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SOCIAL INCLUSION

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community
freedom
equality
justice
equity
insiders
voice
diversity
cohesion
capital
integration
opportunity



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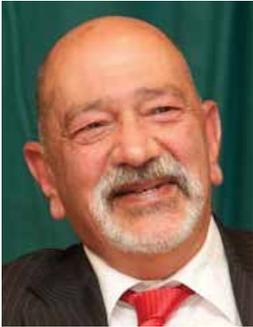
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Social Inclusion



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The idea of 'social inclusion' is a relatively new one in the policy terrain. To some extent, it has supplanted earlier concepts of social cohesion and social capital. Current thinking around society has moved on considerably since Mrs. Thatcher's notorious dismissal of 'society'.

In South Africa the term has gained currency because of concern about growing inequalities which, at times, seem to overwhelm any considerations of what it means to be a South African.

This edition of *Focus* explores many of the facets around social inclusion. It explores the concept, it views the idea of social inclusion through the prism of our Constitution, and it reviews some of the economic considerations which are a necessary part of any debate around society, more generally, and social inclusion, in particular. We also consider the problem of education and social inclusion before we review religion and LGBTI rights and social inclusion. Finally, we consider a political case study.

Willem Meyer begins our discussion with the problem of social antinomies, particularly those relating to Freedom and Equality. He emphasizes the importance of human qualities which will help us to live with antinomies in our society.

Michael Cardo's systematic exposition of social inclusion and policy making in South Africa provides us with an important and central overview. He also examines the problem of Redress, and he cautions against strengthening the role of the state in the economy.

Amy Meyer attempts a deconstruction of the concept within the context of our Constitution and she, too, is concerned with the problem of Freedom and Equality.

Nicoli Natrass reflects on her time as a Labor Commissioner, and uses the example of the clothing industry to highlight the controversial relationship between minimum wages and successful businesses. She argues that abandoning labor intensive production in favor of high wages will impact on economic growth and employment in South Africa.

John Luiz examines the importance of social compacts which are necessary for inclusive development in emerging economies. These compacts can legitimise the political and economic parameters of future development.

Charles Simkins looks at the failure of South Africa's education system at its different levels. The unhappy conclusion is that South Africa's education system stunts certain communities and prevents their integration into the technical or professional world.

Anthony Egan, using Lotter's recent book on *Poverty, Ethics and Justice*, examines the ways in which poverty excludes people from society. He reflects on whether or not religion has the capacity to reduce the ways in which poverty excludes people or, indeed, whether it leads to a form of exclusion itself.

Cameron Modisane reveals what it is like to be a black homosexual in South Africa and, notwithstanding South Africa's very inclusive Constitution, he calls for the need to redress the exclusion of the LGBTI community.

Daniel de Kadt analyses the current political dynamics in South Africa in order to assess reasons behind current and future voting patterns and party loyalty. He contrasts political 'insiders', who benefit from political structures and policies, and 'outsiders', who are unaffected or negatively affected by these structures and policies.

We conclude with book reviews by Anne Mc Lennan and Salim Latib, Nicoli Natrass, Stephen Chan and Milton Shain.



Living in Our Society



WILLEM NICOLAAS MEYER studied at the Netherlands School of Economics (at present: Erasmus University at Rotterdam), majoring in International economics and economic development programming. He also completed a course at the Hautes Etudes Commercial, Paris on 'Le Marché Commun' (the Common Market) and a post-graduate degree in economic development at the University of Stellenbosch. Meyer has worked as a bank economist and credit advisor at a Commercial Bank in Rotterdam, a senior lecturer of Economics and Economic History at the University of Port Elizabeth (UPE), as a Professor at the University of South Africa (Unisa) and as a Professor and HOD at the University of Limpopo. After a successful career, he retired in 2005. He is currently a participating member in the *Economic Society of South Africa*, *Economic History Society of Southern Africa* and *Société Universitaire Européenne de Recherches Financières (SUERF)*.

Contrasts and Contradictions

The following observations have nothing to do with existing social contrasts, but have regard to contradictions which continually arise in society. We all are aware of the contrasts: those that include and exclude; those between rich and poor; left and right; liberal and conservative; young and old; employers and employees; authorities and citizens; those that are included and those who feel excluded, of which the latter are alienated and feel like strangers in society, etc. In principle these contrapositions can be bridged or may even disappear altogether, although this is unlikely. However, it is a different matter with the contradictions in society. Even if we were all in agreement about most things, contradictions remain, because they are inherently present in our society.

What is meant can probably best be summarised as follows: our society is a structure of roles, not persons, and this is laid out in organisational charts that specify relationships of hierarchy and function. Authority inheres in the position, not in the individual, and social exchange is related between roles. A person becomes an object or a 'thing', not because the society is inhumane, but because the performance of a task is subordinated to the organisation's ends. This has resulted from various stages in societal development.

In our society we pursue a number of goals to which most people probably subscribe. For instance, it is generally agreed that freedom is a great asset and, therefore, each individual should be given a chance to develop his/her potential and participate in all spheres of life as much as possible. This is a central value in our culture which nobody will deny. In order to realise this value we are dependent on various means needed to create the required conditions. Without them we would not be able to develop freely in the struggle to control nature and ourselves to escape the constraints of necessity. This implies that certain reasonable minimum levels of material welfare and medical care must be guaranteed. What we usually call social security also falls within this category. Finally, it is essential that people should have the opportunity to obtain a good school education.

Since the principle of equality of all men is also one of the central values in our predominantly 'Western' culture, the means mentioned above should be available to all. This, however, implies that the economic, social, medical and educational facilities – as referred to above – will have to be made available on a large scale. The large scale production and supply of these means can only be achieved owing to a number of processes that have been set in motion since the start of the Industrial Revolution (around 1750), such as a refinement in the division of labour and the rationalisation/mechanisation of production, including every form of organised action, which, in turn, have resulted in bureaucracy and professionalism.

The foregoing processes, however, have made life increasingly more business-like and have demanded an ever greater measure of discipline on the part of people,

and this only too often led to massification and estrangement. Having started out with the best of intentions we have arrived at the very opposite of what we wanted to achieve: instead of participation we find estrangement, instead of individual development: massification.

So, what has happened that the result of all our endeavours should be so much in contradiction to our expressed intentions? What went wrong? It is clear that this cannot be ascribed to the ill will of any particular group or party. In the foregoing no room is made for a conflict of interests, class struggle, exploitation, etc., but only for good intentions and the means required to realise them. In the foregoing no room is made for a conflict of interests, class struggle, exploitation, etc., but only for good intentions and the means required to realise them. Paradoxically, the pursued of greater freedom ends up bringing forth constraint or the lack of freedom as an unwanted side effect, even without any conscious attack being made on freedom.

As soon as freedom, participation and development are pursued for a small elite only the problem disappears, because large scale production, education, etc. will no longer be necessary, with fatal consequences.

Let us have another look at the stages in order to see what has happened. The problem would completely vanish if the pursuit of the desired goals were simply abandoned. In some subcultures, for example, man's freedom and individual development do not rank first in importance, but rather the glory of God and the service to one's fellow man.

Or maybe we rather should reject the means chosen. But this we don't really want, for what possible objection can there be to a (modest) level of prosperity, education and medical care? No fault can be found with factors like these. On the other hand, the problem would be solved if the requirement that our goals should apply to everybody is dropped. As soon as freedom, participation and development are pursued for a small elite only the problem disappears, because large scale production, education, etc. will no longer be necessary, with fatal consequences.

Clearly, it seems that the large scale of the provisions required put a spoke in the wheel of human freedom and individual development. This is the reason why there are people who turn against this aspect of our society. They reject the discipline and domination of big business and organisation, because when authority presents itself in the guise of organisation, it develops charms fascinating enough to convert communities of free people into totalitarian states. Best remembered from modern history are the examples of fascism in Germany (1937-1945) and of communism in Russia (1917- 1986).

F. Hoelderling once said: 'What has always made the state a hell on earth has been precisely that man has tried to make it his heaven.' It is understandable, therefore, that experiences like the examples cited above, have led in many countries to rising domestic violence, the alienation of youth and the growing challenge to the legitimacy of the system among many people, all of which have brought into question the viability of the system itself. There have been especially four changes influencing a reshaping of the social structure of the society. These are the simultaneous creation of an urban society, a national polity, a communal society, and a post-industrial world. All of them will continue to create upheavals and tensions in society, because the contradictions derive from the fact that liberal society was originally set up to promote individual ends, but has now become an interdependent economy that

must address collective goals. This implies that the society must devote itself more and more to the production of public goods at the expense of private goods and encourage and develop the public rather than the private sector. In the crucial area of equality, society must increasingly pay heed to group rights and remedy for wrongs and grievances of the past.

Thus, large scale production, medical care, education, etc. will be enlarged to such an extent that human chances for development can be secured.

What happened in the process described above can be summarised in two ways:

- as an example of a social phenomenon which is good in itself, but calls forth side effects that wholly or partially nullify the results;
- as a striking example of a case of two desirable things, both worth pursuing, but are incompatible.

What is involved here is the simultaneous pursuit of both greater individual freedom and equality. This is the well-known contradiction between freedom and equality.

... when you give people a free hand, inequalities will emerge, because people are endowed with different, unequal qualities, capacities and capabilities. Very soon strong and weak groups will emerge. On the other hand, if the equality of all people is being pursued, a restraint has to be put on their freedom so as to prevent some of them from enriching themselves or increasing their power at the cost of others.

In more general terms, the contradiction presents itself as follows: when you give people a free hand, inequalities will emerge, because people are endowed with different, unequal qualities, capacities and capabilities. Very soon strong and weak groups will emerge. On the other hand, if the equality of all people is being pursued, a restraint has to be put on their freedom so as to prevent some of them from enriching themselves or increasing their power at the cost of others. This is the great dilemma confronting democracy and for which no solution has been found. A well-known example is the statement made at the time by the president of the Soviet Union (Podgorny) who said: "We are fully confident that the day is not far off when freedom and equality will also step over the Zambezi".¹ Political statements like this give rise to expectations which, as explained above, are not likely to be substantiated in reality and must inevitably

lead to a great deal of frustration. With tongue in cheek, the British philosopher Bertrand Russell once said: "From the time of Jefferson onward the doctrine that all men are equal applies only upwards, not downwards".

This and other contradictions have been given the name of social antinomies. An antinomy is the contradiction existing between two theses, both of which are obviously true. Suffice it to mention a few.

First of all, not only does a tense relationship exist between the human need for security and freedom – which is obvious enough – but also between security and equality. Because, if we are all equal we cannot expect to be regarded and treated as people who belong to a particular group, class, race, nation or region, inclusive of what this means in terms of feelings of security and safety. Freedom is an important asset and so is equality, but no less is security, which is to be rooted in one's own community.

Another well-known antinomy is the one between democracy and efficiency. In real life we find contradictions between internal and external democratic rule; in

education; between justice and the efficiency in the application of law; between private initiative and public enterprise, between the creation of an intellectual elite through education (necessary to stay abreast of scientific and technological progress) and democratic school education; between the treatment of patients as human beings and a therapy maximally relying on the effectiveness of medical technology. The series can be extended.

A more important question perhaps is what can be done about all these social contradictions that cause tensions in our society. What should our attitude be towards them? Can they be solved?

Solutions

Various thinkers – called social philosophers – adopt different attitudes regarding the antinomies pointed out by them. As far as the contradiction between freedom and equality is concerned, Alexis de Tocqueville² examined the question of how freedom can be maintained in a society tending towards ever greater equality. American society, he found, is characterised by five key features:

- the love of equality
- absence of tradition
- individualism
- tyranny of the majority
- the importance of free association.

In a state, citizens must maintain their freedom by organising themselves in societies, pressure groups, committees and parties so as to defend their particular interests. Thus, when someone asks for equality, we should ask: equality of what? Interestingly, according to de Tocqueville, democracy and socialism have nothing in common but one word: equality. But notice the difference; while democracy seeks equality in liberty, socialism seeks equality in servitude.

In other words, the protestant work ethic was an important force behind the unplanned and uncoordinated mass action that influenced the development of capitalism. The protestant believer had discovered that hard work and profit-making were signs to please God.

Karl Marx³, on the other hand, seems to underestimate the problems in a classless society; bureaucracy will disappear of its own accord, while Max Weber⁴ is more pessimistic and does not seem a way out; man is caught in his own organisational creations as in an iron cage. There is no way out, because the “protestant ethic influenced large numbers of people to engage in work, developing their own enterprises and engaging in trade and the accumulation of wealth.” In other words, the protestant work ethic was an important force behind the unplanned and uncoordinated mass action that influenced the development of capitalism. The protestant believer had discovered that hard work and profit-making were signs to please God.

The French political philosopher Pierre-Joseph Proudhon⁵ is more optimistic and contends that it is inevitable that these contradictions and tensions occur; they belong to social life just like the tension between body and mind is characteristic of a human being. One should not, therefore, try to remove these antinomies, but one should try to live with them, try to make the best of them, because tensions may also be fruitful in that they guard us from being one-sided and direct our attention to other aspects of our existence. They also challenge our ingenuity and creativity to overcome them in the best possible way.

How to Deal with Social Antinomies

In concluding these observations I would like to express some thoughts that might help in determining what our attitude should be regarding social antinomies. It goes without saying however that such fundamental socio-philosophical problems cannot be solved in a twinkling. It will be clear that where antinomies are concerned we may be trying to reconcile the irreconcilable. For this reason we should refrain from maximising one of the two parts of the contradiction. For example, the maximisation of only freedom, only equality or only efficiency must be avoided. Rather an optimum solution should be found in which the competing goals may be combined in the best possible way.

However, it frequently happens that the radical rooting out of abuses will call forth other abuses, equally unacceptable, as usually happens after a revolution, both belligerent and peaceful.

For this reason polarisation as a political tactics is pointless where antinomies are concerned. It is not always a matter of doing away with abuses and replacing them with more desirable conditions. Unfortunately, it is not that easy. Although sometimes this might be the case as, for instance, when a glaring injustice must be contested. In such a case polarisation will be a useful method. However, it frequently happens that the radical rooting out of abuses will call forth other abuses, equally unacceptable, as usually

happens after a revolution, both belligerent and peaceful.

When some people rightly caution against undesirable social developments – as several leading businessmen have pointed out the adverse aspects of growing government interference due to regulation and bureaucracy – the conclusion should not automatically be drawn that therefore these phenomena are totally objectionable. The opposite developments may be equally undesirable. For this reason every individual case should be looked into to determine whether we are dealing with an antinomy or not. People who caution against real dangers in society, but neglect the equally real dangers of the reverse development seem to ignore this aspect of social reality.

Finally, and this may afford some consolation after the somewhat disillusioning observations above, it is fortunately not so that all our social aspirations are of a mutually contradictory nature. Human solidarity, mutual love, respect and affection do not fall in this cadre. Perhaps it is these human qualities that will help us to live with antinomies in our society.

NOTES

- 1 EP Herald, March 28, 1972.
- 2 De Tocqueville (2000) Democracy in America. Harvey Mansfield and Delta Winthrop, ed. Chicago University Press.
- 3 Marx (1911) A Contribution to the Critique of Political Economy. Chicago: Charles H Kerr & Company.
- 4 Webber (1930) The Protestant Ethic and the Spirit of Capitalism. English translation by Talcott Parsons, Norton Critical Editions, 2009.
- 5 Proudhon (1846) The System of Economic Contradictions or the Philosophy of Poverty. Electronic Text Center: University of Virginia Library. (Original: *Système des contradictions économiques ou philosophie de la misère.*)

Social Inclusion and Policymaking in South Africa: A Conceptual Overview



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“Social inclusion” has gained increasing currency in international and domestic policy discourse over the past decade, to some extent, replacing (albeit partially incorporating) once du jour ideas about “social cohesion” and “social capital”.

South Africa’s supposed policy blueprint, the National Development Plan (NDP), is anchored in the concept of social inclusion. The NDP emphasises a capable state, a “capabilities” approach to development, and active citizenship and participation in the economic, civic and social norms that integrate society¹. All of these are integral components of social inclusion.

The NDP also underscores the need for redress measures in creating an inclusive, non-racial society in terms of Section 9 (2) of the Constitution, by broadening opportunities and pursuing substantive equality.

This essay traces some of the recent key concepts in social policy discourse from “social cohesion” through “social capital” to “social exclusion” and “social inclusion”.

While there is some degree of overlap between all of these terms, “social exclusion” and “social inclusion” are of greater analytical value. They provide a richer understanding of the link between access to opportunity and efforts to combat poverty on the one hand, and citizenship on the other.

In concluding, I observe in passing the conceptual disjuncture between the approach adopted by the NDP on redress, development and social inclusion, and the African National Congress’s policy position on the “second transition” to a “national democratic society”.

Social Cohesion and Social Capital

Before the popularisation of “social inclusion”, the allied concepts of social cohesion and social capital spawned a huge body of research and literature by organisations within the international policy community.

Social cohesion is defined as a process or “set of factors that foster a basic equilibrium among individuals in a society”².

In 2004, the national Department of Arts and Culture (DAC), in South Africa, commissioned a study by the Human Sciences Research Council on the social “health of the nation”³.

The HSRC employed social cohesion as a descriptive term to refer to “the extent to which a society is coherent, united and functional, providing an environment within which its citizens can flourish”. It argued further:

Social cohesion is deemed to be present by the extent to which participants and observers of society find the lived existence of citizens to be relatively peaceful, gainfully employed, harmonious and free from deprivation.

In 2012, DAC produced a “National Social Cohesion Strategy”⁴ that defines social cohesion as “the degree of social integration ... in communities and society at large, and the extent to which mutual solidarity finds expression among individuals and communities”.

This formed the basis for discussion at a “National Summit on Social Cohesion” in Kiptown in July 2012.

Now, social cohesion is evidently a desirable objective, but harmonious societies or societies in equilibrium are not necessarily, by definition, *inclusive* societies – societies *for all*. For example, feudal societies may have been in equilibrium but they were certainly not inclusive. They did not recognise or give scope to the full, equal and active citizenship of all members of society.

For example, feudal societies may have been in equilibrium but they were certainly not inclusive. They did not recognise or give scope to the full, equal and active citizenship of all members of society.

In contrast with social cohesion, definitions of social capital tend to focus on networks and relations of trust and reciprocity within these networks.

Putnam⁵ defines social capital in terms of four features of communities: the existence of community networks; civic engagement or participation in community networks; a sense of community identity, solidarity and equality with other community members; and norms of trust and reciprocal help and support.

There are various types of social capital.

Bonding social capital refers to internal cohesion or connectedness within relatively homogenous groups, like families.

Bridging social capital refers to the level and nature of contact and engagement between different communities, across racial, gendered, linguistic and class divides.

Linking social capital refers to relations between individuals and groups in different social strata in a hierarchy where power, social status and wealth are accessed by different groups⁶.

Social cohesion and social capital have both been used by governments, non-governmental organisations and inter-governmental organisations as conceptual tools for public policy. The World Bank,⁷ in particular, enthusiastically adopted social capital, which it defines with reference to social cohesion:

Social capital refers to the institutions, relationships, and norms that shape the quality and quantity of a society’s social interactions. Increasing evidence shows that social cohesion is critical for societies to prosper economically and for development to be sustainable. Social capital is not just the sum of the institutions which underpin a society – it is the glue that holds them together.

The World Bank concedes, however, that it is difficult to measure social capital.

Furthermore, social capital is not necessarily desirable. Halpern⁸ suggests that organised criminals or gangs comprise a social network with shared norms but they do not constitute a societal good. Portes⁹ cites the downsides of social capital as the exclusion of outsiders, restriction on individual freedom and a downward levelling of norms.

Like social capital, social cohesion is not a ready-made tool for public policy. It is vague. The slipperiness of the concept makes it difficult to translate social cohesion into a set of tangible strategic outcomes with measurable indicators.

Towards a New Conceptual Framework

One of the main drawbacks of social cohesion and social capital as conceptual and analytical tools, then, is their lack of rigour.

Over the past 30 years, “social exclusion” and “social inclusion” have increasingly been used in the literature on social policy. Nevertheless, there is a close link between them and social cohesion and social capital. As Phillips¹⁰ argues: ‘there is a strong but complex relationship between social inclusion (mostly as an outcome but also as a process), social exclusion (mostly as a process but also as an outcome) and the social cohesiveness of societies’.

Jones and Smyth¹¹ argue that the concept of social exclusion deepens understandings of poverty and provides a conceptual link between access to opportunity and citizenship.

In particular, social exclusion broadens the conventional framework that posits poverty as a lack of resources relative to needs. In this way, it complements Peter Townsend’s¹² seminal analysis of poverty in terms of relative deprivation and Amartya Sen’s¹³ notion of capability deprivation: the idea that citizens are excluded from society if they do not have the power, the opportunity or the means to lead a life they value, and thereby achieve substantive freedom.

The ideas of agency and individual responsibility (alongside rights) are central to the discourse on social inclusion and citizenship. The “rights and responsibilities” of citizenship is a theme that suggests that social inclusion should be viewed as a fundamental right and ‘capability’¹⁴, since being able to be included into society is a critical aspect of citizenship.

What is Social Exclusion?

In 1997, the UK government established a Social Exclusion Unit that defined social exclusion as ‘a shorthand label for what can happen when individuals or areas suffer from a combination of linked problems such as unemployment, poor skills, low incomes, poor housing, high crime environments, bad health and family breakdown’¹⁵.

Definitions of social exclusion may include all or some of the following elements: disadvantage experienced by individuals, households, spatial areas or population groups in relation to certain norms of social, economic or political activity; the

Definitions of social exclusion may include all or some of the following elements: disadvantage experienced by individuals, households, spatial areas or population groups in relation to certain norms of social, economic or political activity; the social, economic and institutional processes through which disadvantage is produced; and the outcomes or consequences of those processes on individuals, groups or communities.

social, economic and institutional processes through which disadvantage is produced; and the outcomes or consequences of those processes on individuals, groups or communities¹⁶.

The European Commission defines social exclusion as:

The multiple and changing factors resulting in people being excluded from the normal exchanges, practices and rights of modern society. Poverty is one of the most obvious factors, but social exclusion also refers to inadequate rights in housing, education, health and access to services. It affects individuals and groups, particularly in urban and rural areas, who are in some way subject to discrimination or segregation; and it emphasises the weaknesses in the social infrastructure and the risk of allowing a two-tier society to become established by default.¹⁷

In sum, social exclusion is the involuntary exclusion of individuals and groups from society's political, economic and societal processes, which prevents their full participation in society.

Poverty and social exclusion are driven up and down by demographic trends such as youth unemployment, lone parents, teenage mothers and in-migration from other provinces.

Social exclusion is the denial (or non-realisation) of the different dimensions of citizenship – civic, economic, social and cultural – either through lack of access to opportunity or failure to use that opportunity. Such opportunities take the form of education, healthcare, housing, safety, and neighbourhoods that are linked physically (through transport and amenities) and socially (through social capital and trust).

Poverty and social exclusion are both a cause and effect of socially dysfunctional behaviours such as substance abuse, violent crime and domestic abuse. Poverty and social exclusion are driven up and down by demographic trends such as youth unemployment, lone parents, teenage mothers and in-migration from other provinces.

Social Exclusion and Multidimensional Notions of Poverty

Contemporary understandings of human development have stressed that a lack of economic resources is not the only determinant of poverty. Resources cannot be understood divorced from their social context.

Poverty is increasingly being framed in terms of the capacity to *participate* in the society in which citizens live.

In Europe, the term social exclusion originated in the social policy discourse of the French socialist governments of the 1980s and referred to a disparate group of people living on the margins of society – especially those without access to the system of social insurance¹⁸.

However, the European Commission¹⁹ has argued for a more multidimensional understanding of the 'nature of the mechanisms whereby individuals and groups are excluded from taking part in the social exchanges, from the component practices and rights of social integration'.

Alongside economic resources and employment, health, education, affordable access to other public services such as justice, housing, civil rights, security,

well-being, information and communications, mobility, social and political participation, leisure and culture also need to be taken into account. This provides for a multidimensional portfolio of indicators on social exclusion.

Globally, a multidimensional approach to poverty and social inclusion has long underpinned efforts to promote development. The foreword to the first *Human Development Report*²⁰ set out the position in 1990:

The purpose of development is to offer people more options. One of their options is access to income – not as an end in itself but as a means to acquiring human well being. But there are other options as well, including long life, knowledge, political freedom, personal security, community participation and guaranteed Human Rights. People cannot be reduced to a single dimension as economic creatures²¹.

Five years later, the Copenhagen Declaration on Social Development²² and the Programme Action of the World Summit for Social Development²³ highlighted the various manifestations of poverty:

Poverty has various manifestations, including lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environment; and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life²⁴

The poor, it said, 'are often treated badly by the institutions of state and society and excluded from voice and power in those institutions'

The *World Development Report*²⁵ was entitled “Attacking Poverty”, and in his foreword to the Report (p.v), the then President of the World Bank, James Wolfensohn, referred to ‘the now established view of poverty as encompassing not only low income and consumption but also low achievement in education, health, nutrition, and other areas of human development’.

The *World Development Report*²⁶ opened by referring to “poverty’s many dimensions” and stressed that these went beyond hunger, lack of shelter, ill health, illiteracy and lack of education. The poor, it said, ‘are often treated badly by the institutions of state and society and excluded from voice and power in those institutions’

From Social Exclusion to Social Inclusion

There is no consensus in the literature that social inclusion and exclusion are two ends of a continuum or that they are binary opposites, even though much of the literature tacitly assumes this.

Steinert²⁷ distinguishes between *integration and participation* as potential opposites to exclusion. He rejects integration (which he equates with ‘inclusion’) as being too passive and normative. In a similar vein, Barry²⁸ notes that highly socially integrated societies can be marked by large inequalities of power and status.

Walker and Wigfield contrast inclusion and exclusion as follows:

If social exclusion is the denial (or non-realisation) of different dimensions of citizenship then the other side of the coin, social inclusion, is the degree to

which such citizenship is realised. Formally we might define social inclusion as the degree to which people are and feel integrated in the different relationships, organisations, sub-systems and structures that constitute everyday life²⁹.

As a process, then, social inclusion refers both to integration into social, economic and civic life and the pursuit of active citizenship as well as a means to counter poverty understood in the sense of capability deprivation.

An inclusive society is a society for all, in which every individual – each with rights and responsibilities – feels he or she has an active role to play, thus reducing the risk of social dysfunction and disintegration.

South Africa needs to build a more equitable society where opportunity is not defined by race, gender, class or religion. This would mean building people's capabilities through access to quality education, health care and basic services, as well as enabling access to employment, and transforming ownership patterns of the economy.

Social Inclusion and Redress

The NDP's overriding goal is to eliminate poverty and reduce inequality through a virtuous cycle of economic growth and development. To do this, it advocates a new approach to policy – one that moves from “a passive citizenry receiving services from the state” to one that “systematically includes the socially and economically excluded”, where people are “active champions of their own development”, and where government works to “develop people's capabilities to lead the lives they desire”.³⁰

Generally, then, the NDP is anchored in the concept of social inclusion. Its vision is of an inclusive non-racial society as described in the preamble to – and founding provisions of – the South African Constitution.

Specifically, Chapter 15³¹, on “Transforming society and uniting the country” deals with “promoting economic and social inclusion, ... active citizenry and... the crafting of a social compact”. This chapter departs from the premise that a “capabilities” approach to development is “critical to broadening opportunities, an essential element of the nation-building process”. It elaborates:

South Africa needs to build a more equitable society where opportunity is not defined by race, gender, class or religion. This would mean building people's capabilities through access to quality education, health care and basic services, as well as enabling access to employment, and transforming ownership patterns of the economy. Redress measures that seek to correct imbalances of the past should be strengthened.

Yet it is instructive to note that the NDP is critical of the way in which some of the existing models of redress have been implemented – in particular the Employment Equity Act, which the NDP notes “does not encourage the appointment of people without the requisite qualifications, experience or competence”.

The NDP underscores the fact that race and gender need to be considered alongside qualifications and experience, and that skills- and staff-development should be at the centre of employment equity plans.

On other redress measures such as black economic empowerment and land

reform, the NDP stresses that they should be rooted in the letter and spirit of Section 9 (2) of the Constitution. They should promote growth or jobs in order to support the NDP's overarching goals. They should not enforce rigid quotas or the mechanical application of numerical formulae. And they should focus on broadening opportunities as opposed to manipulating outcomes.

Outcomes must be linked to opportunity, effort and ability because an inclusive society in which citizens have developed their capabilities is a society in which opportunities are not granted as special favours to selected beneficiaries.

This truly "developmental" approach to redress, anchored as it is in the concept of social inclusion, is a far cry from the ANC's so-called "second transition" to a "national democratic society". The ruling party placed a renewed emphasis on the "second transition" at its policy conference in 2012, based on its analysis of the "national democratic revolution".

With its misguided emphasis on strengthening the role of the state in the economy and its prioritisation of existing flawed models of racial redress (all of which manipulate outcomes rather than extend opportunities), the "second transition" totally controverts the Constitution, the NDP, the capabilities approach to development, and the concept of social inclusion.

NOTES

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Social Inclusion and the Constitution: A Deconstruction



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South Africa's Constitution is our highest law. It is the framework within which other laws must be accommodated. Given our prescriptively socially inclusive Constitution, with imperatives for both Freedom and Equality, the question arises as to why South Africa is not a more inclusive society? There are perhaps two lines of inquiry that could prove helpful in evaluating potential causes for unrealised rights, and the consequent absence of social inclusion:

- The first relates to the interpretation of the Bill of Rights (BOR) and its enforcement. This concerns how to understand the BOR, and the role it should play in society. Interpretation is important when considering social inclusion in the context of the Constitution.
- The second relates to the type of society envisaged by the BOR and just how inclusive that society is supposed to be. This involves looking at a combination of rights in order to understand the obligations placed on the State, and whether these rights (specifically those relating to achieving Freedom and Equality) lead to social inclusion.

Interpretation

Section 7

Section 7 of the BOR introduces the core constitutional rights that all citizens should expect to enjoy. The rights to Human Dignity, Equality and Freedom¹ promote a socially inclusive, human-centric basis for social life. Furthermore, the State “must respect, protect, promote and fulfil the rights in the bill of rights”². This places a positive obligation on the State to realise citizens’ rights in the BOR. The use of the word ‘must’ means that this is a mandatory provision, indicating the central role that the BOR is to have in our society. At the same time, these obligations must be viewed within the parameters of the State’s available resources.

The majority judgement in the case of *Glenister v President of the Republic of South Africa*³ (in which the HSF was amicus) relied on Section 7 in finding that there is a positive obligation on all organs of the State to promote the BOR. Even if no specific right has been infringed, the BOR must be read holistically. It creates a general obligation on the State to develop the type of society contemplated in the BOR.

Section 39

Section 39 is the “interpretation clause”. It provides that when interpreting the BOR, a court or tribunal must promote the values that underlie an open and democratic

society⁴; and “must promote the spirit, purport and objects”⁵ of the BOR. Like Section 7, this creates strong positive obligations and is evidence that the BOR must be viewed as part of the type of democratic society that the Constitution envisages.

There are a number of court cases that have used Section 39 to infuse our common law with constitutional values.⁶ These cases confirm that the BOR is not a static instrument but something that mediates all relations between the State and citizens.

Section 38

Section 38 provides that citizens can approach the court where violations of their Constitutional rights are feared⁷. It allows for people acting in the public interest to enforce the BOR in court – evidence of an intention to ensure a prominent place for the BOR in the lives of all citizens. This is an important change from the common law position which required a “direct and substantial” interest in order to do so.⁸

Where Does Interpretation Leave Us?

The society our BOR envisions is, arguably, one where each citizen knows their rights and responsibilities, is presented with a wide variety of options from which to choose and, has the means and support to go about choosing a life path. The society we expect to see is one where Freedom, Equality and Human Dignity are equitably advanced. This is not the society we face.

A failure to realise rights may, in part, be due to the failure to understand and pragmatically consolidate constitutional prescriptions, and, in part, due to whether it is possible for these rights to be practically advanced in terms of what is stated in the BOR. More specifically, does the way in which the rights are stated allow for their realisation? Furthermore, how the State deals with contradictions that may arise is important. As is an understanding for the different degrees and characteristics within each right itself.

However, where citizens are unaware of what the law offers them and how it protects them; do not have immediate access to courts and; cannot afford legal representation, it cannot convincingly be said that all citizens are equal before the law.

The BOR and an Inclusive Society?

Equality

Section 9(1)'s focus is on citizens' being equal before the law in terms of equal benefits and protection of the law⁹. However, where citizens are unaware of what the law offers them and how it protects them; do not have immediate access to courts and; cannot afford legal representation, it cannot convincingly be said that all citizens are equal before the law. It is a concern when our constitutional rights do not translate to practical, realised rights and, more so that we are not actively and pragmatically looking for ways to change this.

There are, perhaps, two difficulties with Section 9 as it is stated:

it is not explicit enough. Does it denote the enhancement of rights or more loosely, the creation of a space where there are no laws preventing people from having access to opportunities? Further explanation is required so that the responsibilities of the State, to ensure these rights, are understood in detail.

how would we go about reaching such Equality in a society as unequal as our own? Do we attempt to reduce the polarised socio-economic status of citizens to create a

more equal society, by taking from those who have in order to give to those who do not? This immediately runs into difficulties concerning the right to Freedom.

“The South African Constitution is primarily and emphatically an egalitarian Constitution... in the light of our own particular history, and our vision for the future, a Constitution was written with equality at its centre.”

Questions about the nature of Equality and its subsequent constitutional right have been interpreted by our highest courts in light of the abovementioned ambiguity. South African courts have understood section 9 to imply the achievement of substantive equality. There are a number of judgments that indicate a willingness to adopt a contextual approach in the realisation of the right to Equality, with disadvantage being identified as a core principle in the enforcement of section 9.¹⁰ The nature and importance of equality was summed up by Krieger J¹¹ when he stated:

“The South African Constitution is primarily and emphatically an egalitarian Constitution... in the light of our own particular history, and our vision for the future, a Constitution was written with equality at its centre.”

Despite the endorsement of substantive equality, there are underlying tensions between the values of Freedom, Equality and Dignity in section 9’s application. The Constitutional Court has interpreted the right to equality by placing dignity at its centre.¹² The leading case in this regard is *Harksen v Lane* in which the Court clarified that discrimination is unfair when the “potential to impair fundamental human dignity” exists. This formulation defines Equality in terms of its effect on dignity. This approach has been criticized by a number of authors as inconsistent with substantive equality.¹³ Importing Dignity into the heart of Equality shifts the emphasis away from a group-based, contextualised understanding of equality where redress of disadvantage is prioritised.

Our courts’ interpretations of the right to Equality are indicative of the complex relationship between the values of Equality, Freedom and Dignity. The issue becomes even more complex when one considers not only the interpretation of an individual right but also the relationship between potentially conflicting rights.

Freedom

Section 13 addresses Freedom from “slavery, servitude and forced labour”¹⁴. This is seemingly simple, disallowing any force when it comes to the means by which people make their living. There are however, views that forced labour includes being underpaid for work, where there are no other or better jobs available¹⁵ – something we see regularly in South Africa. Our unions, no doubt, do what they can to protect this right, but are often only marginally or not at all successful. Thus, this freedom, as seen by some, does not translate into the lived experience of those who are left with little or no choice. It is therefore necessary to explicitly state whether the constitution intended this right to denote only the lack of force, or the presence of viable choices.

Section 16 stipulates freedom of “artistic creativity”¹⁶ and “academic freedom and freedom of scientific research”¹⁷. We are to understand that every person has the right to their own ideas and the Freedom to translate these ideas into whatever form they may take provided this does not infringe upon the freedoms of others.

Such Freedom would allow people to protect their ideas, get paid for them, and even

keep them to themselves, should they wish. This permits developers/manufacturers of cures for diseases, water purifiers or alternative electricity sources, to restrict the reach and use of their products, potentially restricting access to healthcare, warmth and drinkable water. Those who can afford such products are free to buy them, and those who invented them, are free to profit. However, other members of society are excluded from them, and what is worse is that it is likely the excluded members who need them most. This generates further socio-economic distinctions between members of society and can be seen to contravene rights to equality.

Again, we are confronted by the incompatibility between Freedom and Equality and confusion as to how we find a practical synergy between the two. This antinomy/irreconcilable sociable dilemma needs to be explicitly addressed in our Constitution, in order for both Freedom and Equality to be practically realised in an acceptable manner.

The limits and reach of Section 19 (political rights) are, too, problematic. The stipulations that anyone can vote, form a political party, or hold office may protect people against being intentionally excluded, but is not explicit enough to enhance the realisation of the full extent of political rights. In order to realise the full extent of political rights people require: information on political parties, an understanding of their rights and how their government is responsible for and accountable to them and, an understanding of the election process. Simply, citizens must be equipped to make informed decisions.

It is both gross inequality and lack of freedom to make life choices that exclude people from their rights and from meaningfully participating in society.

In South Africa, with such socio-economic extremes, many citizens are not politically empowered or aware,¹⁸ and are thus marginalised from real involvement in the decisions that affect them. This right, as it stands, is therefore, only protecting people from being excluded from voting. It does not necessarily create the space for citizens to realise this right.

Having the right to something is only relevant when we are in a position to realise that right. Since it is the State's responsibility to aid citizens in realising their rights, perhaps more clarity is required as to how they may go about it. Before this can occur, clarity on denotation in terms of the wording and intended references of the rights in our Constitution, needs to be addressed. Without such clarity, we may be unable to move forward from our current position, where prescribed Freedom and Equality are, at times, at odds, making it difficult to achieve either. It is both gross inequality and lack of freedom to make life choices that exclude people from their rights and from meaningfully participating in society. The two make our Constitution something that is theoretical – until we find a way to configure the social antinomies and practically realise the values of our Constitution.

Section 22's "freedom of trade, occupation and profession"¹⁹ expresses citizens' rights to choose, but does not account for lack of actual choices. To reiterate an above point – being unchained, does not guarantee freedom. Many South Africans may not be lawfully prevented from choosing a trade or vocation, but the options from which they have to choose, are often limited. Only a small minority are in positions where they can choose their futures – normally the middle/upper income citizens. Thus, to say that all citizens are free, where it is only some who are free, is practically untrue, unless what was meant by Freedom was merely the absence of lawful prevention. It is

only when all people are offered the same calibre of information and education; they all know their options; are fed and clothed and; have desks, chairs and stationary, that they are free to choose one or more of the options available to them. Simply, in this instance, when all people have equal capacity to access the means through which choices are presented, only then are they free to choose.

Conclusion

Perhaps the greatest evidence of just how inclusive a society our Constitution envisages comes from the inclusion of socio- economic rights in the BOR. It is rare for constitutions to include justiciable socio-economic rights. That we guarantee people the right to a healthy environment (section 24), the right to housing (section 26), the right to health, food and social security (section 27) and the right to education (section 29) is strong evidence that we prescribe an inclusive society.

However, if we do not include explicit explanations of how freedom and equality are meant to be understood or how we endeavour to find a balance that celebrates both or what steps for the State to take in realising these somewhat incompatible rights, our socio-economic rights could continue to be, for the most part, theoretical.

Nevertheless, we cannot assume that this antinomy nullifies our Constitution. Within many of these rights, perhaps we arguably need to create a deeper understanding of both Freedom and equality and how they may be achieved in unison. Thus far, in our striving for both, we cannot and have not achieved either.

NOTES

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- 4 SA Constitution (Bill of rights) Section 39 (1) (a)
- 5 SA Constitution (Bill of Rights) Section 39 (2)
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- 7 SA Constitution, (Bill of Rights) Section 38
- 8 *Ferreira v Levin NO and Others; Vryenhoek and Others v Powell NO and Others* 1996 (1) SA 984 (CC)
- 9 SA Constitution Section 9
- 10 *National Coalition for Gay and Lesbian Equality v Minister of Justice* 1999 (1) SA 6 (CC);
- 11 *The President of the RSA v Hugo* 1997 (4) SA 1 (CC) para 74
- 12 *Harksen v Lane NO* 1998 (SA) 300 (CC); *The City Council of Pretoria v Walker* 1998 (3) BCLR 257 (CC)
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Abandoning Labour-Intensive Growth: Reflections of a Labour-Market Commissioner

Why, in a country beset with unemployment, is there so little concern with the labour-intensity of economic production and growth? Over the twenty years since I served on the Presidential Labour Market Commission, I have used the case of the clothing industry as a prism through which to understand this paradox. Employment in the industry has collapsed in part because of competition from China. But South Africa's labour- and industrial policies also played a role. Rapidly rising minimum wages in the non-metro areas have driven many low-wage, more labour-intensive producers out of business; whilst subsidies from the Department of Trade and Industry helped the higher-end fashion producers upgrade their machinery and consolidate around a core of relatively well-paid, skilled workers. "Decent work" for the few was achieved through rising capital-intensity and job destruction.

This is tragic for the millions of unskilled, unemployed South Africans whose only hope of regular employment is a more labour-intensive growth path. Yet policy-makers today regard this as undesirable, uncivilized even, hoping instead that industrial policy can somehow catapult us onto a high-wage, high-productivity growth path that will be sufficiently rapid as to be labour-demanding, despite its capital-intensive nature. Proponents point to Japan, South Korea and (more recently) China where industrial policies facilitated industrial upgrading prior to the exhaustion of cheap labour supplies out of agriculture. Yet, these countries were also highly successful at absorbing significant numbers of workers in labour-intensive sectors and they never had to confront massive unemployment. Furthermore, South Africa does not have the domestic savings to finance a capital-intensive Great Leap Forward. Half of our investment goods are imported, which in the context of lackluster export performance and skittish capital inflows, means that economic growth inevitably crashes against balance of payments constraints. It makes much more sense to use our limited capital resources to create as many jobs as possible – i.e. to promote labour-intensive firms and sectors, not instead of but alongside the existing capital-intensive firms and sectors. Yet labour-intensive firms are stigmatized as 'sweat-shops' and actively destroyed.

This was not always the case. When South Africa made the transition to democracy, it was respectable to worry about the impact of minimum wages on employment, especially in the clothing industry, our most labour-intensive manufacturing sector. At that point, minimum wages in some areas were set through collective



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bargaining in regionally-based industrial councils, whilst firms elsewhere – except in the bantustans – had to comply with Wage Determination 471 (WD471) set by the Wage Board. One of the first tasks, for the new Minister of Labour (Tito Mboweni) in 1994, was to instruct the Wage Board to amend and apply WD471 across the whole of South Africa. Dudley Horner, a colleague at the University of Cape Town who was also chairman of the Wage Board, was very worried about the potential of WD471 to destroy the only significant source of employment in South Africa's most poverty-stricken areas. When WD471 was eventually amended in 1997, it set lower real minimum wages for rural areas and gave the poorest regions additional time to comply.

This was an exercise in damage control. What kept him awake at night was the thought that the factories would shut up shop and relocate over the border to Lesotho.

I was appointed to the Labour-Market Commission in 1995. At the time Horner and his team were hearing evidence from affected firms and workers in the old bantustan areas. This inspired me to visit Phuthaditjhaba, the old capital of the QwaQwa bantustan, to see for myself what workers and firms thought about minimum wage setting. The clothing industry, initially attracted there by apartheid-era's industrial decentralization incentives, continued to operate even after these incentives were scrapped in

the early 1990s because wages remained sufficiently low to maintain profitability. This dusty, sprawling home, to thousands of people evicted off farms, was heavily reliant on migrant remittances and on earnings from the clothing industry. Despite the pitifully low wages, clusters of women waited hopefully outside the factory gates for jobs.

My first stop was the office of the South African clothing and Textile Workers Union (Sactwu). To my surprise, the local organizer helped me set up interviews with the major firms and then insisted on accompanying me on my visits. I found this puzzling, but quickly came to understand that he was worried that I might inadvertently frighten the firms with talk about WD471. His standard introduction went something like this:

‘This lady from Cape Town wants to talk about the new minimum wages that are coming. But you must not worry. We can talk more later. We are happy to negotiate, to introduce the wage increase slowly, slowly...’

This was an exercise in damage control. What kept him awake at night was the thought that the factories would shut up shop and relocate over the border to Lesotho.

Back at the Labour Market Commission, I discovered how huge the gulf was between the concerns of the Sactwu regional office and national labour leaders. Ebrahim Patel, then deputy general secretary of Sactwu and Nedlac labour co-ordinator, dismissed the Chinese and Taiwanese clothing factories in Phuthaditjhaba and elsewhere as ‘fly-by-night sweatshops’ that had no place in the new South Africa. They were, for him, a living embodiment of the apartheid wage gap; a moral blot on South Africa's economic landscape. I remember wondering if the Phathaditjhaba shop stewards had any idea of the depth of his contempt for the very firms they were desperately trying to keep.

Not only did Patel want WD471 extended across the country as soon as possible, but as labour's chief negotiator, he was instrumental in including key provisions in the

1995 Labour Relations Act (LRA). The LRA replaced the old industrial councils with bargaining councils. It required the Minister of Labour to ‘extend’ collective agreements across the entire industry if requested to do so by representative (or ‘sufficiently representative’) bargaining councils. Unlike the Wage Board, which was explicitly tasked with considering the trade-off between minimum wages and employment, the Minister of Labour was not required by the LRA to consider potentially adverse employment effects before promulgating negotiated minimum wages. To the extent that bargaining councils could be dominated by the larger, unionized urban firms and urban-based unions, there was thus a real danger that this new wage-setting mechanism could undermine labour-intensive growth – and have devastating consequences for desperately poor areas like Phuthaditjhaba.

The Labour Market Commission included members from industry, government, organized labour, academia and some international experts. We brought a range of ideological perspectives and skills to bear on our deliberations, but were surprisingly united in support of labour laws to protect health and safety, minimum wage-setting machinery to protect against exploitation, and legislation to facilitate collective bargaining. We agreed it was important to promote skills development and productivity growth, but at the same time noted that ‘future formal sector employment growth is most likely to occur in lower-wage sectors such as tourism and clothing’¹, and South Africa therefore needed to promote labour-intensive growth also. Indeed, we recommended that the LRA extension mechanism be amended specifically for this purpose:

We agreed it was important to promote skills development and productivity growth, but at the same time noted that ‘future formal sector employment growth is most likely to occur in lower-wage sectors such as tourism and clothing’, and South Africa therefore needed to promote labour-intensive growth also.

‘The Minister should treat applications for extension with circumspection and exercise caution in extending agreements where there are grounds for concern that significant job destruction might ensue. The Commission believes the approach contained in the new LRA needs to be carefully monitored. The LRA virtually obliges the Minister to extend an agreement reached by over 50% of the industry, but discourages him from extending agreements where this threshold is not met. The Commission recommends that the Minister should have greater discretion in deciding whether or not to extend agreements. The Minister should take less account of the representivity of the parties to the agreement and more account of whether the agreement reached is sensitive to the problems of non-parties and the job-creating goals of the RDP. This means the Minister should also consider extending agreements reached in less representative councils if these criteria are met’.²

All of the Labour Market Commissioners, including from the trade unions, signed on to this.

One of the Commissioners, Halton Cheadle (the union-linked labour lawyer), played a leading role in drafting the LRA, a process that over-lapped in its final stages with his work on the Labour Market Commission. Sixteen years later, in 2012, he and I were on opposing sides of a legal battle about extensions. In the time since we had served together as Commissioners, a national bargaining council had been established for the clothing industry (in the face of strong opposition from employers in KwaZulu-Natal). Wage-setting through the National Bargaining

Council had come to be dominated by firms and unionized workers based mainly in Cape Town. None of the factories I had visited in Phuthaditjhaba in 1995 had survived, and the last remaining low-wage labour-intensive factories in Natal and the Free State were surviving only because they were non-complaint with the minimum wages extended to them by the Minister of Labour.

Flouting the law had become more difficult. In 2010/11 the bargaining council began a 'compliance drive', obtaining writs of execution against non-compliant firms and then instructing sheriffs to attach their assets and shut them down. In Newcastle, one of the last remaining sites for labour-intensive clothing production, employers and workers alike protested against attempts to shut down the factories and destroy jobs. Five firms took the Bargaining Council and the Minister of Labour to court, arguing that the Bargaining Council was not representative. They eventually won the case, but this provided limited respite because the Minister subsequently extended collective agreements to them on the basis that the bargaining council was 'sufficiently representative'.

Shutting down low-wage firms would not save jobs in the higher-wage firms, but it would destroy jobs in especially impoverished areas and worsen the balance of payments because less clothing would be produced locally and more would be imported from China.

Provincial government officials from KwaZulu-Natal and the Free State, the Minister of Finance and the secretary general of the ANC all voiced their concerns over this job destruction. This prompted Ebrahim Patel, the Minister for Economic Development from 2009, to hold a series of meetings in an attempt to broker a compromise. An agreement was reached requiring non-compliant firms to pay 70% of the minimum wage (rising to 100% over time) and the sheriffs were called off. Nonetheless, collective bargaining continued. New, higher minimum wages were extended by the Minister, causing widespread

confusion in Newcastle and elsewhere, over what the minimum wage actually was. Was it 70% of the old or the new wage, or 100% of the new wage? It was totally unclear. The local Sactwu shop steward, like his old counterpart in Phuthaditjhaba, visited the firms, negotiating informal agreements of dubious legality, but which seemed, at least for the time being, to keep the sheriffs away and most of the factories open. The firms identified by the Bargaining Council to be the 'worst offenders' continued to be harassed, and others wound down their businesses in the face of continuing uncertainty.

One of the arguments made by Sactwu and the major employers was that non-compliant low-wage firms in Newcastle and elsewhere undermined the higher-wage, compliant firms. I argued in court documents (and in research papers co-authored with Jeremy Seekings) that low-wage firms were producing mostly basic items for value retailers like Mr Price and posed little if any threat to the higher wage firms supplying the more expensive fashion outlets and niche markets. Shutting down low-wage firms would not save jobs in the higher-wage firms, but it would destroy jobs in especially impoverished areas and worsen the balance of payments because less clothing would be produced locally and more would be imported from China. Some higher-wage firms even benefitted from the existence of lower-wage firms because they subcontracted their simpler work out to them, or drew on the pool of labour trained by them. Sactwu, the major employers and the Bargaining Council countered that there was sufficient regional variation in minimum wages, glossing over the fact that it had rapidly raised minimum wages

in the non-metro areas and greatly reduced the real wage differential. They also argued that allowing low-wage firms to exist would destroy the higher-end firms in a ‘race to the bottom’.

This claim flies in the face of history: If race-to-the-bottom dynamics applied in the clothing industry then all firms under apartheid would have migrated long ago to the bantustans. Until the early 2000s, South Africa retained a vibrant clothing industry operating at many different wage levels in different parts of the country, precisely because firms were able to compete in different product markets and at different combinations of wage and productivity. The rise of cheap Chinese production increased pressure on the industry, but I saw no reason why the industry could

Extensions did this by driving low-wage, labour-intensive firms out of business and by rendering labour-intensive production so unprofitable that entrepreneurs are discouraged from ever engaging in it.

not continue to combine higher-wage, higher-productivity production (mostly in Cape Town) with lower-wage, lower-productivity production (in areas like Newcastle). My erstwhile fellow Labour Market Commissioner, Halton Cheadle, supported the Bargaining Council. Explicitly recanting the position adopted by the Commission, to which he was a signatory, he now argued that the extension mechanism as promulgated was foundational to our collective bargaining system and that there was no evidence that extensions were a problem for employment. He cited research that purported to show that extensions covered too few workers to make any difference to employment.

Most workers are, indeed, not covered by extensions: most are covered directly by collective agreements or by sectoral determinations by the Employment Conditions Commission (the successor to the Wage Board). But this observation misses the point that extensions have reinforced the bias towards ever-more capital- and skill-intensive production. Extensions did this by driving low-wage, labour-intensive firms out of business and by rendering labour-intensive production so unprofitable that entrepreneurs are discouraged from ever engaging in it. In other words, the extension mechanism alters the dynamic of growth and the structure of employment, combining with other policies to push the economy down a high-wage, high-productivity, high-skill and high unemployment growth path.

This indirect impact is, of course, difficult to measure or estimate. I remember being asked by Guy Standing (then at the International Labour Organisation and also serving on the labour market commission) to ‘show me the firms that have gone out of business’ because of the extension mechanism. (Standing was also one of the skeptics who doubted that unemployment was high in South Africa!). It is never easy to find and interview firms that are no longer operating, and probably impossible to identify prospective firms that were deterred from starting because the extension of minimum wages precluded low-wage, labour-intensive production. The compliance drive in the clothing industry and the subsequent legal challenge by the Newcastle firms provided rare ‘evidence’ for how South Africa’s wage-setting machinery had destroyed – and was continuing to destroy – jobs.

But by 2012, it seems that policy makers were no longer interested in labour-intensive industrial production.

Halton Cheadle’s about turn was emblematic of the wider complacency about the employment consequences of minimum wage setting that emerged in policy-

making circles after the Labour Market Commission reported in 1996. Also that year, the Department of Finance published its controversial ‘Growth, Employment and Redistribution’ (GEAR) framework which also recommended amendments to the extension mechanism in support of labour-intensive growth. This seems to have been the last time that reforms to the extension mechanism, and more generally the need to prioritise labour-intensive growth, was ever seriously proposed by government. Tito Mboweni, for reasons that remain obscure, decided not to pursue the recommendations of the Labour Market Commission about the extension mechanism or to take forward the agenda of labour-intensive growth in any meaningful way.

Nowadays we are told by our policy makers that it is impossible for South Africa to compete with low-wage countries (despite the fact that Newcastle firms compete vigorously with China until the Bargaining Council shuts them down) and that the only sustainable growth path is one based on rapid productivity growth (read capital-intensification) and “decent work” (read high wages). Ebrahim Patel’s visceral distaste for the low-wage labour-intensive manufacturing has become hegemonic. Even the National Development Plan (NDP), for all its breast-beating about unemployment being the number one challenge, has given up on it, noting forlornly that:

They might also have done more to expand the welfare net to the millions of unemployed mostly low-skilled people as they wait patiently (and, I fear, hopelessly) for South Africa’s capital intensive growth path to grow sufficiently rapidly that even less skilled workers find employment.

‘South Africa’s manufacturing strength lies in capital-intensive industries. In the context of high unemployment, growth would ideally be sourced through expanded contribution of labour. However, to compete, the country’s cost structure requires an emphasis on productivity, products and logistics³.

In other words, rather than confront the factors affecting the ‘cost structure’ – including the extension of collective agreements to non-parties – the NDP pins its hopes on small business development, tourism, land reform and other vague policy commitments to job creation. Indeed, the NDP accepts, passively, that low-wage manufacturing jobs will continue to

migrate to Lesotho. I can only wish that the National Planning Commission had retraced my footsteps to Puthaditjhaba and Newcastle. Perhaps the sight of the many factories that now stand empty amongst a sea of impoverished households might have changed their minds. Maybe they would have made a braver statement about the need to base economic growth through an ‘expanded contribution of labour’, perhaps even going so far as to say the dreaded words ‘through labour-intensive growth’. They might also have done more to expand the welfare net to the millions of unemployed mostly low-skilled people as they wait patiently (and, I fear, hopelessly) for South Africa’s capital intensive growth path to grow sufficiently rapidly that even less skilled workers find employment.

South African society comprises islands of high-wage formal employment and privilege in a vast sea of low-wage informal employment and unemployment. Our policies focus on improving the lives of those on dry land through protective labour-market legislation, affirmative action, productivity-enhancing industrial policy and the like. The islands are pretty good places to live. But we do very little to help people reach the beaches and we turn a blind eye to the ways in which our policies generate strong off-shore winds. It is time to start land-reclamation, to change our

policies at the margin to create new spaces where unemployed people can start productive, dignified lives. These do not have to threaten those in the established suburbs. There is no reason why labour-intensive firms and sectors cannot exist alongside existing capital- and skill-intensive firms. As illustrated by the diversity of processes and products in the clothing industry, there is no necessary 'race to the bottom'. Even where low-wage, labour-intensive firms do provide competition for the higher-wage firms, this should act as a spur to them to boost productivity, and our industrial policies can continue to assist the latter in this regard. We can also experiment with special industrial zones, support co-operatives, and provide additional support to small and medium firms. But whatever we do, we should stop destroying those few labour-intensive shores we still have.

NOTES

- 1 Labour Market Commission Report, Chapter 4, par 152
- 2 Labour Market Commission Report Chapter 4, par 177
- 3 NPC 2012: 147–148

FOR FURTHER READING SEE:

Nicoli Natrass, 'Meeting the Challenge of Unemployment?' in *The Annals of the American Academy of Political and Social Science*, 2014, 652 (1): 87-105; Nicoli Natrass and Jeremy Seekings, 'Job Destruction in Newcastle: Minimum Wage-setting and Low-Wage Employment in the South African Clothing Industry', *Transformation* 84 (2014); Nicoli Natrass and Jeremy Seekings, 'Differentiation within the South African Clothing Industry: Implications for Wage-Setting and Employment', *CSSR Working Paper No.307*, (2012) (<http://www.csr.uct.ac.za/pub/wp/307>); Nicoli Natrass and Jeremy Seekings, 'Institutions, Wage Differentiation and the Structure of Employment in South Africa', *CSSR Working Paper no. 309* (2012) (<http://www.csr.uct.ac.za/pub/wp/309>). Sactwu's criticisms and our responses are available online on the CSSR website: <http://www.csr.uct.ac.za/2013/03/controversy-over-clothing-industry>.



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A Social Compact for Long Term Inclusive Economic Growth

The notion of a social compact between government, business and civil society as a basis for long term economic development and growth underpins economic models in many industrialised countries. The social democracies of Northern Europe most closely encapsulate this notion and have performed extraordinarily for close on a century with higher levels of economic growth and social stability. Even during the current European debt crisis these economies have held up better than their Southern European counterparts and the social compact has remained largely intact¹.

Social compacts exist in various forms and can be explicit or implicit. An example of the latter is encapsulated in the so-called 'American Dream', of the opportunity for social mobility for all individuals who persevere and work hard.² Even though many Americans struggle at the bottom of the economic ladder, the possibility to prosper is an essential component of the American compact. The European welfare state, on the other hand, represents a more explicit outcome of this social contract.³ The dearth of research about social compacts in developing countries is concerning because they are the presumed engines of future growth and because they have generally much higher levels of social and political instability.

Since the mid 1990s Sub Saharan Africa (SSA) has seen high economic growth rates, second only to Asia. This has been accompanied by a move towards greater democratisation and liberalisation. However, the relationship between business, government and civil society remains fractious, and social and political instability continue to emerge. The lack of a long term social compact is evident and more tellingly, is not in the process of being fashioned. In this paper we explore the consequences for development of the absence of a social compact. We examine the origins and success of social compacts elsewhere and ask whether a social pact is possible given our fractured polity and fraught history.

The Idea of a Social Compact

Political philosophers have toiled with the principles of political authority and legitimacy at least since the days of Aristotle. These themes formed the basis of European political thought in the seventeenth and eighteenth century through philosophers such as Hobbes, Locke and Rousseau. A social contract that defines the rights and responsibilities of the various stakeholders in the political process was considered necessary for the effective and legitimate functioning of the state. O'Brien et al.⁴ argue that social contracts normally offer some form of mutual benefit and impose some reciprocal obligations or constraints. Citizens who are party to these agreements explicitly or implicitly accept obligations (such as paying taxes and obeying laws) in return for the protection afforded by the state (including maintaining order and providing a minimum standard of social wellbeing).

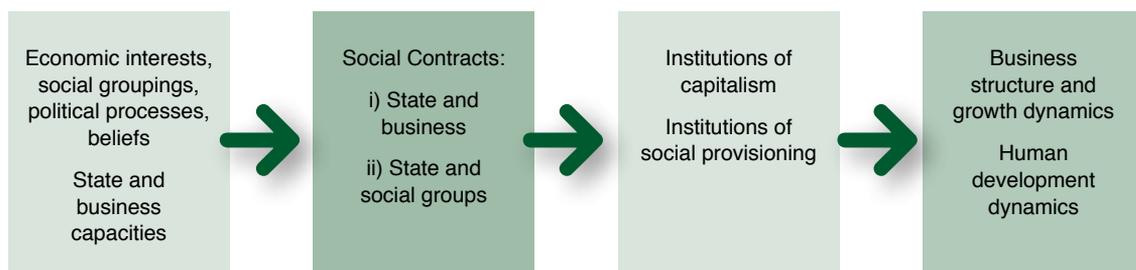
These social compacts provide legitimacy to political and economic systems in various forms. The East Asian authoritarian historical experience saw political legitimacy arise from high economic growth rates. Domestic consumption, social protection and political participation were suppressed. The state had to keep delivering the high economic rents and, in return, labour focused on productive activities and long hours of work. In Europe a very different social compact emerged which saw a more collaborative, corporatist framework which focused not only on production but also on the general wellbeing of the populace. Despite these differences, what ties them together is the implicit or explicit compact which exists between business, government and labour as to the future direction of the socio-political economy. This political equilibrium can change over time and indeed we have seen it do so in various East Asian countries.

Whilst the concept of inclusive development has been explored for developing countries⁵ the notion of a social compact extends beyond that into the realm of a deep political economy. Inclusive development highlights the importance of the needs of the poor and marginalised, but a social compact extends this into an institutionalised arrangement which we, as a society, accept as the basis for our future development. It means that business, government, labour and civil society in some form ‘contract’ (it need not be explicit) as to the accepted parameters governing future change. This can manifest in accepted forms of fiscal policy and the extent of its redistributive focus, and the maximum level of deprivation that is appropriate for this social compact. This still leaves broad room for disputes and political contestation but within these strictures.

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The nature of these compacts reflects the relative initial strength of various economic, social and political interest groups, as well as the capacity to deliver. Walton⁶ provides a schematic representation of how these interact to result in a social contract – see figure 1. The competition between these groups results in a political equilibrium, with contracts between state, business and society emerging. These, in turn, shape the nature of the institutions of governance and socio-economic provision, which affect long run development possibilities. Of course, this loop itself is endogenous, as it then influences the future capacity of state and business and the relative strength of various interest groups.

Figure 1: A simplified schematic of casual processes of social contract transitions



Source: Walton, 2010: 38

This process of the construction of social contracts and institutions is an evolutionary one. They reflect outcomes of past conditions, some thrive, others weaken, and through a process of survival of the fittest they evolve. This, in turn, sets the conditions for new interest groupings and sources of power which further affects the process of social compacts and institution building. Fukuyama⁷ reminds us that

Institutions initially appear for what in retrospect were historically contingent reasons. But certain ones survive and spread because they meet needs that are in some sense universal. ... If the institutions fail to adapt, the society will face crisis or collapse, and may be forced to adopt another one.

He warns that with the onset of industrialization, economic growth and social mobilization progress at a vastly faster rate changing the possibilities for development and the institutions required. This process is not necessarily deterministic as institutions are routinely copied and improved by others. There is therefore much to be learnt by developing countries as to how to provide an enabling environment for social and political equilibria and sound institutions.

Cooperation of the corporatist variety was facilitated by the exceptionally rapid economic growth after the war, the relatively homogenous labour force with strong, politically unified trade unions and employer organisations, and finally government policies which supported cooperative bargaining by alleviating economic insecurity, addressing the distributive concerns and penalizing non-cooperative behaviour.

The European Social Compact and the Welfare State

Social compacts of the European variety are framed in corporatism that recognises the need to harmonise the economic and the social within governance structures. Distributive issues are inalienable from those concerning production. Whilst employers recognise full employment as a social objective, workers accept the need for wage moderation and higher productivity as a prerequisite for economic growth and social welfare⁸. Iversen⁹ discusses corporatism within a framework which includes a) the capacity of interest groups to aggregate and articulate demands on behalf of their constituencies and to implement policy commitments ('intermediation'), and b) the extent to which there is coordination of demands between groups and political parties ('concertation').

Cooperation of the corporatist variety was facilitated by the exceptionally rapid economic growth after the war, the relatively homogenous labour force with strong, politically unified trade unions and employer organisations, and finally government policies which supported cooperative bargaining by alleviating economic insecurity, addressing the distributive concerns and penalizing non-cooperative behaviour.

The European social compact developed over time and has taken on the particular characteristics of the underlying social and economic interests. Steinmo¹⁰ discusses the grand breakthrough in Sweden between 1936 and 1938 which led to a historical compromise and brought to an end one of the most conflictual labour markets worldwide. This was constructed on the basis of a new relationship where 'capital and labour came to understand that they had common interests in increasing productivity and employment levels.... Government policy soon came to be used to help facilitate the Historical Compromise.' The European political parties were compacted to supply jobs, decent incomes, lower income differentials, and economic growth so as to sustain the welfare state and preserve social stability. This they have done remarkably well for most of the twentieth century. The agreement resulted

in higher tax rates but with the state delivering a very comprehensive set of social deliverables. During the current financial predicament, this model is facing severe challenges and its sustainability is being questioned in the face of rising debt levels and a rapidly aging demography.

The point is that pure philosophies of social rights need to be embedded in local realities and the result might be what White¹¹ refers to as ‘some messy combination...refined according to local circumstances’ that ‘advances the interests of the most disadvantaged and affirms the duties of all citizens to make a fair contribution to the common good.’ The long term development of social policy needs political support from all actors and involves an acceptance of restraint in some areas (often wages) in return for social protection in other areas. Such a social contract underpins the modern state: ‘By being responsive to citizens’ needs, the state effectively provides a guarantee of its legitimacy, and potentially the legitimacy of the tax system. Conversely, when the state does not provide for these needs, its relevance and legitimacy are undermined.

The recent transition to democracy in many African countries, accompanied by higher economic growth raises the question of how to consolidate this process within a modern state, accountable to its citizenry.

The Post-Colonial African State-Society Relations and Welfare Provision

The post-colonial state in Africa was essentially derived from the colonial state. Moreover, the post-colonial state possessed all the formal powers and attributes of the colonial state but that it was not subject to the constraints of colonial political accountability¹²: In the fight for independence, nationalist movements did not question the nature of the colonial state but rather fought to gain control over it and attempted to gain power over civil society through cooptation, clientelism, patrimonialism, and mass coercion.¹³

This reflects a lack of imagination on the part of both the state and society about a long term social compact for post-colonial African countries. For Africa it raises an interesting conundrum. Historically, Africa has not had a well-developed formal social net and the state has suffered from a lack of legitimacy. The recent transition to democracy in many African countries, accompanied by higher economic growth raises the question of how to consolidate this process within a modern state, accountable to its citizenry. Many African countries look enviously upon the European welfare state as a model but, what are the consequences of growing social security in Africa without an explicit social compact? In Latin America under various populist regimes (most famously Peron in Argentine) we saw macroeconomic constraints being ignored, a lack of wage restraint, public debt rising and being financed by easy monetary policy resulting in hyperinflation. The lack of a national consensus or social compact resulted in short term gains for workers but, long term negative consequences for economic progress. There is a danger in Africa that states are overwhelmed by the socio-economic expectations that society develops as to the probable outcomes of the recent processes of democratisation. This makes the adoption of a social compact, which formalises a process for inclusive development, all the more important to ensure that these fledgling states have an opportunity to consolidate.

The South African Case

South Africa is an interesting case because it has developed a very comprehensive approach to social security given its level of development. Its pension scheme is tax-funded, reaches almost 2.5 million people, covers almost 100% of elderly blacks and costs around 1.3% of GDP. Almost a third of the South African population receives some form of social grant – a sixfold increase on the number of beneficiaries in 1998. The overall cost of these social grants amounts to 3.5% of South African GDP¹⁴. It can be argued that the development of a fairly elaborate system of social security was an attempt by the post-apartheid government to buy political stability in the face of high inequality, unemployment and the lack of service delivery by various tiers of government. The problem with this is that it is not addressing the root causes of unemployment and inequality in South Africa and instead is putting an increasingly unsustainable pressure on the fiscus to support an ever-growing number of welfare recipients with a static and limited taxpayer base. This issue has become increasingly politicized both within and outside government with some pointing to its positive effects on poverty alleviation and others pointing to an increasing culture of dependency.

In September 2012 the frustration with the South African political economic model spilt over into the worst massacre since the end of apartheid when 34 mining workers were gunned down by police for protesting their economic plight through a massive, prolonged strike.

The South African post apartheid dispensation was a negotiated settlement between elite groups that left the majority of the population without ‘voice’. Those previously disadvantaged were given the opportunity to vote but in the presence of a dominant single party they have few means by which to express their dissatisfaction. They were pacified through the introduction of an elaborate welfare system which does not seek to address their dispossession but rather seeks their silence. The black establishment was bought through the promise of black economic empowerment (BEE) which gave a small black elite the chance for rapid economic mobility, and big white capital was co-opted in return for the

drop of nationalisation and radical redistribution as a policy option. In September 2012 the frustration with the South African political economic model spilt over into the worst massacre since the end of apartheid when 34 mining workers were gunned down by police for protesting their economic plight through a massive, prolonged strike. There is growing frustration that the rate of improvement in people’s lives does not measure up to their expectation of what the post-apartheid scenario would deliver. However, the larger issue is that business is going to find itself increasingly dealing with the frustration and often unrealistic demands of its workers which may actually reflect something much larger than their immediate work circumstances. This places business in a difficult position as labour relations will need to be understood in the national context of a broader social consensus. Recently there have been calls for a ‘white or wealthy’ supertax to compensate for past advantage. But this is only a viable option if there is confidence in the South African government’s ability to deliver social progress with any fiscal windfall and that it will not be used to further the system of patronage for a small elite. The importance of trustworthy, reliable, impartial and reasonably uncorrupted government institutions is a precondition for citizens’ willingness to support policies of redistribution¹⁵. Thus in South Africa, the nature of a higher tax would need to be positioned within a broader social compact with the state recognising the significant burden that it would be faced with to deliver on the basis of that temporary revenue windfall.



South Africa's economic inequality shows up repeatedly as amongst the worst in the world. In addition, it has actually worsened in the past decade under the post-apartheid dispensation. This is not sustainable and will increasingly put pressure on government, labour and business to come up with a long term social compact for South Africa. It is not an issue that can only be addressed by government and requires all stakeholders to put aside narrow interests and focus on a more sustainable socio-economic model. For business and labour, it cannot be business as usual and requires a very different mindset. This has had an impact on the questioning of government legitimacy and led to populist tirades from an assortment of leaders for wholesale nationalisation and an economic revolution. The ideal outcome is a long term social compact which brings business, government and labour together in an attempt to address the structural deficiencies in South Africa's political economy.

As President Mandela remarked at its launch, 'our democratic gains will be shallow and persistently threatened if they do not find expression in food and shelter, in well-paying jobs, and rising living standards'

Some effort has been made to institutionalise a social dialogue between the main economic interest groups but with questionable results. On 18 February 1995, the National Economic Development and Labour Council (Nedlac) was launched. The motivation behind Nedlac was for major decisions to be taken in a more inclusive and transparent manner. It emerged out of a recognition of the importance of seeking consensus on major economic, social and development policies and ensuring their success, through awareness. As President Mandela remarked at its launch, 'our democratic gains will be shallow and persistently threatened if they do not find expression in food and shelter, in well-paying jobs, and rising living standards'¹⁶. The Nedlac Act, passed in 1994 after being agreed to unanimously by all political parties, says Nedlac shall:

- Strive to promote the goals of economic growth, participation in economic decision-making and social equity.
- Seek to reach consensus and conclude agreements pertaining to social and economic policy.
- Consider all proposed labour legislation relating to labour-market policy before it is introduced in Parliament.
- Consider all significant changes to social and economic policy before it is implemented or introduced in Parliament.
- Encourage and promote the formulation of coordinated policy on social and economic matters.

Nedlac has had very limited success in the broader context of a national developmental vision and has rather been used to push particular interest group agendas. Arguably, the fragmented nature of these relations is partly due to the highly racialised suspicion amongst the parties of the interventions and competence of the various groupings¹⁷. Furthermore, the complex nature of the relationship between the ruling ANC government and its alliance partners – which includes the largest trade union federation – has made labour market reforms difficult to implement. The outcome of Black Economic Empowerment has been the emergence of a new black elite which has had a conflicted position in relation to ‘old’ business and their historical comrades in the ruling party and the trade union movements from which many emerged. Furthermore, a culture of patronage has taken hold in the form of rent-seeking contestation.

Conclusion: The Way Forward

The recent rapid growth, combined with high inequality, in many developing countries has exposed the soft underbelly of these economies. Whilst investors have celebrated the high returns, we have nonetheless seen the rise of protests around the provision of basic needs, growing unemployment and inequality. The lack of inclusiveness of this growth model has led to populist backlash in many parts of the world. This reflects a growing dissatisfaction in developing countries about the lack of a social compact around an inclusive model of development¹⁸.

Governments have reacted to this restlessness by increasing social spending, but in the absence of a clear understanding about the rights and obligations of the various stakeholders this will create a rising fiscal problem and, in time, a problem in competitiveness. A social compact in the developing world needs to:

- Compel governments to be accountable to its:
 - Citizens by delivering the public goods and services that are appropriate given its ‘contract’.
 - Business community by providing a predictable business environment with clear, coherent rules and policies.
- Encourage business to recognise its larger role within society and that its responsibilities extend further than its immediate shareholders and include all stakeholders including its workers and consumers. It needs to pay its fair share not only to its shareholders as dividends, but also in taxes and wages.
- Ensure civil society acts in a manner which not only focuses on its benefits but also its obligations. Citizens need to obey the laws, participate in processes of governance and pay their taxes. Trade unions need to become active participants in the long term national development of the economy and not merely an extractive representative for a narrow constituency.

Such a social compact relies on reciprocal obligations. There is increasingly no substitute to social compacts because the alternative will see rising instability and policy vacillations as governments reflect the underlying tension. This search for a new social order is pressing in developing countries where high levels of economic growth expose the growing gaps between those who participate in this new economy and those who are left behind. This creates new interest groups and alliances and sees old social orders collapse. Finding ways to bring about more inclusive development and ways to compensate those who are not making the transition successfully to this new economy is a function of a social compact and will see a more stable social order arise.

NOTES

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Education and Social Inclusion



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“[They forgot too that] some were fitted to know and some were fitted to dig; that some had the talent and capacity of university men, and some had the talent and capacity of blacksmiths and that true training meant neither that all should be college men nor all blacksmiths”

– *W E B Du Bois*

Introduction

The type, extent and quality of South African education is critical for growth, higher levels of employment, improved income distribution and greater social inclusion. Yet there are pervasive concerns about the system as we have it.

Consider the following image, taken from the cover of the 2011 Technical Report on the National Senior Certificate.



It depicts a happy progression up the school steps to the university door. Does it represent current circumstances? Or does it instead depict a reasonable aspiration towards educational inclusion over the next decade or two?

The answer to both questions is no.

Highest Level of Education and School Throughput

Table 1 sets out the highest level of education reached by 29 year olds (the age by which nearly all education is complete) in the 2011 census.

Table 1 – Highest level of education achieved by 29 year olds in 2011

	Per cent
Up to and including Grade 9*	23.7
Incomplete senior secondary *	24.4
Grade 12	35.6
Technical	1.8
Certificate/diploma with less than Grade 12 *	0.5
Higher education	11.8
Other and unspecified *	2.2
Total	100.0

Source: Statistics South Africa, 2011 Population Census

The asterisked categories (together coming to 50.8%) never arrived at the university door. Some of the Grade 12 category did, but others did not write the Senior Certificate or failed it. Of those that passed the Senior Certificate, some will have chosen not to go to university, not finding a qualification that they wanted to enter or could enter, or for other reasons. Some of the technical category might have entered university but chose technical education instead.

The trouble with the NIDS rates is that they do not reconcile well with the distribution of enrolments across these grades. It looks as though the dropout rates are too low and the repetition rates are much too low.

On the other hand, more people entered university than the number of graduates indicated. This is because many entering university failed to graduate. About half the Grade 12s and people with technical qualifications might have reached the university door, but did not necessarily graduate. The proportion qualifying for university entrance was only about 30% for this cohort.

Have things improved for later generations? Quite a bit for survival through to Grade 9. Applying rates derived from the National Income Dynamics Survey (NIDS) in 2007/08¹, of a cohort of 1 000 learners entering Grade 1, 123 would leave school before reaching the end of Grade 9. This is just over half of the 237 implied by Table 1. What happens in the senior secondary phase is more difficult to determine. The NIDS estimates imply that of every 1 000 learners leaving Grade 9, 686 reach Grade 12. The trouble with the NIDS rates is that they do not reconcile well with the distribution of enrolments across these grades. It looks as though the dropout rates are too low and the repetition rates are much too low. An adjustment to take these factors into account suggests that the survival rate from the end of Grade 9 to Grade 12 may drop to about 570, and if this is so, there has not been much improvement over the past twenty years². The corpses on the upper steps of our picture have been airbrushed out.

Achievement of Grade 9 Learners

The 2013 Annual National Assessment (an extensive standardised test of learners by the Department of Basic Education) key results for grade appropriate tests are summarised in Table 2.

Table 2 – Annual National Assessment 2013

	Mathematics	Home Language	First additional language
Average marks			
Grade 3	53	51	
Grade 6	39	59	46
Grade 9	14	43	33
Percentage of learners with marks of less than 30 per cent			
Grade 9	88	27	44

Source: Department of Basic Education, Report on the Annual National Assessment of 2013, November 2013

In all subjects, the average mark drops between Grade 6 and Grade 9, and in mathematics the decline is continuous from Grade 1 to Grade 9. Over a quarter of learners do not achieve (or fail, in the older parlance) in their home language, over 40% in First Additional Language and nearly 90% in mathematics. Perhaps a third of learners float up to the end of Grade 9 hopelessly ill equipped to start work on the National Senior Certificate curriculum in Grade 10³. The result is huge failure to progress in senior secondary school, with attendant demoralization. The reasons

are not far to seek. Teachers consume high amounts of leisure on the job as several studies show, notably one conducted by Linda Chisholm in 2005. They teach at too slow a pace. And they often do poorly in grade appropriate tests in the subjects they are teaching, especially mathematics⁴. Moreover, social conditions mean that many households are unable to contribute materially to learner progress.

A necessary condition of reducing waste is to help adolescent learners to develop a sense of their abilities, interests and circumstances.

Alternatives to Senior Secondary School

Twenty years ago, post-apartheid education was conceived of as universal education up to Grade 9, followed by a variety of options: senior secondary school education, further education and training in FET colleges, vocational education and industrial training. The termination of basic education has moved up to Grade 12, and has been formalised in the split between the Department of Basic Education and the Department of Higher Education. The older approach was wiser for the following two reasons:

- It is potentially capable of reducing wasted resources (in the form of ineffectively applied funds and waste of learner time) in the education and training system. It de-emphasizes senior secondary school education as the overwhelming way forward by stressing the availability of alternative routes. A necessary condition of reducing waste is to help adolescent learners to develop a sense of their abilities, interests and circumstances. The development of this sense is weak currently for several reasons:
 1. In communities where each generation spends more time in education than its predecessors, parents struggle to help their children in senior secondary school.
 2. School assessment is often lenient and avoids discomforting feedback.
 3. There has been a vogue for motivational American advice such as ‘become your dreams’ and ‘unleash your passion’. Given data on income and social mobility in the United States over the last thirty years, this advice mocks the experience of a

great many Americans. It is downright irresponsible in South Africa. It helps to encapsulate learners in a fantastic bubble which often gets burst only by senior secondary school dropout and poor National Senior Certificate results.

There are two things that would help.

First, priority should be given in Life Orientation in Grades 8 and 9 to accurate input about post-Grade education and training options, the requirements for each, and how learners should approach the choice between them.

Secondly, there should be an external Grade 9 assessment to continue the development of self-knowledge by learners. Computer markable tests in home language, first additional language (which for 80% of learners is English) and mathematics, accompanied by an interest inventory could all be completed by learners in a couple of days and computer generated feedback could be conveyed back to learners quite quickly. The aim of the assessment would not be to stream learners compulsorily into the different forms of post-Grade 9 education and training. Rather, it would be to provide advice to learners that they would be unwise to ignore, especially after a few years of testing and refinement of the instrument.

Outcomes based education has mercifully crashed and burned in the school system, because it overtaxed teachers while risking serious gaps in basic knowledge among learners. But OBE is entirely appropriate for vocational education, which should consist of completion of unit standards.

- It would provide better routes for learners who reach the end of Grade 9 with virtually no mastery of the three R's (reading, riting, 'rithmetic). Post-Grade 9 education which requires writing and more than the simplest form of calculation sets up these learners for failure. Here the form, content and assessment needs careful consideration. Outcomes based education has mercifully crashed and burned in the school system, because it overtaxed teachers while risking serious gaps in basic knowledge among learners⁵. But OBE is entirely appropriate for vocational education, which should consist of completion of unit standards.

As an example, consider Unit Standard 262686 at National Qualifications Framework Level 2:

Glaze steel and wood

Learners will be able to:

1. Confirm job/customer requirements for the glazing of wood or steel
2. Prepare to glaze wood or steel
3. Glaze wood or steel.

And the assessment is based not to write an essay about glazing. It requires the ability actually to do it.

Recently, unit standards have been criticized as bits and pieces of learning not forming the basis of coherent qualifications. But learners can collect related unit standards in handyman skills in the form of hanging doors, or fixing garden gates. Or agricultural skills, such as animal husbandry, intensive farming of small plots of land and dry land farming. Unit standards impart defined skills and they are the appropriate components of vocational education. And who is more socially included: a young person able to make a business of applying such vocational skills or a senior secondary school dropout waiting a decade for employment by others?

Training

A vocational education system should aim to accommodate half a million learners in the first instance. Some, but not nearly enough, of these are being accommodated currently in industrial and other forms of training. Table 3 sets out statistical material for the following training programmes:

- Adult Education and Training Programmes, offering instruction at four levels, the top one being equivalent to Grade 9, as well as Grade 10, 11 and 12 classes
- Sectoral Education and Training Authority learnership, bursary, internship and skills programmes offered to the employed and to unemployed people
- Artisan programmes
- National Skills Fund programmes

Table 3 – Training Statistics, 2011/2012

Adult Education and Training

NQF6 Level 1	27 762
Level 2	34 967
Level 3	35 074
Level 4 (Grade 9 equivalent)	117 910

Level 4 Examination Statistics

Enrolled	96 452
Wrote	62 044
Passed	17 001
Grade 10	213
Grade 11	265
Grade 12	71 738
Total enrolments	297 634

SETA Programmes

	Employed		Unemployed	
	Enrolled	Certificated	Enrolled	Certificated
Learnerships	16 371	9 646	27 679	19 524
Bursaries	2 800	924	5 711	1 532
Internships	202	127	3 452	878
Skills programmes	71 696	71 417	16 250	16 110
Totals	91 029	82 114	53 092	35 044

Artisans

Assessed at government facility	6 090
Passed at government facility	2 614
SETA certified	13 168

National Skills Fund

Targeted beneficiaries 107 503. The number actually reached is not recorded.

Source: Department of Higher Education and Training, Statistics on Post School Education and Training in South Africa, 2011

The statistics suggest that Adult Education and Training is largely being used as a 'finishing school' for people wanting a Grade 9 qualification or a (National) Senior Certificate. SETA programmes indicate that the majority of those enrolled for learnerships, bursaries and internships are the unemployed, whereas the position is revered for skills programmes, most of which are short cycle. The number of artisans produced was just under 16 000. The National Development Plan calls for 30 000 per year and the Artisan Training Institute has concerns about the quality of existing production.

Success rates are low in the Grade 9 Adult Education and Training Programme. They are higher in the SETA training programmes, but for skills training they reflect attendance rather than achievement. Skills programmes may be undertaken as much for BEE scorecard purposes as for skills transfer. Artisan output remains low.

Further Education

The other strand of further education and training is the Further Education and Training Colleges. These have been the subject of much official attention in recent years and a variety of institutions have been merged into fifty colleges. Nonetheless, they remain fragile institutions, for five reasons: they are being expected to expand rapidly, their human capital in the form of instructor knowledge, governance and finances is weak, their success rate is very low, their intake is poorly organised and their programmes are little articulated with higher education, particularly with technical instruction. 400 273 learners⁷ were enrolled in 2011, taught by 8 686 instructors, implying a learner: educator ratio of 46:1. Moreover, the Minister reported to Parliament that enrolments had increased by over 50% between 2011 and 2012, which is bound to have further increased the learner: educator ratio.

But it seems that some senior secondary school dropouts then try their luck at FET colleges, as do some unsuccessful National Senior Certificate candidates (and even some successful ones), all starting again at the Grade 10 level. Drift is never good for success.

The instructional programme consists of two main components, the National Certificate (Vocational) programmes at the equivalent of Grades 10, 11 and 12 and the older N1 (Grade 10 equivalent) to N6 (Matric + 3) programmes, maintained at the request of business. The output of the system in 2011 was 7 638 NC(V) Grade 12 equivalent passes, 212 National Senior Certificate passes, 1 316 N3 certificates and 1 488 N6 certificates, a total of 10 654.

No statistics on the qualifications of the intake into FET colleges are available. There should be entry points for learners who have completed Grade 9 and learners who have completed Grade 12, with a clear set of programmes for each. But it seems that some senior secondary school dropouts then try their luck at FET colleges, as do some unsuccessful National Senior Certificate candidates (and even some successful ones), all starting again at the Grade 10 level. Drift is never good for success.

Universities

The universities are the best part of the post-Grade 9 system. Undergraduates entering degree programmes have a slightly better than even chance of graduating, though the completion rate for three year national diplomas is little above 40%.



They are better funded than the vocational, industrial and FET systems. But they have the following problems:

- It is going to be a great battle to expand university enrolments at a rate of above 3% per annum in the next decade. This will be sufficient to put the system on track to meet the White Paper target of 1.6 million enrolments by 2030, but only just.
- The university system has the potential to achieve productivity improvements, but these will not necessarily be popular either with the Department or the universities. Key innovations should be (a) the support of private universities at a lower rate than public universities, stretching government grants to cover more students (b) introducing a trimester system to use infrastructure more efficiently and (c) cost-saving technological innovation, which will change work patterns considerably. Productivity increases will no doubt evoke noisy complaints from university teachers about 'neoliberalism' and 'instrumentalism'. But productivity gains are indispensable for allowing enrolments to grow faster, opening up more opportunities for the young. Technological innovation can mean that the best teachers in the world can be brought into the virtual classroom at low cost. They would have the great virtue of sluicing out the Augean stables which have built up in substantial parts of the university system.
- The National Senior Certificate promises candidates who pass that they will be able to go on to higher education. Most learners who achieve Bachelor's passes do so, but the same cannot be said of those achieving Diploma and Certificate passes. In fact, learners with Bachelor's passes are nearly three times

as likely to enter university than their Diploma and Certificate counterparts. Nearly 60% of diploma pass students cannot meet the lowest entry standard for a three year diploma at the University of Johannesburg. There does not seem to have been sufficient dialogue between the two departments of education and the universities about this mismatch. Shorter cycle diploma and certificate programmes should play a more, not less, important part of the policy mix.

- National Senior Certificate Bachelor passes in 2013 were 22% more than in 2012. This increase may have been the pride and joy of the Minister of Basic Education, but the universities cannot absorb such an increase. The necessary implication is that the continuation rate from success in the NSC to university entrance must drop in the short to medium run and then stabilise after that. Entrance into university is becoming more competitive, placing more pressure on a weak further education and training sector.
- A key part of higher education financing is the National Student Financial Aid Scheme. It is in a mess. It started out as a pure loan scheme, but successive administrators and ministers have enjoyed playing Lady Bountiful, with the results that now more than half the funds advanced are effectively taking the form of bursaries. Worse, these bursaries have been given to the better students, when return flows come from weaker graduates and dropouts. Small wonder that return flows of funds have dropped very low, reducing funds available for the next generations of students.

Entrance into university is becoming more competitive, placing more pressure on a weak further education and training sector.

Conclusion

South Africa has the financial resources to offer appropriate further education (post Grade 9 but not higher education) to everyone who qualifies and is interested, though the qualifications mix, competence and application of educators leave much to be desired. But from a social inclusion point of view – not to mention efficiency – the education system as a whole is running rough. Improvement will require a careful reconceptualization of the system in all its related parts, with close attention paid to the circumstances we actually have, rather than those we wish to have. And it should elevate the interests of consumers of education above those of its producers. Lack of effective producer accountability is a critical constraint on achievement.

NOTES

- 1 See Department of Basic Education, Report on Dropout and Learner Retention Strategy to the Portfolio Committee on Education, June 2011. The Department's own records are not in a state to support reliable estimates of promotion, repetition and drop out so they used NIDS data instead
- 2 Enrolment statistics over the last five years indicate a rising repeater rate in Grade 9 as well
- 3 This proportion is not fixed forever. More competent and conscientious teaching in Grades R-9 will lower it as should rising per capita incomes in the bottom half of the income distribution
- 4 On all three points, see Martin Carnoy, Linda Chisholm and Bagele Chilisa, The low achievement trap: comparing schools in Botswana and South Africa, HSRC Press, 2012
- 5 Indeed, the 2013 Annual National Assessment Diagnostic Report reads remarkably like a school inspector's report of decades ago, pointing out the elements of the syllabus which need more attention.
- 6 National Qualifications Framework
- 7 The full-time equivalent enrolment was 184 018

Religion and Social Inclusion: The Struggle to Include The Excluded – and The Excludable?



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Introduction

In this short piece I look at social inclusion from the perspective of religion. I argue that on matters of social justice, such as the challenge to reduce or end poverty, religions can and do play a significant and often varied role. But, noting that the idea of social inclusion goes way beyond poverty, I pose a question: how does religion itself, in a world of different religions and often great diversity within a religious tradition, deal with inclusion and exclusion.

I must point out that the latter part of this essay is something of a preliminary study on my part, an attempt to look at a problem of which there seems to be little extant empirical or theoretical literature. By drawing on some of the literature on ‘theology of religions’ (how a faith understands itself in relation to another faith), I shall try to tease out if not some provisional answers then some points demanding further reflection.

Poverty and Social Inclusion

In a brilliant piece of applied political philosophy, University of Johannesburg professor Hennie Lötter highlights poverty as one of the greatest challenges facing us today. Poverty is “an evaluative concept used by human societies to set minimum standards for those aspects of lifestyles acquirable through human capacities”¹. The very poor have, first, insufficient means to procure basic necessities or resources to participate in social activity; second, lack actual resources; third, occupy low and uninfluential positions in society; fourth, perform menial, unworthy tasks in society; or, fifth, make little or no contribution to society as a result.²

Lötter distinguishes between extreme poverty and intermediate poverty. Extremely poor people are as a result of poverty excluded from accessing skills, knowledge and the wherewithal to better themselves. This leads to a kind of social illiteracy that creates a vicious circle: too poor access skills, they sometimes lack the skills to get them out of poverty. Intermediate poverty occurs when, though poor people have basic economic capacities and resources, they lack the capacity to participate in wider society: they barely survive.

For Lötter, poverty is a disabling condition since poor people cannot live a life

worthy of human beings. It is privation and a disease, since it excludes not only the poor but all too often their descendants. It is a trap that generates humiliating powerlessness. Ultimately it leads to social exclusion.

It is also something, he argues, that communities are morally obligated to fight, in the name of human dignity and the recognition of the humanity of the poor. This is by no means a simple task since it involves evaluating the causes of poverty and developing means to bring people out of poverty, not simply emergency relief. Emergency relief – charity – maybe important as a temporary measure but does not bring poor people out of their state of social exclusion. Education and development offers the poor an opportunity to help themselves: not simply to acquire material goods but also the human and social capital to live and participate with dignity in society. In short, to move from social exclusion to social inclusion.

Religion, Poverty and Social Inclusion

What Lötter proposes should not be a surprise to persons of faith. All the great religious traditions of the world address the question of poverty. Religions have two broad positions on poverty. One is essentially poverty as a voluntary renunciation of personal wealth and property in favour of a life focused on faith. This is the tradition of those in Christianity who become monks or nuns, giving up personal ownership of goods as a sign of spiritual commitment. Similar traditions exist in other faiths: the holy men and women of Hinduism, Buddhism and sometimes Islam (particularly among Sufi mystics).

By renouncing wealth, they proclaim a certain indifference to, if not rejection of, not of society as such but of materialistic societies as we know them. Paradoxically, far from being socially marginalised within their traditions, they are often seen as the great exemplars of their faiths: by their self-exclusion they are held up as models of sanctity – if anything they are the most included, the spiritual ‘elite forces’, if I may use a somewhat inappropriate military metaphor.

Beyond those who embrace personal poverty as part of their spiritual journey, religious traditions also strongly endorse the struggle against poverty as integral to their social ethics.

In more recent times some public religious figures have also taken steps to embrace personal poverty as part of their way of life, frequently combined with radical social justice activism. The American former Communist journalist Dorothy Day started the lay led Catholic Worker communities in the United States in the 1930s with this in mind; her communities embraces a simple communal lifestyle that combined living and working among the poor with radical pacifist activism – anticipating the more secular commune movement of the 1960s.³

Beyond those who embrace personal poverty as part of their spiritual journey, religious traditions also strongly endorse the struggle against poverty as integral to their social ethics. This can take many forms: commitment to charitable works as part of the religious mission; political advocacy on behalf of the poor and marginalised; even at times active participation in social and political movements of the poor. All of this is backed up by theological reflection on their respective sacred texts, doctrines and traditions of belief⁴.

Direct religious action on poverty – through both social work and advocacy – varies within and between religions. Major development agencies based on faith traditions and their advocacy counterparts tend to operate ecumenically and interfaithfully,

not drawing distinctions between those of their faith and those outside. For many the rationale for their action is rooted in faith that sees all in need as deserving their help. A group like Christian Aid works with people of all faiths, collaborating with global secular organisations like Oxfam, and delivering emergency relief and development projects to whoever is in need.

Faith is the motivation. Poverty is the enemy. The social inclusion of the poor is the goal.

Religion and the Challenge to Social Inclusion

From what I've said above, it is clear that religious communities frequently promote social inclusion through political advocacy and activism, as well as through development and relief work. Much (not all) of it is irrespective of the beliefs (or lack of them) of the poor. But I would be remiss if I left it there.

Some, like the Hindus, were even willing to acknowledge the truths of Christianity in tandem with their own: after all, if God can manifest Godself in thousands of avatars, why ever not in another one named Jesus!

Poverty alleviation is by no means the sole mark of social inclusion. People are excluded for a variety of reasons: race, gender, sexual orientation and religious belief among them. It is in the latter that religions are less than socially inclusive.

It is a characteristic of most religions of Middle Eastern origin – Judaism, Christianity and Islam – that on a theological level social inclusion tends to fray at the edges. Central to this is the notion of what constitutes the 'true faith'. Great Asian faiths

like Hinduism, Buddhism and Shinto tend (except when they are drawn into fundamentalism, often tied to nationalism) to adopt fairly pluralist views – all faiths are true for those who hold them; the Divine is big enough to accommodate a range of human searches for Truth.

In the religions of the Book – particularly in Christianity and to some extent Islam – there is a much greater sense that 'ours' is the one true faith, sometimes even holding that one's particular 'brand' of faith is true compared to rival traditions. The rule of thumb is that the more conservative a religious tradition is, the more likely it is to proclaim that it alone holds the Truth. To illustrate this, and to start to address the problem this poses for social inclusion, I shall indicate how my faith tradition, Christianity, has tried to deal with the problem broadly called the 'theology of religions'.

The Christian tradition's battle with a 'theology of religions' began largely with the encounter of Eastern faiths during the great age of European colonisation. Missionaries encountered peoples of other faiths who were too strong to be forcibly converted and were quite happy to practice their own beliefs. Some, like the Hindus, were even willing to acknowledge the truths of Christianity in tandem with their own: after all, if God can manifest Godself in thousands of avatars, why ever not in another one named Jesus!

For Catholics, Orthodox and Protestants alike (who held to varying degrees in the normativity of divine revelation in Scripture and Tradition) this was devastating. Could these non-Christians be, in some way or other, right? Surely not.

One strand of thinking they adopted was termed Exclusivism. Drawing on Biblical

textual claims and on an Aristotelian understanding that ‘the truth was one’, corresponding to reality⁵ – and probably not considering that the authors of the Christian Scriptures may have been perhaps influenced by Greek philosophical thought – the exclusivists rejected the idea that truth about God could exist in other religions (some even being wary of the truth in rival denominations). Hendrik Kraemer, a Calvinist scholar, insisted that salvation was through Christ alone.⁶ More extreme forms of exclusivism held that other religions were demonic. As one might expect, such a position offers little chance for religion as a source of social inclusion in a multi-faith society.

The next strand was Inclusivism. This held, quite simply, that while Christianity was the true, God was present in all great faiths, based on the Biblical claims that (a) salvation was through Christ alone, but that (b) God willed that all might be saved. The Catholic theologian Karl Rahner argued that Christ was somehow anonymously present in all religions, redeeming non-Christians within their traditions – in effect making them what he called, controversially, ‘anonymous Christians’.⁷ This position became

Yet in secular society it has become the norm. One might even say that most Christians are exclusivists on Sundays and pluralists in the workplace.

increasingly popular in Catholic circles and a form of it was enshrined in the Second Vatican Council’s Statement on Non-Christian Religions in 1965. Popular as it was in liberal Christian circles for a while – offering as it does a more hopeful source for theology serving social inclusion – it was controversial, not least since many non-Christians could rightly object that it was a form of religious colonialism, Christianisation by stealth. Conservative Christians also objected that it blurred Christian doctrine around the edges.

If inclusivism was controversial, the third position – Pluralism – was for many Christians mind-blowing. Coming from liberal Protestants on one side (notably John Hick and his colleagues⁸) and from a group of (mainly Indian) Asian Catholic theologians (notably Raimundo Panikkar⁹) on the other, it seemed to many Christians to be a capitulation to Hindu and Buddhist ideas: the acceptance that Christianity was not the only way to God, the view that all great faiths are like rivers flowing into a great common ocean. Though different in outward form they share the same source. The pluralist theology of religions does not enjoy much traction with leadership in the Christian churches. Yet in secular society it has become the norm. One might even say that most Christians are exclusivists on Sundays and pluralists in the workplace.

I have looked so far at how religions generate tensions over social inclusion at an interfaith level drawing as an example on a Christian theology of religions that presupposes that faith issues must somehow be worked out in a polite manner. I have not examined the dynamics of militant religious fundamentalism, which might be summed up as Exclusivism with menaces – and occasionally even erupting into sectarian violence.

There is another dimension to all this: the dynamics of inclusion or exclusion within a particular strand of a religious tradition, e.g. Roman Catholicism, Mahayana Buddhism or Shi’a Islam. Here too there are both massive potentialities for inclusion and exclusion, rooted in how particular traditions accept or tolerate differing forms of internal religious belief and interpretation of traditions (heterodoxy) and faith-based social practice (ethics). These too can vary along

a continuum of strict adherence (the internal version of exclusivism) through a certain kind of toleration (inclusivism) to complete doctrinal and ethical ‘relativism’ (pluralism). Each position has its own cost: at one extreme, rigidity may promote such exclusion that the faithful remnant becomes a kind of cult, while at the other the total unconditional acceptance of all position may create a social inclusion without any coherent source for being together.

This highlights a tension for religion and social inclusion: how far can one become truly inclusive as a religion? Too much toleration and the source that calls for toleration dissipates.

An Inconclusive Conclusion

Once we move away from the religious response to poverty as a means to promote social inclusion, the theoretical ground becomes slippery. At points I felt it was dropping away beneath my feet. Yet the questions that my musings raise are important, for religions as much for society. If religions are to maintain their own integrity, how far can they be agencies of social inclusion? Can they find some kind of social – perhaps sociable, in the sense of convivial – middle ground where they can be welcoming of the Other while at the same time recognising that s/he is truly Other?

In an age of religiously-sanctioned political conflict (where religion is the excuse for violence surrounding matters of nationalism or socio-economic alienation) how religions relate between each other and to secular society is important. While Hans Küng’s maxim that without peace between religions there can be no peace between societies¹⁰ is – like Samuel Huntington’s ‘clash of civilizations’ thesis – useful but perhaps overplayed, the greater need for social inclusion must take note of the tensions that religious difference (both within and between traditions) plays.

NOTES

1. H P P [Hennie] Lötter, *Poverty, Ethics and Justice* (Cardiff: University of Wales Press, 2001), 26.
2. *Ibid.*, 271.
3. Dorothy Day, *Dorothy Day: Selected Writings*, ed. Robert Ellsberg (Maryknoll NY: Orbis 2005); Mel Piehl, *Breaking Bread: The Catholic Worker and the Origin of Catholic Radicalism in America*. (Philadelphia: Temple University Press 1984).
4. For examples, see: William A. Galston & Peter H. Hoffenberg (eds), *Poverty and Morality: Religious and Secular Perspectives* (New York: Cambridge University Press 2010).
5. Cf. Marion David, “Correspondence Theory of Truth” *Stanford Online Encyclopedia [sic] of Philosophy* (2009) (<http://plato.stanford.edu/entries/truth-correspondence/#1>)
6. Hendrik Kraemer, *The Christian Message in a Non-Christian World* (New York: Harper & Brothers 1938).
7. Karl Rahner, *Theological Investigations 4* (London: Darton, Longman & Todd 1966), 180-181; Karl Rahner, *Foundations of Christian Faith: An Introduction to the Idea of Christianity* (New York: Crossroads, 1978) 311-321.
8. John Hick, *God and the Universe of Faiths* (Oxford: Oneworld 1979); John Hick & Paul Knitter (eds), *The Myth of Christian Uniqueness* (New York: Orbis 1988).
9. Raimundo Panikkar, *The Cosmotheandric Experience* (Maryknoll NY: Orbis 1993) and many others.
10. Hans Küng, *A Global Ethic for Global Politics and Economics* (London: SCM 1997). See also: Global Ethic Foundation website (<http://www.weltheos.org/index-en.php>).

Social Inclusion for Homosexuals

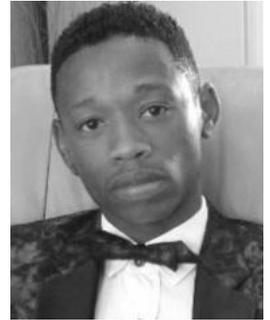
The 1994 democratic transition was a foundational step in creating, not only an open political society, but also in allowing the LGBTI (lesbian, gay, bisexual, transgender and intersex) community in South Africa to express truly who they are. South Africa's Constitution is hailed as one of the most memorable in the world because of its inclusivity. Yet, the goal of finding sexual orientation inclusion remains as elusive today as it was in 1994. The legacy of past discrimination and the reality of lost opportunities over the last 20 years continue to leave many homosexuals excluded from general society.

In the past, LGBTI persons, particularly black Africans, have faced many challenges. Tragically, this continues to happen in South Africa, despite the laws that seemingly protect members of the LGBTI community. Not many people outside of the LGBTI community understand the positions in which 'queer' or homosexually identified persons were placed throughout history, because openness to LGBTI rights is something, in many regards, new. The idea that same-sex couples can legally get married, according to South Africa's Constitution, is newer to most people than our constitution itself. Even so, some people are still grappling with the idea that people with the same gender are allowed to be married and live together. As such, the need for every LGBTI person to stand up and be an activist, for not just their rights, but the rights of future generations, is essential.

LGBTI people are frequently discriminated against because of their sexual orientation and/or gender identity. The South African government and justice system is failing the victims of corrective rape (a hate crime wielded to convert lesbians in townships to heterosexuality, as an attempt to 'cure' them from being homosexuals), by setting ridiculously low bail and taking years to bring the court-cases to a conclusion. Victims and those who help them, see these rapists every day, and are regularly taunted and threatened by them.

LGBTI persons can, if they wish, completely suppress their sexual identity in public and assimilate to heterosexual norms, at least in outward appearance. Assimilation at its core is a threat to the freedom of individuality. Firstly, it denies history. LGBTI persons have been discriminated against for years, if one is to believe the written word. Religious institutions regularly point out LGBTI persons as being sinners, deviants, ill and, in recent years a threat to society and all its institutions.

There needs to be anti-homophobic education in our society to de-codify this learned behaviour of homophobia and hatred of people who are perceived to be different. Schools have an important part to play in challenging homophobia. Homophobia is fuelled by lack of awareness, and educating young people about LGBTI issues is fundamental to overcoming this widely accepted prejudice.



CAMERON MODISANE

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Homophobia is commonly understood as hostility towards LGBTI. Negative feelings or attitudes towards non-heterosexual behaviour, identity, relationships and community, can lead to homophobic behaviour. This is the root of the discrimination experienced by many LGBTI's. Homophobia manifests in different forms, for example; homophobic jokes, rape, hate crimes, physical attacks, discrimination in the workplace and negative media representation.

There are many factors that can cause a person to be homophobic. Research has shown that prejudice against gay people and homosexuality can be influenced by the person:

- having strong religious beliefs that disapprove of sex and/or homosexuality;
- having little/no social contact with lesbian and gay people; and
- reporting no homosexual experiences or feelings

There are many different ways in which LGBTI people experience homophobia, including malicious gossip, name-calling, intimidating looks, internet bullying, vandalism and theft of property, discrimination at work, isolation and rejection, sexual assault, or even, in some countries, being sentenced to death. All forms of homophobia are destructive, not just for people living openly as LGBTI, but for society as a whole.

In South Africa, legislation and government policies are not enough to deal with the challenge of heterosexism. There has to be an actual culture of inclusion of homosexuals.

LGBTI's often have difficulty acknowledging and embracing their homosexuality, both personally and publically. This is because, starting in childhood, LGBTI individuals are often subjected to anti-homosexual attitudes, not only from strangers, but also from their own families and communities (especially for many black Africans). There is a lot of pressure in our society to fit into the status quo of heteronormativity. This childhood need to hide may persist into adulthood, leading many LGBTI

individuals to conceal important aspects of themselves. The culture of acceptance for the homosexual lifestyle has not been the norm.

Instead, heterosexism is what we tend to see in society and that is what is generally accepted. Heterosexism is based on societal values and personal belief systems which dictate that everyone is, or should be, heterosexual. It is intentional or unintentional privileging of heterosexuality and heterosexual persons, and negative valuing or treatment of LGBTI individuals. Heterosexism can be intentional by not allowing same-sex couples to get married. It can also be unintentional for example, if an employer gives benefits only to married couples, this discriminates against same sex couples who do not have the legal right to marry. In this society, heterosexuality is privileged. It is assumed that one is heterosexual "unless otherwise known".

Heterosexism is reinforced by many institutions and life patterns in society. The policies and practices of institutions that exclude, deny, erase or discriminate against these individuals or groups of people, contribute to systemic heterosexism. In South Africa, legislation and government policies are not enough to deal with the challenge of heterosexism. There has to be an actual culture of inclusion of homosexuals.

One of the best ways to deal with homophobia is for young people to be taught about the importance of respecting the different sexual orientations that we as a society have. There should be more LGBTI education for young people in schools. Since homophobia is a learned behaviour, it can be rooted out at childhood development, in order to create an inclusive society where people are not discriminated based on sexual orientation. Bullying of young LGBTI persons also happens in schools, and by educating young people the problem of homophobia could become less common. Lack of understanding and discriminating against people who are perceived to be different from the world order, could be, due to unawareness and ignorance.

Another important vehicle that could be used is the media's general portrayal of the LGBTI community. The messages that are sent out by the media need to demonstrate that homosexuals are part of society. The lifestyle that is depicted on our television screens, magazines and newspapers should reflect the LGBTI community. The media is a powerful weapon that is often used to direct our society's line of thinking. Therefore, there needs to be an effort to represent the LGBTI community in a manner that ensures social inclusion of people who are perceived to be different from the norm.

LGBTI rights are human rights, "not Western" ones, so everyone is enjoined to respect them. At the same time, there needs to be a culture of inclusion of people who are perceived to be different in broader society. This will go a long way to dismantle the stereotypes about the LGBTI community and most importantly, it would end the violence and hate crimes experienced by members of this community.

Insiders and Outsiders in South Africa



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The more South African politics changes, the more it seems to stay the same. To political commentators across the country, the 2014 election promised a revolution. After twenty years of uninterrupted African National Congress (ANC) rule, economic stagnation, a lack of jobs and opportunities, and poor service delivery were supposed to shock the South African electorate into action. The ANC's vote share would surely fall below 60% for the first time, the Democratic Alliance (DA) would finally triumph in Gauteng, Agang would prove an attractive alternative to the ANC's black core of voters, and Julius Malema's ironically named Economic Freedom Fighters (EFF) would shine in poor communities.

Yet once the electoral dust settled, the 2014 results looked eerily familiar. The ANC lost 15 seats in parliament (the same number it had lost in 2009, hardly a sea change), but held on to roughly the same proportion of votes that it had first captured in 1994. The DA expanded its vote share in impressive fashion, but by less than was hoped by many commentators; it also fell far short of the numbers needed to claim Gauteng.

On the surface, then, South African electoral politics looks very stable. If anything, there is perhaps evidence of a gradual convergence on two main parties (the ANC and the DA). The Western Cape appears to have settled as an established DA stronghold, and not as a result of racial migration. Black and Coloured voters in the Cape have shifted en masse away from the ANC, selecting the DA as their party of choice. KwaZulu-Natal, urban centres aside, is now almost entirely the ANC's playground. Changes in other provinces are small and few credible inferences can be drawn from shifts in their voting behaviour.

In this essay, I propose one shift that is emerging in the South African electorate – the shift in ANC support away from urban areas and in to rural areas. While the ANC is still capable of winning over 60% of the electorate, the types of people who constitute that 60% have changed over time. In recent years, I argue, the ANC has come to rely more drastically on rural voters than ever before. I posit that this shift is not epiphenomenal, and will be sustained through the present political cycle. The shifting nature of the electorate will play a significant role in shaping the behaviour of political elites in the next few electoral cycles.

I further argue that this shift is particularly significant in that, until now, rural and peri-urban black South Africans have been treated as outsiders by the ANC government. In contrast to urban populations (both white and black), who are political insiders, rural black South Africans have been systematically denied redress, much needed local political reform, socio-economic advancement, and access to public services. Rural black South Africans have been marooned outside

the ANC for twenty years, while urban blacks and whites have been protected, and indeed have had their positions advanced. To ensure its political dominance, the ANC now needs to bring those outsiders in, realigning itself with a new political base.

Insiders and Outsiders

One of the determining features of inclusion and exclusion in politics is the creation of “insiders” and “outsiders”. Insiders are those whose interests are protected by the arrangement of political interests in the status quo. This tends to bring with it, not only the protection of material interests, but the ability to defend those interests through relevant machinery. Outsiders, conversely, are excluded – their interests are not protected, and they are invariably excluded from the levers of power. Insider-outsider dynamics thus tend to be very stable: the insider has no incentive to change their strategy, and the outsider has no power to force them to change it. The result is, generally, persistence in the protection of the insiders and the exclusion of the outsiders.

The creation of systematic insiders and outsiders can result from a number of sources. It can be the accidental result of public policy (as in the case of welfare insiders and outsiders), or the very particular result of deliberate strategic choices (elites choosing a particular group and advocating for their interest). A typical example of an insider-outsider dynamic is union membership. Members of the union are insiders – their interests are protected and they have some power over the union’s future behaviour. Labourers not protected by the union are outsiders, and can be forced to accept the negative externalities associated with union activities (for instance, lower wages).

In contemporary South Africa there are clear insiders and outsiders, both economically and politically. Some of these have been structured by the negotiated transition of the early 1990s; notably, whites have found themselves in a strong “insider” position. So too have black elites, and, to some degree, upwardly mobile urban blacks.

Key in determining insider-outsider status is differential access to power structures. In the case of unions this occurs through membership, but it can occur through simple electoral numbers. In the case of Social Security in the United States, for instance, the insiders (retired Americans who receive Social Security disbursements) act as a veto voting bloc for any attempted reform of the system. No politician will ever suggest Social Security reform because he or she will be summarily punished by the older voting bloc.

This also suggests that insiders and outsiders can potentially swap places; if outsiders are able to gain some sort of political power, they may be able to align the state’s interests with their own. This may, in turn, result in some of the original insiders ending up as outsiders. In contemporary South Africa there are clear insiders and outsiders, both economically and politically. Some of these have been structured by the negotiated transition of the early 1990s; notably, whites have found themselves in a strong “insider” position. So too have black elites, and, to some degree, upwardly mobile urban blacks.

The dual protection of white capital (evinced by the slow pace of reform on JSE boards) and advocacy for a black middle and upper class (affirmative action, black economic empowerment), has created a politically tapped-in urban economic class.

Origins of a shift

Despite their status as outsiders, rural black voters have, for the most part, supported the ANC in every election since 1994. With the exception of rural KwaZulu-Natal (where the ANC performed very poorly before 2007), most rural voters, if they decide to vote, choose the ANC. These voters have supported the ANC for a mix of reasons – partly because they are the most well-known, most reputable party in the country, partly because the ANC has a legitimately strong track record, and partly because they are told, or induced, to choose the ANC. Yet turnout rates are not always high, and there are always a few more votes to squeeze out of any given electorate, should one try.

In sum, the ANC has begun to realign itself as a party with a large rural base, to which it needs to pay attention if it is to maintain the levels of parliamentary authority it has enjoyed for 20 years.

And that is precisely what has seemingly occurred in recent years. The ANC has moved toward rural voters – in particular Zulu voters in KwaZulu-Natal – to offset losses in urban areas. As much can be seen from the 2014 election results. The Western Cape, driven mostly by Cape Town, moved 10 percentage points toward the DA. Gauteng shifted similarly in favour of the DA and EFF. It is no coincidence that the provinces with large changes are also provinces with major urban centres.

Three intertwined forces have driven this shift in the ANC's support base. First, as outlined above, there is a shift in urban centres away from the ANC and toward alternative parties, notably the DA and the EFF. While the direct causes of this shift are hard to ascertain, there are a number of possibilities. Growing economic and job stagnation, the proliferation of education to a broader base, or simply the proof of concept afforded DA rule that the Western Cape offers. Whatever the particular forces at play, urban centres are slowly deserting the ANC for opposition parties.

The second major force has been an ANC strategic shift, away from a narrow urban focus – in which issues like land reform were only ever given lip service – into a much broader developmental focus. This is evident in the renewed focus on land reform, agricultural reform, and the role of traditional leaders.

The third force has been the gradual opening of KwaZulu-Natal's rural areas to the ANC's influence, partly due to the demise of Buthelezi's Inkatha Freedom Party (IFP) and, partly, the ANC's appointment of Jacob Zuma (an ethnic Zulu). This has meant that a large voting population, largely untapped by the ANC prior to 2007, has become available.

In sum, the ANC has begun to realign itself as a party with a large rural base, to which it needs to pay attention if it is to maintain the levels of parliamentary authority it has enjoyed for 20 years.

Rational voters?

But if the ANC's attempts to recalibrate itself as a party of the rural poor are to really shift rural voters from outsiders to insiders, open questions remain. One such question is whether rural voters are likely to respond to the ANC's renewed focus at all, and whether urban voters might retaliate by drifting further away. While some critics believe that voters in South Africa are hyper rational and

respond to policies accordingly, many others believe that voters simply “follow their leaders”, irrespective of the policy path being taken.

The truth of the matter, of course, lies somewhere in between these two extremes. For instance, much academic scholarship suggests that voters in the United States and the United Kingdom are largely uninformed. They know little to nothing about politics or policy, and simply vote ad infinitum for the same party, usually the one they inherited from their parents. Rather than having strong policy preferences, they simply follow the policy positions of their preferred candidates. Rather than considering policy alternatives and thinking through choices, they use short-cuts and heuristics to cast their vote.

The same is probably true of South African voters – from the poorest areas of the rural Eastern Cape to the wealthiest parts of Cape Town. Voting can be a difficult and costly task. Establishing one’s own preferences, working out the policy positions of parties, and then determining how well those policies map to your interests is challenging and time consuming. So voters, world-wide and irrespective of income and education, tend to adopt shortcuts. Those shortcuts rely on, among other things, instantaneous assessments of the economy and subconscious associations attached to the parties or candidates. Voters everywhere are predisposed to not make carefully thought through decisions, and instead rely on simplifying shortcuts. Of course, if their shortcuts work, they may still make good decisions.

The ANC remains a powerful organisation with a deep and well-resourced network. It is perhaps the most powerful single organization in the country, its institutional strength buttressed by its command of government.

In the South African case, as in many other developing democracies world-wide, the ability of voters to make “thought-out choices”, or to successfully rely on shortcuts to make good choices, is constrained by the socio-economic and socio-political environment. The ANC remains a powerful organization with a deep and well-resourced network. It is perhaps the most powerful single organization in the country, its institutional strength buttressed by its command of government. Build in its various agents – various arms of state, the ANCYL, COSATU, the SACP, the amakhosi – and the social reach of the ANC is unrivalled.

This has two consequences for South African voters. First, it has the effect of constraining and shaping the kinds of information to which they have access. Given the low levels of newspaper and television penetration in most parts of the country, the ANC is powerful enough to control the kinds of information voters encounter during elections. They are also able to mould the narratives that describe this information – reinforcing, for instance, the narrative of ongoing revolution and liberation.

The ANC can focus voters’ attentions on its successes, can make causal claims about its role in those successes, and demonize opposition parties as agents of white power or as ill-disciplined defectors. (The same is perhaps roughly true of the Democratic Alliance and white voters in wealthy areas). These effects are particularly acute in racially and economically homogeneous areas where information flows are already limited and the ANC has strong penetration. Given that we know voters take shortcuts, relying on pre-processed information and subconscious associations, it is easy to see the influence the ANC may wield over a large section of the population.

But that influence is not just limited to the control of information, narratives, and associations. Like many large parties in developing democracies, the ANC uses machine politics to improve its electoral performance. Luthuli House employs a large network of cadres, councillors, youth members, and grassroots members to ensure that voters turnout and vote for the right party. In a rural town, surrounded by ANC supporters and embedded with ANC agents, it can be very hard to even entertain the idea of voting for an opposition party.

Not only is it a difficult psychological and cognitive task, it may be a socially and economically dangerous choice. Consistent with this is the observation that many areas in South Africa exhibit high levels of bloc voting – a very high number percentage of members of the community vote for one party. Indeed, there are still many areas of this country that opposition parties consider “no go” areas, where only the ANC’s voice may be heard.

This suggests, then, that the ANC may well succeed in awakening rural voters as a powerful electoral bloc in forthcoming elections. They may do so through both the revitalization of rural-focused policies, and, more worryingly, through increased entrenchment of their political machinery in rural areas.

Long term effects

The picture painted in this essay is one of an increasing reliance in the ANC on rural voters, and perhaps in particular ethnic Zulus. Rather than attempt to win back urban voters who are slowly drifting from the core, the ANC has seemingly redoubled its efforts to maximize votes from rural areas. What do these changes mean for politics, more broadly, as we move forward? First and foremost, they imply that the ANC may become more and more reliant on rural voters over time. This itself may have many consequences, some of them potentially dangerous, both to the country at large and rural voters themselves.

First, it may signal the beginning of attempts by the ANC to entrench their political machine even deeper in rural areas. That may mean, unfortunately, that rural development itself is actually stalled, so as to sustain the particular power structures on which the machine hinges.

Relatedly, the ANC has already begun its latest attempt to expand the powers of chiefs. As dependence on rural voters becomes stronger, chiefs will potentially grow in importance in the ANC electoral framework.

Third, the ANC is making moves to radically reform land reform legislation, and farm ownership legislation. While such legislation is necessary, the potential for populist reforms is worrying, both constitutionally and economically.

Finally, in a more long term sense, there is the risk that the ANC will surrender a number of cities, but retain its parliamentary majority by dint of rural votes. If this happens, the country faces an interesting policy prognosis – how will a rural-based ANC govern a country in which the cities have turned away from them?

BOOK REVIEW

PROFESSOR ANNE MC LENNAN
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The Solidarity Economy Alternative: Emerging Theory and Practice by Vishwas Satgar

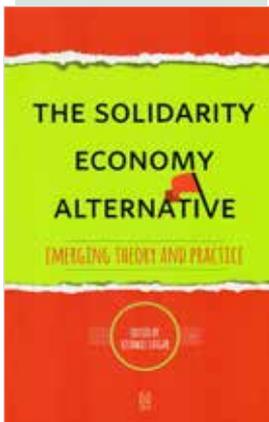
Anne Mc Lennan and Salim Latib

The 'solidarity economy' is not just an alternative, but a real possibility, rooted in a discourse on different global and local economic systems, and on collective and solidarity based economic practices, that are unfolding across the world. By bringing together a set of insightfully authored articles on the theory and practice of the solidarity economy, Vishwas Satgar succeeds in pushing the boundaries of reflection and action directed at replacing the system of global capitalism that appears to be flailing. It is a book well worth the read if you are interested in exploring alternatives to current economic practice.

Each article in the collection has been authored by individuals who are thinking through alternatives to neo-liberalism, or who are directly involved in the establishment of 'solidarity economy' networks. Despite a focus on South Africa, the collection stands as a timely contribution to the global movement against neo-liberalism. It is refreshingly different to the normal rhetorical tirade against capitalism, in that it focuses on the theory and practice of the solidarity economy alternative. No matter the reader's ideological disposition, the evidence of emergent alternatives cannot be wished away. The solidary economy exists and is growing in space and size, and for many it stands as an alternative value based terrain for economic actions, for harmony and for the full realisation of the ethos embodied in Ubuntu.

Although governments and businesses may view the collective and cooperative based economic sector as part of the social economy and as being functional for social protection in a downward economic cycle, the realities of emergent practices suggest that many within this sector are beginning to view themselves as part of a different economy and are establishing networks that serve as alternative structures for solidarity based economic interactions. This collection contains many historic and contemporary examples of communities and workers exercising power in their efforts to construct alternative modalities for survival and for economic practices that are not predicated on individualism and competitive consumption.

While the reader may struggle with the distinction made between the social economy and the solidarity economy, the collection provides valuable perspectives on how communities across the world are responding to economic failures. Insights



**THE SOLIDARITY
ECONOMY ALTERNATIVE:
EMERGING THEORY AND
PRACTICE** by Vishwas
Satgar
ISBN: 9781869142575
Published by

BOOK REVIEW

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from Brazil, Italy and the United States serve to create an appreciation on how struggles for survival can lead to a desire for active change in the overall structure of production, consumption and exchange. In contrast to the social economy, the solidarity economy is much more about the establishment of networks and initiatives for building collective, sustainable, democratic and caring modalities for production, exchange and consumption across communities and societies.

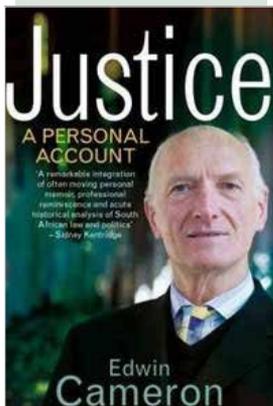
Part One of the collection provides interesting insights into the innovation value of collective entities and how these contribute to shaping a productive solidarity economy. If read together, the analysis of solidarity flows in Brazil by Euclides Mance (Chapter 6) and Vishwas Satgar's (Chapter 8) outline of the emergence of the solidarity economy in South Africa, provides insight into alternatives to current state centred approaches to development. Part Two is particularly valuable, as it provides comparative perspectives on the steps taken in other countries as they struggled to move towards a solidarity economy. Amongst others, the frameworks established in Brazil as part of state support may be instructive for government officials involved in policy and for those actors seeking to secure autonomy for the purposes of ensuring effective democratic participation from the bottom up.

The main value of Part Three of the book is that it captures solidarity-type economic practices that rarely feature in dialogue about alternatives in South Africa. The analysis of cooperative efforts in Ivory Park in Midrand, and of the ongoing struggle of workers to take over the Mineline factory near Soweto, provides a sobering wake-up call to those unable to imagine success in worker and community owned enterprises. These initiatives demonstrate the value of a collective spirit and social values in the face of ongoing challenges. This struggle towards a 'solidarity economy' is aptly captured by a spray painted sign on the wall of the Mineline factory that reads 'All Bosses are Fired' (Chapter 11). Taken at a global level, the struggle to establish an alternative may also be conceived as central to the efforts of social movements to democratise through the establishment of an alternative economic path.

BOOK REVIEW

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JUSTICE : A PERSONAL ACCOUNT by Edwin Cameron

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Justice: A Personal Account by Edwin Cameron

This gripping and well-written book is about the rule of law in South Africa and the Constitution in particular. It is especially appealing for its overtly personal lens. By situating himself in the story, Edwin Cameron has produced a page-turning account of how progressive lawyers used the law to challenge key aspects of apartheid. He reveals the ways in which our democratic Constitution structures the often tricky relationship between law and politics.

The book has enjoyed deservedly positive reviews with most focusing on Cameron's extraordinary life, and how the challenges he has faced (notably poverty and AIDS) mirror the broader South African experience. For John Carlin, the personal story is so compelling he wants more detail, declaring that Cameron owes South Africa 'a proper, full-blown autobiography'.¹ But as Jonny Steinberg observes, Cameron's biographical cameos are carefully selected and assembled to provide the 'guts he gives to his defense of the rule of law'.² Pointing out that it is through the stories of the lives of others that humans think about their world, Steinberg pens the following hope for Cameron's book, referring to young readers in particular:

'Alongside their image of Mandela in his cell, I want them to picture a white orphanage boy. I want them to know he was rescued by a racist order that cared for its own and that he wishes all poor South Africans to receive the welfare he did. I want them to know that he is a judge now who believes that only a constitutional order is up to the task. I want those teenagers also to read of the gay man who was saved from death by newly invented drugs. I want them to read him argue that more than 2 million South Africans, most of them heterosexual and black are now on the same drugs because we live in a constitutional order'

Steinberg, as ever, hits the nail on the head. But in addition to this powerful headline narrative, Cameron also brings South African legal history alive by inserting himself in the narrative in more mundane ways, and in ways that are generous to the role of others. For example, he describes how as a young man he watched Sydney Kentridge defend the Dean of Johannesburg from terrorism charges. A key aspect of the case was whether a woman, who had channeled funds to the Dean to assist families of detainees, had tried to recruit a security policeman to her cause over drinks:

'Kentridge's cross-examination was intensely detailed, but mesmerizing. Trudge, trudge, trudge. Question by question... But something else also became clear as I followed Kentridge's questions from upstairs, staring down at the inscrutable features of the Dean. If convicted, he faced a minimum of five years in jail. Kentridge's commitment to avoiding that result, and his mastery of the minutiae of whether Ms. Norman had or had not drunk brandy with Major Zwart, was propelled by an underlying, smouldering, incensed rage at the injustice of the

system that was trying to imprison the clergyman'... My 18-year old self, gazing down through the upstairs railings, began to understand that effective lawyering lies in a combination of heart and mind and very hard work³.

His description reminded me of the few afternoons I spent watching Arthur Chaskalson defend the accused in the Delmas treason trial in 1987. I too was impressed by the mastery of detail and calm dedication to rational argument. But I was struck by how difficult this must be, given the frequent aggressive interruptions he endured from the presiding judge, Van Dijkhorst. Chaskalson maintained a mild and reasonable manner throughout. His attention focused on the argument, which fortunately won the day in the Appeal Court. Unlike Cameron's, my experience as a legal spectator taught me that I was not cut out for a legal career. In Chaskalson's shoes I would have lost my temper and the case.

Cameron touches on important legal judgments under apartheid that helped undermine the legal basis for it. Notably the laws pertaining to influx control. He celebrates the human rights lawyers and the judges who were able to find, and pry open spaces to promote individual and social justice.

Cameron pays tribute to Arthur Chaskalson for his personal concern and counselling (notably about when to disclose his HIV status) and for his transformative role in South African legal history. Chaskalson defended Nelson Mandela, founded the Centre for Applied Legal Studies (where Cameron worked for some time) and became the first Chief Justice in the democratic South Africa. Cameron argues that Chaskalson revolutionized legal practice by making 'it possible, even fashionable, to practice beyond the traditional enclaves of commercial law, family law and criminal defense work'. For Cameron, Chaskalson thereby created 'a new terrain where it was possible, through the law, to dig at the very foundations of social injustice in our country' (page 102). Chaskalson's work on the Constitutional Court was equally foundational, this time in shaping the emerging jurisprudence of the new democratic South Africa.

Cameron touches on important legal judgments under apartheid that helped undermine the legal basis for it. Notably the laws pertaining to influx control. He celebrates the human rights lawyers and the judges who were able to find, and pry open spaces to promote individual and social justice. Some of these judges were liberal. Others were not, but nevertheless were able at times to deliver judgments that transcended political interests. Cameron argues that this history underpinned the shared respect for the law and demand for a constitutional order free of political interference amongst those who negotiated the transition to democracy.

Having read Cameron's earlier book, *Witness to AIDS*, I was worried that this book would drag in the places where he covers old ground, (notably his own health problems and engagement with Mbeki's AIDS denialism). But Cameron keeps the narrative taught in this regard, touching on key issues whilst focusing his reflections more specifically on the role of the courts in challenging AIDS policy. He provides a compelling account of the case brought by the Treatment Action Campaign (TAC) to allow public sector doctors to prescribe Nevirapine to HIV-positive pregnant women. But he situates this discussion carefully within the context of other rights-based challenges, notably the Grootboom case which challenged government's housing policies and the Soobramoney case which tested the definition of emergency medical care and the state's obligations in ensuring the right to life. In contrast to

these earlier cases, the TAC ruling broke new ground by ordering government to change its policy, thereby saving thousands, perhaps millions, of lives.

Cameron defends the Constitutional Court's generally cautious approach to pronouncing on government policy by emphasizing the importance of the separation of powers. He quotes Chaskalson's ruling on the Soobramoney case, in which Soobramoney's request that he be provided dialysis in the public sector was denied: 'These choices involve difficult decisions to be taken at the political level in fixing the health budget, and at the functional level in deciding upon the priorities to be met. A court will be slow to interfere with rational decisions taken in good faith by the political organs and medial authorities whose responsibility it is to deal with such matters'⁴. The constitutional court accordingly preferred rulings which outlined the various rights of the parties (a declaratory order as in the Grootboom case) or which encouraged parties to continue dialogue (as in the Mazibuko case about the allocation of free water).

Cameron argues that the Constitutional Court judgments have been true to the Constitution. They have created a forum for holding government to account without trampling on the prerogative of the democratically elected legislature to make policy. This Court has endorsed government policy where it was seen to be reasonable, and created space to rule against it when it was not – as in the Nevirapine case. Cameron reports that when the ruling was announced, the Health Minister indicated she would not abide by it. But she was quickly overruled by the Minister of Justice, under instructions to do so by President Mbeki himself. I couldn't help but wonder that if the courts had come to similarly interventionist rulings in the Grootboom and other cases, Mbeki might have sided with his Health Minister to the detriment of public health and our constitutional democracy.

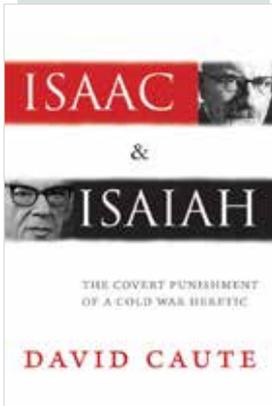
As a parting comment, I can only say that his wonderful book taught me a lot about constitutional democracy, making me think afresh on matters about which I thought I knew a lot.

NOTES

- 1 <http://www.bdlive.co.za/opinion/2014/03/28/judge-shows-why-constitution-is-about-morals-not-ceremony>
- 2 <http://www.bdlive.co.za/opinion/columnists/2014/05/02/cameron-a-new-type-of-public-intellectual-in-sa>
- 3 pp.14-15.
- 4 Chaskalson on pages 255-6

BOOK REVIEW

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



ISAAC AND ISAIAH: THE COVERT PUNISHMENT OF A COLD WAR
by David Caute
ISBN: 9780300192094
Published by Yale University Press
The Solidarity Economy Alternative – UKZN Press

Isaac and Isaiah: The Covert Punishment of a Cold War Heretic¹ by David Caute

This is a remarkable book – very ‘Caute-ian’ in terms of its asides, wit and denunciations – and remarkably penetrating in its observations and research. There are 105 pages of footnotes, bibliography and index, and these reflect the detailing that constitutes this book. The problem, for a reader who is a member of a catholic ‘left’ – i.e. all who question the ‘right’ from the broad church of liberalism and who question in particular the unrestrained nature of capitalism – and who has had some sympathy and separate admirations for both Isaiah Berlin and Isaac Deutscher, is that one ends up, after reading Caute’s magisterial and denunciatory book, embarrassed by and disliking both.

Caute goes out of his way to contextualise the differences between the two. The escape from fascism and the hopes for a future – for the world at large, for Jewry, and for the future of higher education – are all portrayed here; as are the vast webs of interactions and reactions with and against Pasternak, Akhmatova, Orwell, Koestler and Arendt. In this sense, Caute has produced a wonderful book of intellectual history. And he reminds us that many of his characters, e.g. Arendt, went out of their way not to regard themselves as philosophers, but as political theorists – creatures of their time and commentators on the thought of their time. Time and again, Caute also reminds us of the talent Berlin had for essays and for verbosity within those essays. i.e. he also did not write sustained philosophy and, in a way, never fulfilled his promise as a fully original thinker. But someone like Deutscher, who did write great books, was compromised by the polemical if nuanced nature of the great hope he imbued into his books that, one day, the Soviet Union would realise the humane mission that Deutscher saw implicit in the Russian revolution. Everybody in Caute’s depiction of the world is struggling towards something that could not be attained.

What Caute paints is a picture of post-war thought in Britain that was, in a very British way, every bit as exciting and vexatious as post-war thought in France. There were overlaps of course: Deutscher wrote for Sartre’s Temps Modernes, for instance. But the narrative and analytical nature of British thought, centred on contemporary history and not on theory or sustained philosophy, meant that the debate between the two could be immediately appreciated by a much wider public than academic audiences or intellectual elites. Both Berlin and Deutscher wrote

extensively for newspapers and magazines and were involved in the politics of those newspapers and magazines. Both had huge public reputations.

What is deeply surprising therefore is that the two almost never met. And what is at the heart of Caute's book is an episode of which Deutscher actually knew nothing, and which the wider reading public knew almost nothing, and that is Berlin's blackballing Deutscher from being awarded a Chair at the new University of Sussex.

Caute actually was first alerted to the possibility of this happening by Berlin's own consultation of him at All Souls, where both were Fellows. Caute has obviously harboured the memory of this meeting and conversation from long ago, and finally set about researching and writing about it. A tiny clandestine episode of British academic life – replete, with or without Berlin and Deutscher, with blackballings, vilifications, cattiness, and innumerable displays of amors propres – is crafted by Caute into a hook on which to hang a wonderful comparative study of the lives and thoughts of two men with similar backgrounds but vastly different styles and intellectual ambitions.

Berlin saw hope in the glamour of liberalism, and Deutscher in gods who had clearly failed at the moment when they lived in history.

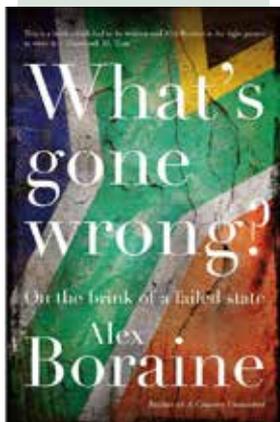
In the end, neither man emerges as sympathetic. Berlin, in particular, comes across as vain and nasty. Deutscher at least did not revel in the company of Kennedy and the Camelot White House, of Neville Chamberlain, and the whole compromised ilk. He did revel in being the defender of the last great prophet, Trotsky, and to a significant extent even of Stalin, despite the huge amount of evidence against him as the architect of gulags and slaughters. Berlin saw hope in the glamour of liberalism, and Deutscher in gods who had clearly failed at the moment when they lived in history. Neither man had any time or patience with the revolting students of 1968 and, finally, both men come across as quaintly conservative. But then it is as two middle-aged intellectuals that we see them as Berlin plunged the knife into Deutscher's back. So that two of the three very great intellectual figures of post-war Britain – Karl Popper was the third – are reduced to an episode of pique and pettiness. Caute leaves the blame, fault, and guilty verdict with Berlin. But, by book's end, it is impossible to like Deutscher either.

NOTES

1 David Caute, *Isaac & Isaiah: the covert punishment of a cold war heretic*, New Haven and London: Yale University Press, 2013

BOOK REVIEW

PROFESSOR MILTON SHAIN teaches in the Department of Historical Studies and is Director of the Isaac and Jessie Kaplan Centre for Jewish Studies and Research at the University of Cape Town.



**WHAT'S GONE WRONG?
ON THE BRINK OF A
FAILED STATE** by Alex
Boraine
ISBN: 9781479893683
Published by NYU Press

*What's gone wrong? On the brink of a failed state*¹ by Alex Boraine

On 7 May, 2014 South African voters overwhelmingly endorsed a political party that, according to Alex Boraine, is now hopelessly mismanaging and damaging South Africa. His argument is forthright and unambiguous: notwithstanding great changes and improvements since 1994, and despite a progressive and internationally acclaimed constitution, the ANC has undermined the country at almost every level.

The arms deal and HIV/AIDS policies of the early administrations, and a culture of entitlement, maladministration and mismanagement, cadre deployment, obscene greed and alarming corruption have come to define the new South Africa and are part of a destructive impulse that has been amplified under the presidency of Jacob Zuma, a politician bent on his own survival. Boraine had hoped ANC behaviour in power was a passing phase, but now believes it is 'symptomatic of the ANC over the last 50 years'. If not checked, writes Boraine, a 'failing state' could become a 'failed state'.² Its dismal signs are apparent in all aspects of society.

This is a savage critique from a man with a great anti-apartheid track record. Highly regarded as a Progressive Party member of parliament from 1974 to 1986, a co-founder with Frederik van Zyl Slabbert of IDASA (Institute for a Democratic Alternative for South Africa), and an architect of the Truth and Reconciliation Commission on which he served as its Deputy Chairman, Boraine's voice has to be taken seriously. Prior to the unbanning of the ANC, he met with many of its leaders in exile, maintained contacts subsequent to their return, and knew at first hand the high quality of United Democratic Front leadership in South Africa in the 1980s. In 1994 he confidently voted for the ANC, anticipating democratic and moral governance. So what went wrong?

The thrust of Boraine's argument is that the ANC has transplanted a culture of secrecy honed in exile into the new South Africa. All the negative features displayed today, he writes, were apparent during the exile years: a stifling bureaucracy, poor administration, incorrect choices, deployment, political incoherence, and the high life enjoyed by the top leadership.³ Importantly, the ANC remains Stalinist in inclination, driven by the seizure of power. Put simply, it is concerned more with the Party -which it conflates with the State - than with good governance. This is apparent in its code of conduct: members in parliament owe allegiance to the ANC rather than to the Constitution. The National Working Committee of the Party sets the agenda for ANC parliamentarians and liaises with the chief whip. In effect, Luthuli House runs the country. We saw this, for example, in the unconstitutional

removal of Mbeki and again in the Party's handling of Nkandlagate. Opposition is disregarded in a lame duck parliament. 'Democracy, according to Zuma, means the dominance of the majority rather than the protection of minorities'.⁴

Is it any wonder that our institutions are challenged? The judiciary in particular, argues Boraine, is a source of concern. While acknowledging the need for transformation, he questions the ability of the government to cope with the tension between merit and representivity. The appointment of judges is especially disturbing, as are criticisms of the court from the ANC which from time to time sees itself as being 'outranked'.⁵ Boraine is indeed fearful that those chosen for the court may at some point be reluctant to take a stand against the ANC. Zuma simply does not appreciate the supremacy of the Constitution.

Transparency is today threatened by the Secrecy Bill, and recommendations made by the 'Van Zyl Slabbert Electoral Task Team' which sought to enhance accountability lie on the shelf gathering dust. Black Economic Empowerment too has been a disaster, although here Boraine indicts big business as well. The real crisis, however, is endemic corruption, its spread helped by a dysfunctional criminal justice system to which access is uneven. If South Africa is serious about corruption, asserts Boraine, Zuma has to go. He is the 'elephant in the room'. Many South Africans would breathe a sigh of relief with his departure, writes Boraine. 'Everywhere we look we see the dismal signs of that failing state in education, health, safety and security, the high rate of unemployment, the lack of housing and basic facilities for millions of people, the tragedy of Marikana, which saw 34 people being killed by the police, inefficiency, mismanagement, jobs for pals, and corruption in the public service and at every level of government'.⁶

'Everywhere we look we see the dismal signs of that failing state in education, health, safety and security, the high rate of unemployment, the lack of housing and basic facilities for millions of people, the tragedy of Marikana, which saw 34 people being killed by the police, inefficiency, mismanagement, jobs for pals, and corruption in the public service and at every level of government'.

Yet Boraine is not entirely without hope. He gives the ANC credit for having initiated and conducted inquiries into at least some of the excesses in exile, and notes that Mbeki did apologize to the TRC 'for the indiscipline, poor treatment and executions' that occurred, especially in the 1960s and 1970s. Civil society also gives Boraine a modicum of optimism, although NGO's too are under financial and state assault. Faith communities, the judiciary and opposition parties now have a huge role to play. But it is precisely these groups, according to Boraine, that are being undermined and challenged. In the final analysis, a realignment of politics will be necessary to save South Africa. But is the ANC willing to give up power? Here Boraine is unsure and tellingly reminds us of the words of the Burmese leader San Suu Kyi: 'It is not power that corrupts, but fear; fear of losing power corrupts those who wield it'.

Boraine's arguments are as cogent as they are disturbing. A few months into Zuma's second term the situation remains unchanged. The President is rudderless and intent on survival. However, to talk of South Africa being on the brink of a failed state is going too far. Failed states do not hold free and fair elections, nor do they maintain a thriving business sector and allow a Public Protector to challenge its highest authorities. Nevertheless, the problems are grave and the warning lights bright.

Boraine was perhaps naïve to anticipate a democratic nirvana after three hundred years of colonialism, segregation and apartheid. The backlogs are enormous, racial inequalities horrendous, unemployment endemic, and poverty massive.

The ANC has an unenviable task. In effect, it manages a coalition, tasked with reconciling increasingly contradictory interests. Upholding constitutional values in a society as complex as South Africa is fraught. To be sure, the Harvard scholar, Barrington Moore famously made the case over four decades ago that there can be no democracy without a bourgeoisie.⁷ South Africa's tiny middle class – black and white – is navigating a sea of poverty and inequality. To be fair, the task the ANC faces deserves some empathy. This alone, however, will not prevent South Africa falling over the edge.

NOTES

- 1 Alex Boraine, *What's gone wrong? On the brink of a failed state*. Jonathan Ball Publishers, Johannesburg and Cape Town, 2014.
- 2 Boraine (2014:42)
- 3 See Stephen Ellis, *External Mission: the ANC in Exile, 1960-1990*, Jonathan Ball Publishers, Johannesburg and Cape Town, 2012.
- 4 Boraine (2014:57)
- 5 Boraine (2014:88)
- 6 Boraine (2014: 114)
- 7 See Barrington Moore, *Social Origins of Dictatorship and Democracy: Lord and Peasant in the making of the Modern World*, Harmondsworth, Penguin University Books, 1973.



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