under the weight
of the material realities of our broken communities and wounded psyches.

If Malindi’s cry echoes Calata’s, the Spear saga echoes that surrounding
the South African Human Rights Commission’s (SAHRC) 1999 inquiry
into racism in the media.

Watching the Murray versus Zuma saga unfold, I had a sense of déjà vu. Together with
the SARHC, I learnt the hard way about people’s difficulties in even acknowledging
the need to balance the three foundational constitutional rights. The media refused
to engage in the research process, erroneously believing that such an examination in
the name of an individual’s dignity fundamentally assaulted freedom of expression.
Their lawyers defended their refusal on the basis of American jurisprudence which
foregrounds freedom above everything. Mocking the process, the media falsely
represented it to the public as an assault on freedom of expression and consequently
our constitutional democracy.

But two years later, in an unrelated judgment, Judge Johann Kriegler explicitly
dismissed the applicability for South Africa of reliance on the American approach to
freedom of speech. Noting the difference between the ‘unequivocal and sweeping’18
American First Amendment and the limitations19 on the right to freedom of
expression relating to the corresponding Section 16(1) of the South African
Constitution, Kriegler described reliance on the First Amendment, unencumbered
by considerations for dignity that counter our discriminatory past, as “a wholesale
importation of a foreign product”20 which “does not fit and is more likely to confuse
than to clarify”21. At the same time, he strongly upheld freedom of expression
and its significance in South Africa’s post-apartheid democratic society. “Having
regard to our recent past of thought control, censorship and enforced conformity to
governmental theories, freedom of expression – the free and open exchange of ideas
– is no less important than it is in the United States of America,” said Kriegler22. “It
could actually be contended with much force that the public interest in the open market-place of ideas is all the more important to us in this country because our democracy is not yet firmly established and must feel its way,” he said.

Responding in 1999 to the SAHRC inquiry, the media failed to understand that freedom of expression in South Africa has to be thought in relation to rather than independent of an individual’s dignity. Misusing its power to shape public perception, it implicitly corroded its role as the Fourth Estate and itself contaminated the development of a truly democratic post-apartheid society. Its disregard for the constitutional emphasis on an individual’s dignity has had long-term and damaging consequences. Had the media’s legal representatives not bolstered their clients’ defensiveness with a weak reading of our Constitution insufficiently cognisant of dignity as a foundational value, and had the media instead taken seriously professional and ethical codes of conduct and engaged their readers with respect, it would, in my view, have gone a long way to disarming the dignity card subsequently brandished by politicians and their supporters as a tool for media and other control.

Had current City Press editor Ferial Hafajee and her colleagues seriously addressed the issue then, she and her readers would have been better equipped to deal with the multiple challenges posed by the Spear saga now. The corresponding, if inverted, blindness in some political and other circles to the value our Constitution simultaneously places on freedom of expression is the flipside of the coin. Had Zuma and other leaders of the ANC and South African Communist Party (SACP) and their supporters understood that dignity has to be thought in relation to, and not independent of, freedom of expression, the Spear saga might never have arisen.

The Silenced Apartheid Survivor

While actively shaping public opinion, the media also reflects it, operating within prevailing discursive norms. Indeed, the inattention to the individual displayed by the media in its response to the SAHRC systemically contaminates our entire social fabric and political landscape.

Nowhere is this more the case than in relation to the traumatised victim of apartheid who, like Malindi’s cry in court, has been rendered mute in our post-apartheid society. This is true, paradoxically, where he or she was most vocal: in the TRC’s human rights hearings. As a nation, we carefully staged a platform for the survivors to speak. We listened to Nomonde Calata at the TRC momentarily before we, equally carefully, choreographed her off the stage of our national consciousness. In the name of the noble idea and grand narrative of forgiveness and reconciliation, in the sixteen years between the cries of Calata and Malindi, the individual apartheid subject who experiences psychological trauma has effectively been written out of the post-TRC national script. Overlooked in our collective societal understanding, the ongoing trauma remains untreated. As such, it threatens our social stability and the future of our democracy.

A brief retrospective look at key moments in two related international conferences held at the University of Cape Town and organised by psychologist Pumla Gobodo-Madikizela makes this clear. The first, in 2006, reflected on memory and forgiveness a decade after the TRC; the second, in 2009, considered the aftermath of mass trauma.
In his keynote address at the 2006 conference, psychoanalyst Vamik Volkan, who has worked in trouble spots around the world, emphasised that blindness to the dignity of the individual in the form of his or her psychological needs has consequences far beyond that person’s immediate life. Highlighting the post-traumatic stress endemic in South African society, he showed that its effect is ripping apart the fabric of our society, and warned us that we leave trauma untreated at our own individual and collective peril.

Volkan emphasised the need to deal, not only with the material challenges left in apartheid’s wake (poverty, unemployment, HIV/AIDS ...), but simultaneously to consider the psychological phenomena that can arise after a political transition from a traumatising political system such as apartheid, when some people were traumatised at the hands of others, to the new political system in which the trauma previously experienced is ostensibly over.

He had only to refer to the previous day’s Cape Times newspaper to illustrate his emphasis that “psychological processes contaminate every real life situation” in this kind of transitional society. “Last year, according to the Cape Times yesterday, 1200 children were murdered in South Africa,” he said, holding up the newspaper. “1 500 children were victims of attempted murder. Last year in South Africa, according to yesterday’s editorial, 24 000 children were assaulted, 22 000 children were raped.” “Aggression and societal masochism have increased,” said Volkan. “We are sitting in this room. It is so ‘normal’ we don’t feel the idea of children being killed,” he said, visibly shaken himself.

Volkan presented a psychoanalytic explanation for the social reality behind the child murder and other statistics, and the associated numbness of his audience and South Africans more widely. He described it as “biosocial degeneration”, a self-destructive group phenomenon that occurs “when the shared trauma [inflicted by] long-lasting political regimes that aim to humiliate and cause severe losses in a society break the tissue of that society to one degree or another.”

Comparing the psychological phenomenon of mourning involved when an individual loses a loved one with the societal mourning involved in the loss of prestige, honour, jobs etc, Volkan encouraged his South African audience to pay careful attention to the psychodynamics of the ability of individuals as well as large groups to mourn losses. “When there is biosocial degeneration, the mourning becomes extremely difficult. There are reasons why society becomes like individual perennial mourners,” he said, referring to mourners whose grief doesn’t end in the normal, healthy way but is sustained long after the experienced loss. “This is extremely important to understanding South Africa or other traumatised societies,” said Volkan. “Reviewing all your losses — dignity, jobs, education, land, District 6, people who were killed or maimed — you get stuck in perennial type mourning, hoping to bring back what is lost. How are you going to form the remembrance formations that are key to healthy mourning?” he asked.

Considering the dangers involved in incomplete societal mourning, Volkan highlighted other complex psychological phenomena resulting in the violence and numbing social breakdown. He indicated the shared unconscious identification with the oppressor,
which in South Africa involves identification with the racist oppressor. “You have an internal struggle. You find one kind of security identifying with the oppressor while, at the same time, you want to kill them. That brings all kinds of conflicts [which], when freedom comes ... corrupts the freedom period until it takes its course and can be corrected,” he said.

He also discussed the significance of people’s shared inability during apartheid to be assertive when they were told where they could live, work and travel, for fear of being arrested, assaulted or worse. Exacerbating the trauma already resulting from the intolerable shame, humiliation and dehumanisation of apartheid, the increased helplessness accompanying this blocking of external motor activity resulted in the further blocking of a second psychological activity. “There is no avenue for the normal expression of aggression,” said Volkan. “If your expression is blocked, you cannot turn it against the real enemy. You idealise masochism. You get stuck in it. The aggression turns towards your self. Splits occur in society, and people kill and humiliate each other,” he said. “You forget who are the original enemy and turn it into crime within your own community” he said, presenting an acute diagnosis of the crime statistic and an analytical tool for understanding the bewildering and endemic violence.

“True forgiveness cannot happen, as far as I’m concerned, without some work on the mourning process,” said Volkan, gently but firmly popping the discursive national bubble.

His message regarding the endemic social effects of unacknowledged and untreated individual and collective trauma and unsuccessful mourning, and the accompanying limitations for forgiveness and social reconciliation, remained largely unheard in a context giddy with the prevailing narrative of healing through forgiveness, in which the trauma of the survivor plays second fiddle to forgiveness for the perpetrator.

**Forgiving the Perpetrator (2006)**

This was a conference which, celebrating “Archbishop Desmond Tutu’s Life of Peaceful Justice”, hosted apartheid minister of law and order Adriaan Vlok who oversaw and authorised apartheid States of Emergency and the bountiful blood and destruction that flowed from them.

A beatific smile irradiated Vlok’s face as he extolled the experience of washing the feet of the wives of men for whose deaths at the hands of his agents he was ultimately responsible. (Hoping Vlok would reveal their husbands’ graves, the women endured his ritual). Vlok smiled similarly as he was interviewed, on camera in the hallway, by Erda Siebert, a German psychoanalyst and daughter of a high ranking SS officer active in 1941 in Lithuania (where 96.4% of the Jewish population was murdered by Nazis and their enthusiastic Lithuanian collaborators). Siebert (who subsequently presented at the 2009 follow-up conference) considered ‘forgiveness’ of Vlok and others responsible for serial deaths in the name of the state to be a useful paradigm in her quest for a form of posthumous forgiveness for her genocidal Nazi father.

Gobodo-Madikizela, who assumed responsibility unto herself for ‘forgiving’ one such apartheid serial murderer, Eugene de Kock, is key to the success of Tutu’s forgiveness script. Tutu’s international promotion of the TRC as what he considers an advance
in human civilization compared to Nuremberg is dependent in no small measure on being able to demonstrate the psychological healing potential for victims of letting their perpetrators off the hook. Solicited by Tutu for assistance in spinning the amnesty-as-forgiveness-as-healing-the-victim narrative, Gobodo-Madikizela duly embarked on her encounter with De Kock, recorded in *A Human Being Died That Night: A Story of Forgiveness*, a cornerstone of the international TRC/forgiveness industry of which her conference was both an expression and a promotional tool.

Gobodo-Madikizela’s professional engagement did not extend, however, to sufficient empathy for the apartheid survivor to inform anti-apartheid activist, human rights organiser and member of Khulumani Support Group for apartheid survivors Shirley Gunn – who didn’t know – that Vlok would be simultaneously participating in the conference next door to Gunn’s own presentation on Khulumani’s post-TRC journey. The conference’s promotion of forgiveness took precedence over the trauma that could be re-experienced by the woman who Vlok had incarcerated, with her infant son, cynically holding her responsible for an act that was in fact committed by his police, on his orders – the 1988 bombing of the headquarters of the South African Council of Churches.

Subordinated to Tutu’s, Gobodo-Madikizela’s and others’ spiritual wishful fantasy and defensive belief that we were to a lesser if not greater extent living a miracle, Volkan’s message was trampled at the 2006 conference, leaving his warnings about the dangers of incomplete mourning unacknowledged in our public discourse.

2009: Judith Herman

The defensive narrative remained in place at Gobodo-Madikizela’s follow-up conference three years later, when Judith Herman, psychiatrist and author of the seminal *Trauma and Recovery: The aftermath of violence from domestic abuse to political terror* presented a keynote address.

Considering both retributive and restorative justice systems, Herman discussed the comparative impunity enjoyed by two different groups of perpetrators who are difficult to bring to justice; namely, perpetrators of globally endemic sexual abuse and of human rights violations. “[W]hat would it take to hold five to ten percent of the population [who are guilty of sexual violence] accountable for serious crimes?” she asked. “We don’t have any structure which encompasses a problem on that scale. In that sense, sexual domestic violence has much in common with situations of countries emerging from dictatorships or oppressive regimes where the human rights violations were so widespread,” said Herman.

Describing a study she’d conducted with victims, predominantly of sexual and domestic violence, about what justice would look like if victims were consulted, Herman dismissed the merits of encouraging the victim to engage in a process of forgiveness with the perpetrator. The last thing participants in her study desired was, she said, forgiveness of the perpetrator.

“An angry survivor is a scary person for many of us ... The righteous anger of survivors ... who insist something [is done] to right the wrongs ... is such a burden.
Failed Forgiveness (2009)

Herman’s refutation of the psychological helpfulness for victims of forgiving the perpetrator was manifestly unhelpful to advocates of the forgiveness-as-healing-the-victim narrative. Antjie Krog who, together with Tutu and Gobodo-Madikizela, is the narrative’s poster child, wasted little time in attacking them. “I disagree with Claudia with why there is anger now,” she said, speaking on the panel following Herman’s talk. “I think people are furious for forgiving because they thought whites would change and it would become a different country. Now that it doesn’t happen, people are angry because there is nothing coming back,” she said. Ostensibly disagreeing with my speculations, Krog was in fact implicitly rebutting Herman’s expertise and views on forgiveness.

Krog’s work on the TRC is significantly built on the testimonies and voices of the survivors, including Calata, and especially Cynthia Ngewu, the mother of Christopher Piet, one of the murdered Gugulethu Seven, who testified at the TRC in 1996. Krog quoted Ngewu’s statement to the TRC:

“[Cynthia Ngewu] was asked after the perpetrator asked her for forgiveness, ‘do you believe in reconciliation?’ ‘This thing called reconciliation, if I’m understanding it correctly, this perpetrator who has killed my son, if it means he becomes human again so that all of us get our humanity back, then I agree, than I support it’, said Cynthia ... Cynthia spelled out the full complex implications of the role of reconciliation in wholeness ... [that because the person who killed her child’s humanity was affected, he was no longer human, and to forgive him would open up the possibility for him to regain his humanity but had been possible to negotiate politically, if there had been something like a victims’ compensation fund in a way commensurate with the damage that had been done, then there might have been a greater ability to address the vast economic inequalities and to start to make amends to the oppressed groups in some more serious way. ... I think the premature pressure for forgiveness without apology or amends means that you are now left ... with the task of making things right and of achieving social justice in a way that lets the perpetrators off the hook. I think for that reason you may see still a lot of pent up anger and righteous indignation that has no outlet, and that can then become dangerous.”
it makes it possible for her whose humanity has also been affected by the killing of her son, to move towards wholeness and a full humanity again. This is a remarkable formulation ... Both Pumla and the Archbishop were busy with a new humanism, with interconnectedness ... [Ngewu’s response] affirms how somebody who would be regarded as illiterate let alone unschooled in African philosophy [could] spell out this interconnectedness.”

Rebutting Herman, Krog suggested that, far from being unhelpful to Ngewu’s healing, forgiving the perpetrator was actually central to it. Scaffolding her communitarian thoughts on ‘interconnectedness’ with her interpretations of prominent African figures and writers including Nelson Mandela, Tutu, Wole Soyinka and, especially in her then recent book *Begging to be Black*, King Moshoeshoe, Krog presented her reading of forgiveness as an indigenous African worldview. For Krog, any questioning of this communitarian ‘interconnected’ forgiveness constitutes a racist inability to take African knowledge and experience seriously.

Thus dismissing expert evidence that perhaps apartheid survivors and others might be less comfortable with forgiveness than she, Tutu and Gobodo-Madikizela would like to believe, Krog played a key role in administering the same disappearing trick on Herman as on Volkan three years previously. Incompatible with the grand forgiveness narrative, their respective psychoanalytic and psychiatric emphases on emotional responses to loss and grief were made to disappear the instant they addressed the conferences.

Assertions that the (predominantly black) apartheid survivor experiences trauma differently to Volkan’s and Herman’s subjects and others familiar from the psychoanalytic literature displaced the ‘psychoanalytic’ subject with the ‘indigenous’ subject, a substitution that ironically recalls the denials of a common humanity between blacks and whites that informed racialised colonial psychiatry. Are we still to believe, albeit now in the name of forgiveness, reconciliation and African humanism, that the (predominantly black) apartheid survivor feels trauma differently from survivors of other traumas?

There was another disappearing act built into Krog’s performance: Krog obliterated Ngewu’s voice even as she spoke in her name. Krog’s audience couldn’t know that earlier that day she’d participated in a small session on trauma with Khulumani members and Ngewu.

Describing the still traumatic images of her son’s body sprayed with bullets “like somebody spraying ants that mess up your food” thirteen years after her appearance at the TRC Ngewu spoke differently about forgiveness: “One of the killers ... had approached the mothers to express remorse and ask for forgiveness. But the white policeman who ordered [him] to shoot never approached the families. Because he did not apologise, and because he had not given her son a warning, Ngewu felt she could not forgive him,” reported journalist Jo-Anne Smetherham. “Perhaps he didn’t come to me because he is happy with his own children, not knowing the suffering he has caused me,” Ngewu said.

Reliant on Ngewu’s testimony as a pillar of her forgiveness narrative, Krog “stepped into the breach,” “trying to bring healing where none had happened.” It would...
Krog asked, absurdly. Reducing Ngewu’s emotional state to a simple binary of black victim/white perpetrator, Krog trivialised the experience of a grieving mother, the sophistication of whose thinking she acknowledges in other contexts. Selecting how Ngewu’s testimony could usefully be instrumentalised in her own script, Krog reiterated Ngewu’s ‘helpful’ 1996 testimony while omitting reference to her discordant statements earlier that morning. Krog thus maintained the false impression that forgiveness was a healing experience for Mrs Ngewu, on which rested the hopeful future of a new society. Ngewu, like millions of others, is still living with the trauma, while those ostensibly concerned with their dignity and the significance of their lives and experiences talk over them and drown them out.

Post-TRC Transition (Phase II)

Krog’s and others’ employment of Ngewu to legitimise belief in the miraculous healing powers of forgiveness and reconciliation while ignoring the literature and expertise on, and evidence of, trauma and societal mourning is not just personally disingenuous. It is socially unhelpful.

While the TRC-generated grand narrative about forgiveness and reconciliation has brought us this far down the road of our political transition, having inadequately listened to Calata and Ngewu and thousands of others who wept when they testified to the TRC (and millions more who easily could have) we have failed to properly address the trauma and humiliation associated with the apartheid past. Brushing it under the carpet of reconciliation instead, we have deluded ourselves the pain has gone away.

Malindi’s cry has woken us irrevocably from this collective reverie. Justice Malala, political analyst, demarcates his cry as the moment of his own return to memory:

“Every so often something comes along that affects you so deeply, it shifts the very essence of your viewpoint. When ... Malindi ... broke down and cried..., something happened to me. The very centre of my being moved. I remembered a huge chunk of what I had put away in the deepest recesses of my mind. I remembered, I was forced to remember, that there is hurt, there is pain, there is anger and there is even hatred in my and my fellow black people’s hearts about what has happened here. I remembered apartheid ... [and] that once, not so long ago, we were subhuman in this country ... that the black man was viewed as a sex-obsessed, lazy [...], animal, really. We were not human here ... I cannot escape the raw and real pain and hurt that Malindi’s breakdown in court underlined ... There is a hurt that is still not processed. There is a pain so infinitely deep and huge that the [TRC] has done virtually nothing to assuage it. To many of the people outside court this week, this pain is raw and immediate. To them, Nelson Mandela and Desmond Tutu, with talk of reconciliation, are deluded dreamers.”

To continue to ignore the pain Malala describes is to continue to threaten the health of our constitutional democracy.

South African society sits on an important cusp, simultaneously potentially healing and dangerous. Even if it were possible to further repress the pain back under the carpet of reconciliation (it isn’t), it would reappear, hitting the streets in some other
form. Murray and the Goodman Gallery have served as the unwitting flashpoint on this occasion. Left unexpressed and untreated, others will necessarily appear.

We can choose, now, to break in healthy or destructive ways from the transitional narrative of forgiveness that suppressed the pain.

We can constructively clear the way to bring the individual back into the picture, and pay attention to our societal psychological wellbeing; to acknowledge, however belatedly, the extent and significance of the ongoing trauma, the fact of the incomplete mourning of the losses of the past and the resulting individual and societal problems we face. We can enable the healthy expression of people’s grief, loss, pain and rage. We need urgently to formulate ways to address societal trauma and repair (reparate?) our societal tissue. Individual therapies are clearly unaffordable and unavailable. What would more group-based therapies look like? The Spear saga has shown us that art and culture is one key arena.

Alternatively, we can continue to allow the now visible traumatic feelings of humiliation, the pent up anger and righteous indignation to remain untreated, leaving them easily harnessable for socially destabilising ends. Volkan warned that, in the hope of regaining what was lost, South Africans could develop what he characterised as entitlement ideologies. “If South African society continues to be unable to mourn healthily, and remains stuck in a perennial mourning process, political ideologies will develop around this inability,” he said.

Notes for the Future

Here we need to be alert to the truth that President Jacob Zuma ≠ Saartjie Baartman. Whatever undeniable humiliation he has suffered in the course of his life, however irritated he might personally be with The Spear’s representation of him, and however much his and others’ sensitivities resulting from past racism might be re- animated by representations of exposed genitals, Murray’s representation of him is not comparable with Baartman’s life and after-life in a bottle in a European museum. When Blade Nzimande says that, were The Spear to “be allowed to go to Germany ... they [would be] making our president the second Sara Baartman,” he positions Zuma – the head of a powerful political movement and country with an army and police force, who appoints people to the courts and the SABC – as a victim as powerless as an African slave woman prostituted and mutilated in nineteenth century colonial society. He and others profoundly trivialise precisely the humiliations and dehumanization in whose memory they and Zuma speak. They betray the struggle for dignity and social justice which Malindi pursued on Zuma’s behalf.

Positioning Zuma among history’s most victimised and abject people rather than as one of the most powerful people on the continent, the ANC and SACP masterfully appeal to the millions of South Africans whose dignity continues, even under their watch, to be systemically suppressed.

Positioning Zuma among history’s most victimised and abject people rather than as one of the most powerful people on the continent, the ANC and SACP masterfully appeal to the millions of South Africans whose dignity continues, even under their watch, to be systemically suppressed. Mobilising their support, they harnessed other people’s real pain and humiliation to the grid of Zuma’s political traction. By the time his supporters were marching on the Goodman Gallery, Zuma had entirely transformed Murray’s political critique on their behalf into his own lobbying cry for their political support.
The thousands of people marching on the Goodman Gallery were only partly worthy of celebration. Correctly upholding the right of the marchers to protest, the Gallery removed artworks from its street-facing windows (“BIKO IS DEAD”; “LE NOIRE IMITE LE BLANC, LE BLANC IMITE LE NOIRE ...”), replacing them with the simple statement: “THE GOODMAN GALLERY SUPPORTS YOUR RIGHT TO PROTEST”.

Was the march the healthy, cathartic expression of people’s pain in the framework of a constitutional democracy that balances freedom of expression and dignity? Or was it an early indication of a new, reactive political ideology that could rip that framework apart?

Physically embodying this cusp was the phalanx of police outside the Gallery defending its representatives and building from indignant supporters, not of the local football club but of the President himself, some of whom might have supported self-described Nazareth Baptist (Shembe) Church spokesman Enoch Mthembu’s call for Murray’s death by stoning, who were legally marching against Murray’s right to create freely.

Commenting on the divergent identities but shared conservative, violent and intolerant values of the defacers of *The Spear* Barend la Grange and Louise Mabokela (who was honoured as a national hero at the march), Professor Jonathan Jansen characterised the essence of this historical moment as constituting “not a clash of racial cultures [but] a clash of values,” he said72.

More accurately, the value divide – separated by a row of police on Jan Smuts Avenue – is not simply between liberals and conservatives, but between adherents to and rejecters of the rule of law.

Marching their indignation out of court and onto the streets, Zuma supporters were openly contemptuous of South Africa’s constitutional framework. “They [Murray and the Gallery] have not been interdicted by the courts. They have been interdicted by you,” ANC General Secretary and SACP Chairperson Gwede Mantashe told the protestors outside the Gallery73. Having achieved through street action an outcome unlikely to have been achieved in court, they promptly withdrew the court action.

In contrast to Mantashe, Mabokela and Mthembu, others like Malala will not allow their pain and feelings of humiliation to undermine adherence to and belief in our constitutional democracy. Malala is able to allow memory to resurface while simultaneously upholding the Constitution and Bill of Rights. “To read this constitution ... is to recognise that even when we feel pain as Malindi so rawly and movingly did, the freedoms [and] dignity that we enjoy today, are enjoined in that constitution,” said Malala74. “For us to enjoy all these and to continue to enjoy them, we have to acknowledge that this same constitution will allow things that pain us, things that kick us in the very heart of our being, to continue. ... I feel pain, but the painting must stay up, and the newspapers must be able to report about it,” he said75.

Malala’s careful balancing, now, of dignity and freedom of expression does not entail any betrayal of Baartman, the Cradock Four, the Mxenges or anyone else who fought for freedom in South Africa and who suffered grotesque brutality as a
consequence. On the contrary: as former Chief Justice Pius Langa reminded us recently, the Bill of Rights in the Constitution was no foreign or Western import but flowed directly from the Freedom Charter on which it was partly based. It was, he said, the request of “ordinary people [who] wanted guarantees that when transition came, the state should be obliged to do certain things ... [and] to make sure we, who were beaten once by a government .. who were trodden upon so severely by the previous system ... that deprived us of dignity and our rights, should never again [be so treated]... so we wanted it in writing,” he said76. Its omission “would have been a betrayal of people who were previously deprived of their rights,” said Langa77.

Instead of thanking Murray and the Goodman Gallery for provoking the nation into a new examination of people’s sense of dignity in post-apartheid South Africa and engaging the function of freedom of expression in our transitional society, Mantashe and others rejected Murray’s freedom of creative expression guaranteed “in writing” in the Constitution. The initial defence of one man’s dignity in a court room, ostensibly seeking the appropriate balance with freedom of expression, rapidly and regrettably segued into a march that explicitly assaulted Murray’s right to free political comment. “The march ... is also meant to condemn the defacing of an ANC logo with an inscription “FOR SALE” and “SOLD”,” the ANC announced78. “[T]hese actions are not only a violation of the right to dignity of cde President Jacob Zuma but are a clear and calculated attack on the ANC,” it said79.

Time will tell if Malindi’s cry in court will continue to signify the beginning of a new, more psychologically accurate national acknowledgement and treatment of people’s pain, and introduce a new discussion about societal repair and reparations; or whether it will come to signify the cynical use of people’s pain for personal and/or party political ends and, with it, the beginning of the crumbling of our constitutional democracy.

NOTES
2 ibid.
3 http://vmxengegroup.co.za/index.html
5 ibid.
6 ibid.
8 ibid.
10 ibid.
12 ibid.
13 ibid.
14 ibid.
15 Mhlongo, ibid.
16 ibid.
17 Judge Johann Kriegler, in S v Mamabalo (CCT 44/00) [2001] ACC 17, p 37.
18 ibid, p 37.
19 ibid.
20 ibid, p 32.
21 ibid, p 39.
22 ibid, p 33.
23 ibid.
27 Volkan, The Next Chapter’, author’s conference notes.
28 ibid.
29 ibid.
30 ibid.
31 ibid.
33 Volkan, ‘The Next Chapter’, author’s conference notes.
34 ibid.
35 ibid. My emphasis.
36 ibid.
37 ibid.
38 ibid.
39 ibid.
40 ibid.
41 Conference programme, cover page.
48 ‘Justice from the Victim’s Perspective’. Herman spoke via a video link-up from her office at Harvard University in Boston.
49 Author’s conference notes.
50 ibid.
51 ibid.
52 ibid.
53 ibid.
54 ibid.
55 ibid.
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58 ibid.
60 Krog, 2009.
62 ‘Facilitated Roundtable Conversations with second generation victim/survivor groups and with victims working on reconciliation projects with perpetrator groups’, ‘Beyond Reconciliation: Dealing with the Aftermath of Mass Trauma and Political Violence’, UCT, 4 December 2009.
63 Jo-Anne Smetherham, ‘Reconciliation is not an event, it’s a process’, 8 February 2010, p 9.
64 ibid.
65 ibid.
66 ibid.
67 ibid.
68 ibid.
70 Volkan, 2006. Author’s conference notes.
74 Malala, p2.
75 ibid.
77 ibid.
79 ibid.
Let me declare an interest: Peter Brown was a friend and mentor to me over a forty year period and I owe him much. His benign influence on me (and I know I speak for many others) was such that whenever I had a difficult professional or personal decision to make I would ask myself, “What would Brown have done?” His moral authority was absolute – blended with courage and a consuming belief in liberal principle. Thus, “the quiet influence … that he had exerted over a large number of people”.

The Maritzburg Scene

Those of us who lived in Pietermaritzburg at the end of the 1950s and early 1960s had the inestimable advantage of working closely with Peter in his role as chairman of the Liberal Party. There was a happy blend of young and old in the party’s membership, reinforced by an exciting intellectual atmosphere at the local centre of the University of Natal. Those of us who were fortunate to be colleagues or students sat at the feet of some of the country’s most distinguished academics: Edgar Brookes, Arthur Keppel Jones (both liberals to their fingertips); Mark Prestwich (a wise Burkean conservative and a witty and penetrating leader writer for the Natal Witness); Geoffrey Durrant (a brilliant Shakespeare scholar and a superb teacher) and his able young colleague Colin Gardiner; I should also mention Hans Meidner, a botanist of distinction and Gerry Doyle, a fine psychologist. There were, too, some very clever undergraduates (Robin Lee, Bill Ainslie, Douglas Irvine, Rowland Smith, Catherine Shallis, Michael Gardiner, Lettie Volschenk, Caroline White, John Chettle, et al) many of whom went on to distinguished careers in academe both at home and abroad. This heady mix of talent was a natural recruiting ground for the Liberal Party, with Peter presiding benignly over a host of social and political gatherings. Equally important was the collegiality of the senior common room: colleagues met for tea and coffee, ate lunch together arguing over the day’s events, often followed by a visit to the local pub.

Halcyon days indeed! When “to be young” if not “very heaven” was to be part of an enterprise of singular liberal idiosyncrasy in a society bedevilled by institutional racism and the mindless hostility to those who opposed apartheid’s gross abuse of human rights. For many, the party offered the opportunity to meet black activists on an equal footing, to gain some understanding – however limited – of the way the great majority of their fellow countrymen lived, enduring lives so profoundly different from their own.
**Personality and Principal**

What Michael Cardo offers in this well written and closely argued biography is a splendid version of Brown's life: all the more necessary because his enormous contribution to the role and impact of liberal ideas on South African society never really earned the respect and reputation it so richly deserved. As the author rightly argues, “the reasons for Brown's relative obscurity are partly personal, partly ideological and partly political.”2 To begin with he was a highly civilised man, one who believed in the primacy of reason for the regulation of human affairs; he was diffident, reserved and never intemperate in terms of his personal dealings with friends and opponents. He eschewed ideology; “he was a doer”3 and could be impatient with those who sought explanations of society’s ills in terms of some grand theory.

Brown was certainly not solemn nor moralistic. Indeed, his conversation was informed by a “teasing dry wit …; [he] was entirely indifferent to matters of reputation and veneration.”4 He preferred to base his judgements on close observation of men and events, albeit one informed by a profound belief in “justice; … [it is] rightly …. represented as blindfold … [and] does not allow the use of two measures, one for ourselves and our own people, and another for those who differ from us in nationality, race, or their colour of skins.”5 This quotation from J S Marais, the doyen of South Africa's liberal historians, had personal resonance for the writer. Reading Marais' Cape Coloured People at the University of the Wittwatersrand in 1951 exposed me to the central tenet of liberalism, reinforcing the teaching of young men at a Pretoria school who had come back from the experience of the Second World War alive to the injustice of South Africa's societies. They would gently but firmly undermine the natural conservatism of their schoolboy charges (“Why is ‘house spirit’ important Spence?” – a question to which there appeared to be no rational answer, encouraging a healthy dose of intellectual confusion!).

**Formative Influences**

This anecdote illustrates an important theme in Cardo's account of Brown's life. The truth of H A L Fisher's dictum – “always acknowledge the play of the contingent and unforeseen in human destiny” was certainly demonstrated in Brown's conversion to the liberal creed and in particular its relevance to South Africa. Cardo stresses two critical experiences: the first during his schooldays at Michaelhouse when he visited Adams College, the intellectual nursery of several of South Africa's prominent future black leaders and from 1934 under the principalship of Edgar Brookes. The latter had a powerful influence on Brown's thinking.

The second defining moment was listening to the exile, Peter Abrahams, a major South African novelist speak at Cambridge. This was Brown's road to Damascus6 “It shattered the accumulated stereotypes about black people with which I had grown up”7.

No doubt many party members could evoke such defining moments in their conversion to liberal ideals, though they came to liberalism in different ways. Some came via the exposure to liberal values at university through membership of Student Representative Councils; I, for one, was influenced in the 1950s by the late Harold Wolpe, a charismatic left wing radical on the Wits Council. Others came through the experience of fighting alongside Indian and black soldiers in World War II. Others again came through their professional activities as lawyers and doctors working at the sharp end of South African society – a compound of poverty, state
persecution and massive inequalities. “What is interesting, in Brown’s case, is that he did so in a province [Natal] which, unlike the Cape, had no discernible political tradition of liberalism, nor one of non-racialism”.

What was striking about Brown was his commitment to non-racialism, in part the result of his work in Edendale (a multi-racial community near Pietermaritzburg). As the local YMCA organiser in the early 1950s, he made lasting friendships with black activists such as Selby Msimang, Archie Gumede and Sam Chetty. It was this formative experience that convinced him that racial origin was irrelevant in determining “rights, responsibility and opportunities in life”. Thus, as Cardo comments, “Brown's liberalism was nurtured by close personal friendships and interactions that transcended racial and ideological divide”.

The Brown–Paton Nexus

It is appropriate at this stage to stress Brown's close and wonderfully productive friendship with Alan Paton. Again, Cardo writes intelligently and sensitively about these two profoundly influential Liberal Party leaders. Cardo quotes from an interesting letter from Paton to Brown:

Must I go on writing? Must I get a job? Or must I join people like you and try to serve the country? These are my problems that I should like to have discussed with you.

And these discussions (and much light hearted banter) continued until Paton's death in 1988.

Their relationship was based on an extraordinary combination of personality and principle, again an example to a younger generation, some of whom were regular attendees at Paton's Sunday afternoon soirées in his Kloof home. We were all rather in awe of Paton: he could be magisterial, occasionally arrogant and forthright in opinion. And why not? He was, after all, the author of two of South Africa's most famous novels, one of which, *Cry the Beloved Country*, had a profound impact on many readers whose views were transformed by the sheer force of the narrative. (In passing, it could be argued that Paton should have had a Nobel prize. One can only speculate in this context that his liberalism was not radical enough for the high minded Swedish judges who made such decisions. He was, after all, hostile to economic sanctions against South Africa and, therefore, well out of favour with the conventional wisdom on this issue in Europe and elsewhere.)

Ernie Wentzel's description of the role that Brown and Paton played in the party is instructive:

“Although Wentzel thought Brown was a ‘dreary public speaker’ and ‘not a forceful chairman’ … he perceived in him ‘a keen intelligence, great courage and common sense and considerable diligence’. To Wentzel, Brown ‘was the party in the real sense’; for he was a man of action, and he had ‘a compassionate nature and keen sense of humour which made him respected by all sections of the Party’. Paton, by contrast, was neither a political activist nor a strategist; according to Wentzel, ‘in essence this was Paton’s limitation as a leader – he spoke magnificently but it signified nothing in the sense of action’.

To Wentzel, Brown ‘was the party in the real sense’; for he was a man of action, and he had ‘a compassionate nature and keen sense of humour which made him respected by all sections of the Party’.
But despite Wentzel’s qualifications, Cardo gets the relationship right in terms of its overall impact on the fortunes of the Liberal Party and a wider South African constituency: “it was through their joint leadership that liberalism came to be embodied politically, within a party, for the first time in twentieth-century South Africa. And it was through their doggedness that the liberal tradition, or a strand of it any rate, came to broaden its scope and constituency by practising (rather than just preaching) non-racialism, and by appealing to blacks not as charges but as equal partners in a project for political change.”

Let Cardo have the last word: “Paton and Brown complemented one another, and their friendship was at once personal and political. Together, they were the public face of a particular strand of South African liberalism in the 1950s and 1960s, one which Albert Luthuli, in his autobiography, said took its stand on ‘principles and not on expediency – a new thing indeed in white politics’. And the way that strand was woven had as much to do with their personal chemistry as it did their political like-mindedness.”

John Mitchell, a schoolmaster friend of Brown’s, argued perceptively that he and Paton had “rather a sort of father/son relationship … although, in a sense, Brown was the dominant character in the relationship.”

Brown’s capacity for friendship across the colour line made him all the more determined to give practical expression to his profound belief in non-racialism by ensuring that membership of the party included all sections of South African society. And this commitment was reinforced by his work among the rural African population of Northern Natal. Hence his considerable efforts to publicise and protest against so-called ‘black spot’ removals. I can recall – at Peter’s suggestion – travelling with Colin Gardner to black settlements in Northern Natal to explain to our audiences (which always included at least two or three bemused Special Branch police officers) the evolution of democratic parliamentary government and the gradual spread of the franchise in nineteenth century Britain. Subversive stuff indeed!

The Franchise Issue

For South African liberals the franchise issue provoked intense debate between those in the Cape, led by Oscar Wollheim and Walter Stanford, who favoured a qualified franchise and those in the Transvaal and Natal who supported the principle of universal suffrage. Cardo handles this issue with skill and perception of what was at stake for the protagonists. In effect Wollheim and his colleagues were representative of the Cape liberal tradition. By contrast, Brown and his supporters exemplified a more contemporary view, based on what was happening elsewhere in Africa where nationalist movements pressed for independence from colonial rule and for whom universal franchise was demonstrably both symbolic and a practical expression of the principle of equality.

As Brown told Stanford, “it was becoming impractical to think and talk in terms of a qualified franchise in Africa in 1959. Africa won’t listen”. His concern and the reasons he advanced illustrated clearly his capacity for down to earth reasoning, his ability to draw pragmatically on experience rather than high political theory as the basis for his change of attitude. Thus in a letter to Jack Couston, a Cape conservative, he argued,
“I started off as a strong advocate of a franchise on a high basis of qualification. The last few years have persuaded me that it is impossible to lay down a franchise qualification which will guarantee a responsible electorate. White South Africa enjoys compulsory, free education up to a high standard, its income level is high, its members own property on a substantial scale, yet politically it is quite irresponsible. I have canvassed many voters who knew virtually nothing about what was happening in South Africa and who voted almost entirely out of habit. On the other hand, I have attended Liberal Party meetings where nobody could speak a word of English but where the degree of responsibility shown in discussion has been remarkable”.17

The issue was finally resolved in 1960 in favour of a universal suffrage, but the debate proved to be a testing and difficult moment for the Liberal Party.

Brown's Liberalism

The great strength of Michael Cardo's biography is that it successfully combines detailed accurate insights into Brown’s personality with the evolution of his political beliefs and – above all – the sheer decency of the man. (Readers who know their George Orwell will recall his emphasis on decency as the most civilised of all the political and private virtues). As the chapter dealing with the 1960 State of Emergency and Brown’s ten year ban (1964-1974) demonstrated, he retained a remarkable resilience and an unshakeable faith in the liberal cause and its particular South African commitment to non-racialism as the very basis for social and political progress. The work also deserves praise for the author’s capacity to meld together a portrait of Brown – both the private man and the public persona – with an immensely valuable account of the origins, development and influence of the Liberal Party which he did so much to hold together in difficult times.

True, others such as Janet Robertson, David Welsh and Douglas Irvine have written knowledgeably and perceptively about South African liberalism and Cardo makes a fine contribution to that literature. In other words, it is the best kind of biography: illuminating about a person and the context in which he has to operate, balancing between the personal and the public domain.

The Land Issue

Of particular interest to future historians will be the account of Brown’s involvement with the land issue. As Cardo argues “there was a heightened sense of community awareness, shaped by an appreciation for the rhythms of rural life and an allegiance to the soil. Land and community ‘were Brown’s two great concerns’”.18

These were the ‘golden threads’ that connect his liberal actions in the 1950s and 60s when he opposed the state’s programme of ‘black spot’ removals. Nor did his commitment to the land diminish once the party dissolved itself in 1968. If anything it increased – witness his chairmanship of the Association for Rural Advancement in the 1970s and 80s. We note, too, Cardo’s description of Brown’s relations with Neil Adcock, kindred spirits in so far as both cared passionately about the conditions of rural Natal, but often engaged in fierce debate about what should be done to alleviate those conditions. These chapters of the book will be invaluable to future
historians researching a critically important aspect of South African society. In the 1980s, Brown resisted pressure from, for example, Neil Adcock to revive the Liberal Party. Instead he concentrated on the production of Reality, a journal which made a significant contribution to the debate over South Africa’s future, together with involvement in the Five Freedoms Forum. But as Cardo emphasises:

“Perhaps, after 1974, Brown’s greatest contribution was in the field of rural advancement and land rights. In some ways a natural progression from his work with the Northern Natal African Landowners Association against black spot removals in the 1950s, his involvement with AFRA helped empower farm workers and labour tenants. Brown also drew attention to the need for land redistribution and restitution before the transition to democracy, which was not something that many of his liberal contemporaries did.”19

These political activities were supplemented by a willingness as always to do good by stealth, visiting, for example, Winnie Mandela exiled to Brandfort and contriving to make her days more “bearable …. on occasion it was as if I had a new lease of life and I was able to face each lonely day ahead courageously”…. “you will probably never guess just how much your visits meant to me.”20

And throughout all these activities, Phoebe (his wife) was by his side. She continued to handle with calmness and composure the many larger than life characters who had frequented Shinglewood during Peter’s years of active politics. Throughout their marriage, Phoebe provided the bedrock of domestic stability and emotional support that sustained her husband and allowed him to exert a positive influence in so many spheres”.21

The End Game

Finally, we have to ask how far the Liberal Party under Brown’s leadership contributed to the constitutional settlement and the formation of a Government of National Unity in 1994. It is difficult to measure the precise impact of liberal ideas on the wider body politic of South Africa. Fifteen years is a short life span for a political party, but the years between 1953 and 1968 were crowded with activity and passionate commitment despite the fact that the party was outside the main stream of white South African politics. Superficially, Brown and his colleagues might have seemed irrelevant to the hard nosed realists in South Africa’s major political parties, no more than voices crying in the wilderness and prophets without honour in their own country.

But this is to ignore the role of ideas – even those of a minority – in influencing, and indeed ultimately shaping outcomes. These ideas, the stuff of liberal democracy – universal franchise, the rule of law, the legal protection of basic civil liberties and social justice – were articulated in and out of season by the South African Liberal Party. They infiltrated the country’s noisy, boisterous civil society which had become so dramatic a feature of South Africa’s political scene, especially after the Soweto protests of 1976 and the growing opposition to apartheid in the 1980s. ‘We are all liberals now’ might well have been the mantra of those who over a dramatic four year period negotiated the grand constitutional settlement of the 1990s.
Peter Brown, through personal example and his capacity for friendship and collaboration in a host of activities across the colour line, embodied these values, though he would have been embarrassed to be told so. What he did was to make “an important and lasting contribution to the liberal tradition in South Africa. He helped, in his own way, to guide us into the non-racial democratic society we inhabit today. For that he deserves recognition and respect”.

Just before he died, in an interview with Norman Bromberger he predicted that: “There may come a time when the ANC starts to disintegrate or to produce factions … and … perhaps as the economy improves and so on … there will be an opportunity to form a fully non-racial Liberal Party again. Something which will absorb the DP [now the Democratic Alliance] and elements from other political organisations …”22 “From the vantage point of 2010, Brown’s views seem prescient. Time will tell if he is proved right”.

Several generations of South Africans owe much to his fine example as friend, mentor and good companion in good times and bad. Thus, there is a moving tribute to Brown from Elliot Mngadi, his close friend and party official. After Mngadi was banned, he wrote heart-rendingly to Brown:

‘To separate me from the Party and its work is just like separating a mother from her child … My whole life was completely intertwined with its work … Peter I am happy because you are still fine, and I know that you will keep up the good work of nursing our baby …’

And for this reader at least, Michael Cardo’s biography has been a moving trip down memory lane, a fine tribute to an exemplary man. He deserves our congratulations for reminding us how much so many of us owe to Peter Brown – a debt acknowledged personally even by Nelson Mandela on the heady occasion of his own release from prison in 1990: the “struggle had been won by participants of every language and colour, every stripe and hue”. Brown was among that number.

NOTES
2 Ibid, p15.
3 Ibid, p47.
6 Cardo, Op Cit.
7 Ibid, p33.
8 Ibid, p70.
9 Ibid, p18.
11 Ibid, p80.
12 Ibid, p172.
13 Ibid, p73.
14 Ibid, p113.
15 Ibid, p84.
16 Ibid, p130-1.
17 Ibid, p15.
18 Ibid, p15.
19 Ibid, p324.
20 Ibid, p323.
21 Ibid, p324.
22 Ibid, p324.
23 Ibid, p224.
24 Ibid, p324.
Fourteen years ago, Parliament approved the Defence Review, a study that was commissioned to establish the future needs, role and structure of the South African National Defence Force (SANDF). This launched not only the Strategic Arms Procurement Package, also known as the “arms deal”, but also a chain of political events that are still shaking the country to this day.

On 15 September 1999 Cabinet announced that R21.3 billion would be spent over eight years to procure the required armaments. In the same month, Patricia de Lille, then a Pan Africanist Congress (PAC) Member of Parliament, alleged that key players in the arms deal had received kickbacks.

The corruption allegations led to the conviction of Shabir Shaik, the former financial adviser of President Jacob Zuma, on charges of corruption and fraud. Following Shaik's conviction, former president Thabo Mbeki fired his deputy Zuma and set in train a series of political events which ultimately led to his downfall in September 2008 and Zuma's election as the president of the ruling party in December 2007 and President of the country in 2009.

The inauguration of Zuma as head of state in May 2009 happened barely a month after the National Prosecuting Authority had controversially decided to withdraw charges of corruption against the African National Congress (ANC) president and thus launched what I call The Zuma Moment – a moment in South African politics born out of the intrigue of the arms deal. The Zuma Moment also coincides with the deepening of factional tensions and division in the ANC, and the perception that the ruling party, a former liberation movement, has lost its moral compass, with its members engaging in naked battles for power and money.

Will the arms deal be seen by future generations as the moment in South African political history when the forces of liberation lost their innocence, or will this loss of innocence be seen by political historians as something that happened much earlier?

What seems indubitable in this regard is the fact that the arms deal constituted the betrayal of the hope that our post-apartheid order would not only result in the birth of something beautiful to behold – a rainbow nation at peace with itself and the world – but would also translate into reality the values by which those who fought against the evil of apartheid lived and died for.
This sense of betrayal is captured vividly in the book, *Up In Arms: Pursuing Accountability for the Arms Deal in Parliament*, by Raenette Taljaard, a former member of parliament for the Democratic Alliance (DA) and former director at the Helen Suzman Foundation.

While this is not the first book on the arms deal, the fact that the author was a teenager when the ANC was unbanned and Nelson Mandela was released from prison means that she is part of a generation of South Africans to whom the gift of freedom and democracy was bequeathed by older generations of freedom fighters. Her excitement about the events which led to the 1994 democratic breakthrough and her high levels of hope for the future are captured in the early parts of the book in a manner that makes the disappointment of those like her about the deeper meaning of the arms deal painfully palpable.

Taljaard’s disappointment about the arms deal as evidence of a lack of accountability in the relationship between those who govern and the citizens of this country is not that of a distant observer. Not only did she witness the birth of our democratic constitution and the labour pains that went with it, she was there when the initial discussions about how the multi-agency probe into arms deal corruption allegations would be conducted happened.

She writes:

> “Around the time of the meeting I attended in the Auditor-General's office in Pretoria, the response of the government to the unfolding drama seemed to be proper and reassuring. In early October 2000, shortly after the Scopa hearings with the Department of Defence, the Cabinet issued a statement committing itself to co-operating fully with any probe. The statement gave the assurance that the ministers concerned with the arms procurement would be available to meet with Scopa at any time.”

These assurances, however, were not the only thing which gave Taljaard the hope that neither effort nor sacrifice would be spared in the investigation, irrespective of who the casualties would be. She gives an account of how the parties involved seemed to prioritise the oversight role of Parliament when confidential documents and minutes of Cabinet and Cabinet sub-committee decisions about the arms procurement process were made available to Parliament. Fortunately for ANC party bosses, most parliamentarians did not bother to read them. This may be the reason why the executive may have succeeded in putting pressure on ruling party members of parliament to fall in line with the desire to obfuscate.

Taljaard argues in the book that, “Over the course of 2001 a Kafkaesque plot unfolded that would eventually, and astonishingly, exonerate the South African government from any wrongdoing in the arms deal.” She later says that the programme of Scopa was almost entirely taken up by the arms deal but, “We were making the kind of history one cannot be proud of.” In this regard, the chapter titled “Drama, deceit and deception” gave me a few sleepless nights and the events contained in it must have destroyed whatever idealism was left in the young woman who shed tears of joy when Cyril Ramaphosa and Roelf Meyer announced that the ANC and the National Party had agreed on the final compromise text that would open the door for the adoption of the constitution in May 1996.

At the end of the day, the question this review must answer is whether Taljaard’s book is fit to read. The book is a useful addition to the growing – albeit slowly –
literature on the arms deal in particular and the interface between governance and
the arms industry in general. Does the book answer all questions about arms deal
machinations? No single book can, especially since in Taljaard’s case the book is
about her as a witness to but one part of the sordid saga. The higher order question
at the moment is whether the new probe that was announced by President Zuma
last year will deliver on the promise of an unfettered investigation. Ultimately, the
answer lies in whether the ruling party can survive such a probe.

However, this book is fit to read also for reasons that have nothing to do with the
arms deal. The perception that the removal of the Special Investigating Unit of
former judge, Willem Heath, from the multi-agency investigation was part of a
wider plot by the executive to subvert the process is a comment about the need for
electoral system reform in South Africa. Such reform may, to some extent, address
the authoritarian streak which, as part of the proportional representation electoral
system, currently afflicts all political parties without exception.

In addition, the book is about the author’s disappointment that the hope of the re-
alignment of opposition forces has not materialised for reasons which, in part, have
to do with some of the weaknesses of the DA. In her own words, she bemoans what
she sees as,

“a degree of gatekeeping and gamesmanship that simply leads the organisation
to scoring ‘own goals’ in respect of racial transformation. The heated exchanges
that currently mark the election for the leadership of the party in Parliament in
2011 may still, irrespective of its outcome, fracture the party on factional and
racial lines, and its support base too.”

It is unfortunate, therefore, that this book has caused very little debate about the
issues the author traverses. It is clear that Taljaard is an example of the poverty we
all suffer when the able and thoughtful among us exit the political stage because
they are losing hope not only in the ruling party, partly because of how it managed
the arms deal saga, but also because the opposition has become parochial in its
approach to the detriment of the vision of a non-racial future in which the office of
the citizen will, indeed, be the highest office in our democracy.

This book is about the need to privilege accountability over the narrow interests of
political parties and their bosses. But Taljaard’s is not the story of paradise completely
lost. She ends with the promise that, “I myself will contribute from where I am with
that I have – my talents such as they are, deployed in academia and civil society to
help in building a better South Africa. In my heart and mind I carry to inspire me
the snaking voting lines of 1994, the beautiful melodies that erupted spontaneously
in the old Assembly chamber to celebrate the new Constitution; and the dreams
of Mandela’s life and values. There is but one Republic of South Africa and I am
grateful and proud to be a daughter of her soil.”

The ugliness of the arms deal notwithstanding, Taljaard’s is ultimately a book that
reminds us about the need to nurture hope and the resilience of the human spirit.
BOOK REVIEW

Sharpeville: An Apartheid Massacre and Its Consequences by Tom Lodge

What was ‘Sharpeville’? Was it a political protest or accidental tragedy, an ‘ordinary atrocity’, an historical ‘turning point’, or a symbol of state brutality or moral disgrace?

None of these forms of descriptive shorthand necessarily preclude each other, or even other possible descriptions. But there is a tension in all these ways of conceptualizing the massacre of 21 March 1960, insofar as, in seeking to describe it, we are ultimately at risk of trying to create meaning out of something that was arbitrary and senseless and without purpose.

In the most immediate of ways, Sharpeville was about the death of people at the hands of a security apparatus that lost control of a situation due to its own missteps and overreactions. In seeking historical meaning in these deaths, there is always the danger of losing sight of the dead, of Sharpeville becoming more about other things than about those killed on that day, and the memories of those individual family members and friends who have mourned their loss ever since.

Tom Lodge, a distinguished academic writer and consummate expert on South African politics, begins his meticulous and thorough political history of the Sharpeville massacre and its aftermath with the voices of those who were there that day. He edits their testimonies, not to produce a single, cohesive narrative, but to give us a sense of the confusion that people experienced at the time, the multiple ways in which lives intersected in haphazard and random ways, and the fragmentariness of any individual view of the tragedy as it unfolded. The result is quite remarkable.

The reader is left wondering what they really do know about that day – a day that has since acquired many meanings via mythmaking by those interested in exploiting it for both positive and negative ends during the apartheid period, as well as via memorialization after 1994. Lodge uses this real-time recounting to disorient his reader, remind them of the contingency of that day and to deconstruct certainties so that they might be better able to entertain the questions he wants to ask.

The most important of these questions is whether Sharpeville changed anything. The author’s answer is that it did, which is not surprising, given that this book is part of a series on ‘key moments’ in the history of the modern world. Contesting the idea that Sharpeville and Soweto were, in the words of John Kane-Berman, “turning points where South Africa did not turn,” Lodge sets out to demonstrate that 12 March 1960 constituted a ‘political crisis’ that had deep consequences for the South African state, for black political leadership and for the international anti-apartheid movement.
To show us that Sharpeville did change things, and how, Lodge spends most of the book placing the event within the history of South African politics in the second half of the twentieth century. Some of the points he argues are not without potential controversy, and many readers will no doubt object to some of his resolutions of contentious points of political difference and historical interpretation, but these cannot detract from the soundness of the overall argument.

Having introduced the voices of witnesses of the massacre in the first chapter, Lodge pulls away from their testimony, and in so doing shifts the argument away from questions of meaning to questions of causality. But according to the author, the historical actors who changed history that day did not witness the same Sharpeville that Lodge writes about in these chapters. The author expresses this paradox very eloquently: “Indeed, for many of the people who lived through the Sharpeville massacre, their daily existence will always be configured by a history that has never turned course”. In this sense, there are two histories that Lodge has to contend with – the proximate one of those there on that day, (Sharpeville the physical place and localized event) and a more distant one that unfolded in the arena of black politics as a result of Sharpeville (the delocalized name and detached event). There is a tension here between local meanings and causal explanations that the author is very aware of. He argues that for most of the questions he wants to address, “the perspective of the distance is more useful in seeking answers, in which the foregrounding of eyewitness experience may be an obstruction” (21). Between the first and last chapters, Lodge privileges distance over proximity, and places Sharpeville within the wider context of South African politics, both domestically and internationally.

In the second chapter Lodge provides a very good study of the intellectual and political origins of the Pan-Africanist Congress, the currents that gave rise to Robert Sobukwe’s leadership of the movement, and the circumstances that led to the decision to advance a program of ‘positive action’ that was central to attracting a crowd before the Sharpeville police station on the day of the massacre.

The next chapter chronicles the prelude to and the massacre itself. Using witness testimony, most of it collected after 1994, as well as archival and printed accounts, Lodge describes the political history of Sharpeville and the reasons for the relative success that the PAC enjoyed around Vereeniging, which was only matched by its inroads in Cape Town, the local arrangements for the protest on 12 March and the ensuing chaos of the massacre. Here the narrative of the massacre (the second time the reader encounters the tragedy in sustained detail) has something of the quality of an investigative report, as Lodge contends with conflicting accounts and interpretations. One is reminded, as the author himself notes at several junctures, how fraught a terrain this proximate history is.

Over half a century after 21 March 1960, this is the first book-length study of the events of that day, as well as its prelude and aftermath. How does one explain this bibliographical silence? That the President of South Africa did not attend events to commemorate the fiftieth anniversary of the Sharpeville massacre, but was instead marking twenty years of Namibian independence, is part of the complicated politics surrounding memories of Sharpeville.
But memorialization is not the same as witnessing, and neither is the same as chronicling, which requires narrative reconstruction out of disparate, fragmentary, and often conflicting, memories, unwieldy archival records, and non-discursive sources of evidence. Despite a great deal of material touching on or starting from the Sharpeville massacre, there is relatively little about the event itself, which, after all, took place over a very short period. Almost from the outset, the South African state worked to create a climate to silence testimony, and later to keep memories buried, at the same time as it worked to reassert control over the township.

In part, this explains why the book shifts somewhat suddenly from Sharpeville to the townships of Cape Town, where the PAC’s ‘positive action’ campaign was better organized, received stronger support and was able to sustain itself much longer. The transition could have been made more fluidly, but the connections are nevertheless obvious. The account of the Cape Town mobilization by the PAC is longer, more intricate and exhaustive than that of the massacre, in no small part because it succeeded in creating a political stalemate via successful strike action and public demonstrations, whereas political activity in Sharpeville ended precipitously. But one also gains the impression that the leadership of Philip Kgosana was an irresistible lure to the author. The story is told compellingly and with considerable verve, even if connections between what unfolded in Cape Town and Sharpeville could have been made more explicit. For example, relatively little attention is paid to the effects of news of the massacre on the Cape Town organizers and marchers.

The next two chapters deal with the author’s central argument; namely that the PAC’s ‘positive action’ campaign did succeed in creating a general political crisis. In this sense, Sharpeville becomes subsumed into the narrative of this campaign and loses its specificity as it becomes part of wider discussion of the tensions between the PAC and its ANC rivals and their relative fates after 1960. These chapters also deal with the effect of the widening crisis on the South African state. Lodge’s treatment of these matters is always relatively balanced and based on incomparable knowledge of the political history of this period. He makes the case convincingly for the pivotal nature of 1960 for the subsequent trajectories of these three actors; the PAC, ANC and South African state. But by this time Sharpeville itself seems to have receded into the very distant background.

This is however corrected in the final chapter—‘Sharpeville and Memory’—which is a sequel to the first—‘Voices from a Massacre’. Here Lodge masterfully brings the disparate threads of testimony discussed at the start of the book together into an assessment of the legacy of memory on the local community. The question here becomes, what is Sharpeville? The chapter deals sensitively and perceptively with issues of individual and collective trauma, agency versus victimhood, the struggle over the meaning of events between a state wanting to depoliticize the massacre, and Pan-Africanists who see in these efforts an attempt to efface the memory of Robert Sobukwe and themselves from the wider history of the anti-apartheid movement, the cursory and controlling role that the TRC played in dealing with testimony about the massacre and the political aesthetics of memorialization and representation of the past.

This, the final chapter, ends with an acknowledgement that the wider political context in which the book places the events of 1960 will never provide solace or meaning to residents of Sharpeville, whose “homeplace remains a vicinity of restless spirits and tormented ghosts”.

Lodge’s account would have been a challenge to write at any time, presuming that one could have had access to witnesses in the first decade or two after the events, but to attempt to do so a half-century after the Sharpeville massacre is enormously challenging. In addition to the evidentiary difficulties of working at such remove, there is also the question of shifting testimony, meanings, and contexts, not to mention the challenge of heightened expectations due to such a large narrative void.

Writing a history of the Sharpeville massacre also requires writing about two Sharpevilles – the proximate memories of the local event, and the wider political reverberations. Grappling with conflict and controversy is one thing, but dealing with two such elusive phenomena is a formidable challenge. Lodge wrestles with these seemingly intractable problems with enormous skill and considerable success.

This is an extremely important book in its own right, in that it seeks to understand and break two silences (one about memory and the other about politics). And more than that, it hopefully clears ground for more work on the subject.
History is punctuated with conspiracy theories, emerging anywhere from the fringes of society to its centres of power. With conspiracies around the moon landing, the Illuminati, UFOs, Elvis Presley and the assassination of John F. Kennedy to name a few, there seems to be a never-ending supply of people who ignore or reject scientific evidence. Some theories are more transient than others, and although many of them do deal with the death of one individual or another, the key difference between these and AIDS origin conspiracy theories is that they are generally not directly responsible for the deaths of hundreds of thousands of people.

AIDS denialism and AIDS origin conspiracy theories are nothing new. They have dominated the media and political discourse in the past, and are widely acknowledged as major contributors to South Africa’s high HIV infection rate. The importance of Nattrass’s contribution is a systematic analysis of the process, people involved and psychology of AIDS denialism. She examines the conspiracy theories related to its origins and the conditions necessary for them to spread.

As Director of the AIDS and Society Research Unit at UCT, and one of the few people to consistently make her voice heard against the rhetoric of AIDS denialism at a time when much of the South African academic community had become very quiet, Nattrass is eminently qualified to write a book on such matters.

The book is a substantial academic work, but at times still manages to read like a tale of intrigue. Packed with pages of detailed facts and analysis – not holiday reading – this book is an indispensable reference for those wanting to know more about the impact which catastrophic policy choices can make.

A general account of AIDS origin conspiracy theories, coupled with some of Nattrass’s own empirical research, gives the book a platform to progress to detailing the often complex and interrelated dimensions of AIDS conspiracy theories and denialism. It is fascinating, but deeply disturbing, to read such a thorough account of the origins of AIDS conspiracy theories, their etiology, and the wind of whispers, half truths, delusion and pseudo-science that spreads the fire. Nattrass’s detailed account of the scientific consensus on HIV and its origins is thus an important resource in this regard.

Progressing to the familiar story of Mbeki and his AIDS denialism, one can’t be blamed for being overcome by frustration and depression when reading about the lunacy of the policy stagnation around this epidemic. It is difficult to know how to respond adequately to the debacle and the former president’s involvement in it. One feels a mix of anger, disappointment and despair at the thought of what could have been avoided – hundreds of thousands of deaths. To be precise, Nattrass
notes that “about 180,000 new HIV infections and 333,000 deaths could have been prevented over the term of the Mbeki presidency”. She further explains that “this estimate of unnecessary loss of life only takes into account the cost of the delayed use of antiretrovirals. It does not include the ultimately unmeasurable impact that Mbeki may have had on the demand for antiretrovirals from individuals.”

Nattrass discusses some of the possible reasons for Mbeki’s dissident behaviour and resistance to ARVs. Could it have been that government believed the drugs were simply not affordable, or that the ANC had a hand in the engineering of some sort of alternative remedy, or that the whole thing just escalated out of Mbeki’s control, developing into a political power struggle between government and civil society? Regardless of these or more personal reasons, Nattrass notes that the fact of the matter is “South Africa’s AIDS policy tragedy is rooted in Mbeki’s involvement with AIDS denialism.”

Whatever happened to accountability in all of this?

Although current leadership, under the watchful eye of civil society, appears to be reversing years of calcified policy on HIV/AIDS, there are clearly lessons for policy makers, not only in the arena of health. Peer reviewed scientific evidence must be carefully considered and skepticism and debate should be left to the academics. As Nattrass so clearly puts it, “It is one thing for academics to pose questions about different ‘ways of knowing’ and about the gaps and ambiguities within scientific ‘facts’ – but problems of an entirely different moral and social magnitude arise when policymakers adopt a form of postmodern skepticism to ignore or reject the best available evidence.”

Moving on from Mbeki’s personal role in publicising AIDS denialism, Nattrass progresses to a discussion of the broader AIDS denialist community that keeps the movement alive, even if its propagators often end up prematurely dead (but of course none of them ever die of AIDS!). Nattrass divides the AIDS denialist community into four main categories, the ‘hero scientist’ who adds a measure of credibility, the ‘cultropreneurs’ (remember Mattias Rath) who offer alternative ‘solutions’ to ARVs, the ‘living icons’ who provide the proof that either the alternative therapies are successful or that AIDS doesn’t really exist anyway, and finally the ‘praise-singers’ who provide well-needed publicity for the AIDS denialist movement. Again, it is worth noting that not many of the 'living icons' are still around to tell their stories. Perhaps even more troubling are the many accounts of scientists and cultroprenuers who perpetuated the myths for their own financial gain, with scant regard for the damage caused, confusion spread, and potential for human death.

With South Africa’s new HIV/AIDS policy and heightened activity by the Department of Health to stem the tide of HIV infections, we might begin to feel that the era of AIDS denialism is behind us. However, from the recent debate in the letters section of the Mail & Guardian5 to the ill-informed utterances of a Zimbabwean MDC Senator advocating the need for women to dress less attractively, shave off their hair, bath less often and be circumcised in order to prevent the spread of HIV6, it appears that the struggle is far from over. As one Mail & Guardian letter writer states: “It takes only a few words to lie. It may take a lengthy, carefully constructed argument to refute the lie.”

Nattrass’s systematic and detailed book provides just this type of important and much needed argument.

NOTES
2 Ibid
3 Ibid, 105
4 Ibid, 77
BOOK REVIEW

The Collapse of American Criminal Justice by William J Stuntz

Consider the opening passage of this book: “[t]he last half of the twentieth century saw [the] criminal justice system unravel. This book seeks to address two questions. First, how did the unravelling happen? And second, how might our dysfunctional justice system be repaired? Answering the first question gives some distance towards answering the second … for black males. Signs of the unravelling are everywhere. The nation’s record-shattering prison population has grown out of control … a term in the nearest penitentiary has become an ordinary life experience, a horrifying truth that wasn’t true a mere generation ago. Ordinary life experiences are poor deterrents, one reason why massive levels of criminal punishment coexist with historical high levels of urban violence.”

On the basis of this passage, it might be thought that this book engages with South Africa’s ‘crime problem’. It is, however, a work which deals exclusively with the American criminal justice system. Professor Stuntz has produced a compelling argument to suggest that “the (US) criminal justice system has run off the rails”. As he notes, between 1972 and 2000 the nation’s imprisonment rate quintupled. The number of prison-years for murder multiplied nine times. Prisons that held two hundred thousand inmates in 1968 held more than 1.5 million prisoners by 2008, while local jails imprisoned a further eight hundred thousand.

Stuntz offers two explanations for these stark and depressing developments. The one is based on democracy, the other on law. Stuntz is concerned that local institutions, particularly city police forces and county prosecutors’ offices, which did most of the enforcing of the law, have lost their power. As populations have shifted to the city, political power moved towards the metropolitan centres, so that local populations have far less influence over the process of the criminal justice system and its implementation. Furthermore, he contends that jury trials have become rare events. More than 95% of all criminal convictions are now the result of plea bargains. Consequently, power has shifted from the local citizens who sit on juries, to assistant district attorneys who decide whom to punish and the severity thereof.

With regard to the law, Stuntz argues that a considerable amount of discretion is now exercised by the police, as a result of which discretionary power is exercised differently in poor city neighbourhoods compared to wealthier urban and suburban communities. Thus, the law no longer guarantees equality of criminal enforcement.

This book raises a further interesting and provocative argument about the effect of constitutional law upon criminal justice. In particular, attention is drawn to the
landmark decisions issued by the Supreme Court between 1961 and 1969 (the ‘Warren Court’) which adopted a due process model of criminal justice, thereby making criminal law enforcement and litigation more expensive, as constitutional rights and the protections thereof were extended considerably to defendants. In Stuntz’s view, this focus invited a political backlash from conservative politicians like Ronald Reagan, which in turn caused law enforcement practices to toughen.

Furthermore, key decisions like that in Miranda v Arizona (1968) gave suspects a right to the assistance of counsel during police questioning and further entrenched the right of an accused to remain silent. As we have all learnt from TV series, an accused must be warned that anything said may be used against him/her in a court of law, that the accused will have a right to the presence of an attorney and if he/she cannot afford an attorney, one will be appointed before any police questioning may take place. Once a defence counsel is appointed, his or her sole task is to ensure that police questioning will be prevented, so that no incriminating statement may be procured from the client. Charges are then reduced, or a more favourable sentence is imposed, or some other form of plea bargaining is arranged. Sophisticated criminals, chiefly recidivists and white collar defendants, employ the Miranda advantages, which in turn increases the gap between the wealthy, who can employ competent counsel, and the poor, who are unable to. This analysis is extremely relevant to South African constitutional law, which seeks to achieve the correct balance between due process and crime control.

These consequences are central to Stuntz’s argument. In his view, punishment will not control crime at an acceptable cost when it is imposed in so discriminatory a fashion. Without the influence of local democracy that was once central to the criminal justice system, community policing is unable to respond to the wishes of those who live daily with the direct consequences of high crime rates. In this way, the criminal justice system is unable to curb the scourge of crime, or prevent the disastrous consequences of policies pursued over the past fifty years.

Both of these warnings have significant implications for South Africa and the disturbing levels of crime now experienced in this country. According to SAPS 2012 crime figures, in 2010 – 2011 the reported murder rates (although lower than the actual murder rate) are 31.9 per hundred thousand of the population. Sexual offences are 132.4 per hundred thousand of the population. Although these figures declined from the previous two years, they still reveal extraordinarily high levels of violent crime. It is unsurprising that, for the similar period, our prisons, which have the capacity of to house 118 154 prisoners, at 31 March 2011 housed a total of 160 545 prisoners.

What is disappointing about this book, when viewed from a South African perspective, is the unconvincing and somewhat equivocal treatment of the various explanations for the reduction of crime in the United States over the past 20 years. Although Stuntz notes that crime rates have levelled off after 2000, between 1991 and 2000 the murder rate per hundred thousand populations in Atlanta dropped by 38%; in Boston by 65%, in New York by 70% and in Los Angeles by 49%. Stuntz lists the causes of this significant reduction as destruction of the crack boom in the last half of the 1980’s, the growing economy of the 1990’s which provided would-be criminals with better options for earning a living, tougher gun laws which made gun

It is unsurprising that, for the similar period, our prisons, which have the capacity of to house 118 154 prisoners, at 31 March 2011 housed a total of 160 545 prisoners.
Judge Dennis Davis

Crimes more costly, weaker gun laws which made it easier for potential crime victims to protect themselves against predatory crime, changes in the abortion rate in the 1970’s which led to fewer young men being available to commit crime in the 1990’s, a rise of community policing which led to more effective police work and which, in turn, produced lower crime rates, as well as an expansion of urban police forces, which increased the police presence in high crime neighbourhoods and reduced rates there. (page 277)

Furthermore, Stuntz refers to the effect of the exponential increase in the prison population, which reduced crime by imprisoning ‘hard core’ offenders, and deterred others who wished to avoid long term imprisonment. All of these explanations receive cogent mention, but there is little by way of a clear explanation, apart from the ‘laundry list’, as to what caused the massive decline in the levels of serious crime. This is unfortunate, as the South African reader is desperate to understand the reasons for this decline in order to explore possible solutions to the cancer of crime that has riddled this country.

By contrast, there is a far more helpful and insightful description of the effect of the criminal justice system on society. As Stuntz writes:

“Today we understand punishment’s necessity but have forgotten its destructive power. Americans need to remember both halves of the formula and to build a justice system founded on the tension between them … The criminals who are incarcerated are not some alien enemy. Nor, for that matter are the police officers and prosecutors who seek to fight crime in those criminals’ neighbourhoods. Neither side of this divide is ‘them’. Both sides are us. Democracy and justice alike are dependent on getting that most basic principle of human relations right.”(page 307 – 308)

This is a powerful reminder to all participants in the criminal justice debate in South Africa. Recent debates about the police force in general and the role of police like Richard Mdluli must surely focus our attention on the need to have honest police, accountable to the law, who respond to the pressing needs of local communities where violent crime frequently takes place. The legal system must provide sensible legal principles, as well as personnel capable of delivering criminal justice based on the principles of equal protection for all.

Anyone who has conducted an investigation of the violent crimes which take place daily in South Africa will know that democracy and the building of local communities is essential if the rule of law is to be consolidated, discrimination abolished and criminal punishment enforced. Viewed accordingly, this disturbing analysis of the American criminal justice system should be compulsory reading for all who are concerned with our local crime problem.
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