

Liberalism and Communitarianism in South Africa Today



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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 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'Académie 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

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.

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 lexicographer². 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 out³, 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.

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.

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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 universalism and promote democracy on the basis of crimes that are presented as so many earthly fulfilments of God's law and divine providence'.⁴ 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 elites⁵. 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.

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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.

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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 black⁶ 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.

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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
- 3 Marietta Alberts, National Lexicography Units: Past, Present, Future. *Lexikos* 21,2011
- 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
- 8 Peter Evans and James E Rauch, Bureaucracy and growth: a cross-national analysis of the effects of 'Weberian' state structures on economic growth, *American Sociological Review* 64, 1999.
- 9 Jeffery Henderson, David Humle, Mossein Jalilian and Richard Phillips, Bureaucratic effects: 'Weberian' state agencies and poverty reduction, *Sociology*,41, 2007