

# 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 Ahistoricism*

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 ahistoricism 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.

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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. This fog of amorphous political ideas also contributes to the way in which we sometimes misunderstand or misinterpret many key liberal principles.

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

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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.

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Consultation is another idea misinterpreted in similar fashion. In order for any consultation to achieve its intended purpose, the individual charged with undertaking it must enter a discussion open to the possibility that their existing opinion might change, depending on the validity of whatever counter argument they are presented with. If, however, they enter that discussion with a closed mind, that consultation loses its intended purpose. Then it is not consultation at all, but merely an occasion to inform someone else as to the nature of a pre-determined position they will have to accept. To consult someone is to seek out their advice, always with the purpose of arriving at the best possible outcome. If that necessitates altering one's existing understanding, so be it.

In South Africa, however, this is not the case. Whilst much consultation ostensibly takes place in public life, most of it is a façade, an illusion designed to give the impression that wide-ranging advice was sought when, in fact, the various parties involved never stood any real chance of affecting the outcome, only legitimising it and giving the pretence of consultation their

endorsement by simply taking part. That too can be misused to serve political ends.

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 ascendancy 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?

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