The March referendum vote for change was widely interpreted as the dawning of a new South Africa. Paul Nursey-Bray is more sceptical. Blacks may win formal equality within the constitution soon. But some measure of a democratic civil society is a lot further off.

The removal of the Group Areas Act and the Land Acts last year eliminated the remaining significant pieces of apartheid legislation from the statute book of South Africa. And when a significant majority of the white minority endorsed reform in the much-publicised referendum of March this year, it was widely interpreted as confirming the demise of the apartheid system, as a prelude to the creation of a democratic and multi-racial South Africa. Indeed, the euphoric reception that greeted the referendum result in the media served to give the impression that such a goal had already arrived. Yet, while recent events in South Africa have indeed been momentous, the task has, in many respects, just begun. The path towards a democratic future is strewn with obstacles that reflect the contradictions and dilemmas of post-apartheid South Africa.

In his critique of liberal market society in On the Jewish Question, Marx drew attention to the contradictions that could exist between the state or political community and civil society. He noted that the American constitution had eliminated property as a qualification for voting. Within the emancipated United States the American citizens were free and equal members of a political community that united their interests. Yet, as private citizens within the civil society they were divided from each other into social classes that competed for property and gain. While private property, he argued, had been removed as an influence on state, it was still the dominant fact of civil society. In like manner, while the existence of apartheid has been removed from the South African state—apartheid legislation has gone and the Convention for a Democratic South Africa (Codesa) is negotiating a new political order—the presup-
positions of apartheid, white supremacy and division on racial lines, have not been removed from the civil society of South Africa. For democracy to have a chance it is essential that these matters be addressed and that the conditions for the existence of a democratic civil society be created.

(i) Education
Most theorists of democracy would argue that an essential part of a democratic civil society is a general and high level of education. Ideally, education should foster both an understanding of political issues, and thus a rational approach to political matters, and the spirit of tolerance that sustains a democratic consensus. South Africa certainly possesses a more educated and skilled population than other African countries. This education and skill is a condition and a result of the country’s level of urban and industrial development. Yet an educational imbalance undeniable exists. The educational patterns and past practices of apartheid have robbed the country of a full realisation of its educational potential.

It was Prime Minister Henrik Verwoerd who set the guidelines for a separate and completely different Bantu education system. Verwoerd declared in parliament in 1954 that, “The natives will be taught to realise that equality with the Europeans is not for them”. There was, he went on, “no place for the African in the European community above certain forms of labour”. The current reflection of this policy is the fact that one in every five black children has no access to school, while a second is expected to drop out during the first two years. At the present moment, 50% of South Africa’s 30 million black population is functionally illiterate. Clearly this is a priority issue for the creation of a democratic civil society. In February Mandela and De Klerk discussed education issues. Subsequently the government agreed to create a single, unitary education system for all races. The ANC has called for new school buildings in black areas, a program to train black teachers and the provision of books and other supplies. Of urgent need is more financial support.

(ii) Economic Strategies
Most theorists of modern democracy also agree that another precondition for the successful operation of democracy is the presence of a certain measure of social and economic homogeneity. This is not to argue for absolute equality. It is, however, to argue that the division of wealth and social class, of race or ethnic identity, must not be so severe as to undermine the consensus that underpins
the democratic order. As Latin America shows, the existence of wide disparities of wealth and access to social power and amenities can render democracy unworkable as a mechanism for securing accord—thus inviting other, authoritarian solutions.

White supremacy in South Africa means that the distribution of wealth, economic control, access to housing, welfare and land are hopelessly biased in favour of the white population. Although the emergence of an African business class and the energetic activities of the Confederation of South African Trade Unions (COSATU) have worked to redress the balance, the great majority of wealth is still owned by whites. All of the major industrial, extractive and commercial undertakings are in white hands. Despite the end of job reservation and of statutory differentials in wage levels, average white wages are still far higher than black wages; in 1987 the average non-primary sector white wage was 1,959 Rand compared to an average black wage of 593 Rand.

Disparities in welfare provision and housing also emphasise the wealth gap between black and white. Most African township housing is a 'matchbox' of cement block construction, with four rooms, and an outside lavatory. For the most part electricity is not provided. Figures from the mid-1980s show that welfare spending on whites was more than double that on an urban black population that was four times their number. In the same period one doctor was available for every 330 whites compared to one for every 12,000 Africans. Moreover, all of this leaves out of account the approximately nine million Africans who live in the homelands, whose levels of wealth and welfare compare poorly to the relatively privileged urban African population.

It is these Africans in the homelands, plus those in other rural areas, who have been most affected by the distribution of land. It is clear that both for the creation of a basis for viable democracy, and to secure social justice, some means of increasing the wealth of the African majority has to be found. Two alternative strategies present themselves: a redistribution of wealth that would transfer economic control from the whites to the blacks, and a concentration on economic growth to produce a surplus for use in addressing the various social ills.

The Freedom Charter of the ANC of 1955, while cautious about a wholehearted commitment to a socialist future, proclaimed the need to nationalise key industries in order to give an African majority government control of the economy and as a way of giving all the people a share in the country's wealth. There are still members of the ANC, both in the leadership and rank and file, who remain committed to such a project. The close alliance between the ANC and the South African Communist Party also helps to fuel a continued debate about strategies for socialism. In the course of the negotiations, however, Nelson Mandela has backed away from any commitment to such a strategy, progressively diluting proposals for nationalisation. Some back-pedalling on nationalisation was inevitable if only because of the conclusions to be drawn from the end of communism in Eastern Europe and the collapse of the Soviet Union. But Mandela has also been led to this position by pragmatic considerations regarding the strength of the South African economy and the effect upon it of a flight of capital and white skills that would follow any radical nationalisation proposals.

Mandela and his advisers have clearly calculated that a redistribution strategy could not work on its own. First, the size of the South African economy (which is roughly equivalent to that of Indonesia or Argentina, with a per capita GDP equivalent to Mexico) presents absolute limits to what can be done. But it is also an economy which, like that of Australia, is in severe recession. This recession is, of course, intimately connected with the international rejection of apartheid, manifest in the sanctions campaign (which has now, despite the protests of the ANC, all but ended). But the recession is also fuelled by the same factors that have led to economic decline in a number of similar economies throughout the OECD. In the years 1981-90 South African GDP grew by only 1%. In 1991 there was a fall in GDP of 0.5%. Over the last three years the rate of inflation has hovered around 15%; in 1991 it was 16.2%. Gross Domestic Fixed Investment fell by 5% in 1990 and 2% in 1991. Unemployment is estimated to be over 30%. It is obvious that Mandela's policy options are enormously constrained. A crisis of investor confidence that might be generated by perceived radical measures could precipitate economic collapse.

It is not surprising, then, that Nelson Mandela has been increasingly cautious in his approach to the business and investment community. In February, Mr Mandela, in supporting the appeals of the South African government for investment at the World Economic Forum in Davos, played down the ANC's approach to nationalisation. The ANC, he asserted, envisaged a mixed economy in which "the private sector would play a central and critical role to ensure the creation of wealth and jobs". The extent of the public sector would be "perhaps no different from such countries as Germany, France and Italy". On another occasion, Mandela observed that "a future democratic South Africa had an obligation to service the debts...incurred by the present regime..." In late April this year the ANC issued a draft document that dealt with proposed economic policies. The document asserted that an ANC-dominated government would be guided by the balance of evidence rather than by rigid ideologies. "We envisage a dynamic private sector," the document declared, "employing the skills and acumen of all South Africans, making a major contribution to the provision of good-quality, attractive and competitively priced goods and services for all." The document stressed that everyone should be safeguarded against an invasion of property rights, and asserted that the strategy to overcome the economic problems bequeathed by apartheid was a restructuring of the economy on the basis of growth.

It is certainly true that the South African economy is both poised for, and capable of, growth. However, growth in itself will not be enough, since it is growth within economic structures and parameters that still reflect white supremacy. Some restructuring of the economy will be crucial to address the issues of redistribution. It is apparent
that a future ANC administration will have to walk a fine line between threats to business confidence that will undermine growth, and a failure to meet the expectations of its own constituency that will both cause dissension within the party and menace the operation of a democratic system.

The divided character of South African society owes much to the policies and laws of apartheid. Certainly it would be ingenuous to argue that apartheid was the sole author of these divisions. Racial, ethnic and tribal divisions are not problems unique to South Africa and would exist independently of apartheid. In South Africa, however, they were positively encouraged by policies like retribalisation and, as the forces of white supremacy continued to orchestrate and use them to advantage, they became increasingly entrenched.

Three other key sources of division are the ethnic division characterised by the Inkatha/ANC split, the position of the ex-homelands, and the existence of large Asian and Coloured communities.

(iii) Land
Meanwhile the land issue will continue to pose problems for the articulation and development of economic strategies. The legislation that confined black ownership to 13% or so of the land has been removed—but that, of course, does nothing to remove the status quo of land distribution established during the apartheid years. The De Klerk government has promised to release for purchase 400,000 hectares of state-controlled land that was originally intended for incorporation into the homelands. But this is a drop in the ocean compared to the demands of the many millions of Africans previously denied access under the Land Acts. Thus far, there has been no indication of any intention to restore land to individuals or communities who were forced to give up land by apartheid legislation. It is estimated that only 2% of the people from whom land was taken in the last 30 years will have land provided under the present scheme.

Last year, the ANC’s Land Commission called for a radical program of land reform, involving state intervention to secure redistribution, warning that, without it, there would be “an outburst of uncontrollable political anger”. The issue remains unresolved, but it will have to be tackled as part of the construction of a consensus within a democratic South Africa. The difficulties of the situation have been highlighted by the severe drought that is currently gripping Southern Africa. In the Eastern Transvaal, white maize farmers have already lost 80-100% of their crops. Millions of African subsistence farmers are also threatened, as are the 1.3 million African farm workers working on white-owned farms. It is an ironic comment on the complexity of the land issue that Pretoria is understood to be contemplating drought aid in the order of many hundreds of millions of Rand to help 2,000 to 3,000 white maize farmers stay on farms which, the Maize Board estimates, they would otherwise be forced to abandon. In the process the government is, of course, subsidising the continued white occupation of land, an issue the ANC considers a matter of dispute.

(iv) A Society Divided
In the creation of a democratic constitution, the political division between a white minority and black majority is generally seen as the prime issue. This is true, but it should be remembered that the black/white division is not the only one that will pose problems for a democratic order. White supremacy deliberately divided in order to rule, and

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While homelands are often dismissed as relics of apartheid, they nonetheless represent areas of poverty and need that will require special attention. They also continue to house political elites whose compliance with, and benefit from, apartheid make them potential troublemakers. Lucas Mangope, the leader of Bophuthatswana, is opposed to the incorporation of the territory into a new South Africa and is seeking a regional deal that will enable him and his supporters to hold on to their lucrative positions within the ex-homeland. General Oupa Gqozo of the Ciskei (who seized power in a coup in 1990 backed by the South African Defence Force) is also negotiating for regional autonomy and has recently banned the ANC in his territory.

One other potential source of social division which should not be overlooked is the existence of the large Asian and Coloured communities, numbering 950,000 and 3.2 million respectively. This combined total is only a little short of that for black communities. Members of these two groups are unlikely to triumph against the combined forces of the black majority and the white power structure largely failed, and was opposed by many members of both communities. Nevertheless, as a divisive tactic it did create some fear of domination by the black majority, and this will have to be faced within the context of a democratic society. Recent reports suggest that this is channelling Asian and Coloured support to the Nationalist Party.

The ANC’s constitutional blueprint, issued in the same period, made a number of concessions on this score. There was a commitment in principle to strong regional government, to an interim government being based on a consensus requiring a two-thirds majority for parliamentary legislation, and to the idea of built-in consensus, with white powers of veto for five years in the first one-person one-vote government. Current negotiations focus on the composition and decision-making power of the proposed Constituent Assembly to formulate the new constitution, and of the elected Transitional Government. Other areas of dispute include the transfer of presidential power and the so-called ‘sunset clauses’ which will ensure the agreed consensus (that is, white veto power) in the first years of an African majority government. Tough negotiations are ahead.

The new democratic constitution of South Africa will seek to preserve minority rights while assuring majority rule, as all good liberal-democratic constitutions should. The peculiar conditions of South Africa make this a particularly difficult exercise. A focus on the rights of the minorities carries special implications in South Africa, where special rights for the white minority hint at continuing white supremacist demands.

The separatist threat posed by all of these movements could undermine the creation of a unitary democratic state in South Africa. The desire of the homeland leaders for regional autonomy is matched by Buthelezi’s talk of self-determination for the Zulu nation which, in turn, harmonises with the expressed desire of the white Right for a separate, all-white, Boer state. Recent reports suggest that contacts exist between the forces of white conservatism, Buthelezi and the homeland leaders, the aim being some form of what the Conservative Party’s Andries Treurnicht has called a “commonwealth of nations” within South Africa. Although any extreme separatist political options are unlikely to triumph against the combined forces of the ANC and the Nationalist government, the divisive forces that the various parties represent will continue to be a problem for a future democratic consensus. They are already being used by De Klerk in negotiations with the ANC to secure entrenched local or regional rights for white communities.

One other potential source of social division which should not be overlooked is the existence of the large Asian and Coloured communities, numbering 950,000 and 3.2 million respectively. This combined total is only a little short of that of the white population. Yet so far they have not figured largely in the discussions. Partly this is the result of their recent history. In the 1984 constitution each group was given its own house of representatives in the tri-cameral legislature. In fact, the effort to incorporate the two groups within the white power structure largely failed, and was opposed by many members of both communities. Nevertheless, as a divisive tactic it did create some fear of domination by the black majority, and this will have to be faced within the context of a democratic society. Recent reports suggest that this is channelling Asian and Coloured support to the Nationalist Party.

(v) The Constitution

The task of designing a democratic constitution for South Africa is, to say the least, daunting. While a transition to majority rule has been accepted in broad outline, negotiations continue about safeguards to protect minority rights (and, specifically, the rights of the white minority) after a transfer of power. It is clear that the subtext to these negotiations is the maintenance of white supremacy. A paper released by the Nationalist Party in March, in advance of the referendum, promised whites a number of safeguards, including constraints on the power of future presidents; the supremacy of the constitution rather than parliament; impartial and professional control over the security forces; devolution of real power to regional and local governments; entrenchment of the principles of a market economy in the constitution; a Charter of Fundamental Rights that would, inter alia, protect property rights to cars, houses, pensions and businesses.

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The new democratic constitution of South Africa will seek to preserve minority rights while assuring majority rule, as all good liberal-democratic constitutions should. The peculiar conditions of South Africa make this a particularly difficult exercise. A focus on the rights of the minorities carries special implications in South Africa, where special rights for the white minority hint at continuing white supremacy. There is a temptation for the majority to become, in return, more assertive. It will require a sense of balance to achieve a harmony between minority rights and majority rule without conceding undue power to white supremacist demands.

In any case, whatever the nature of the constitution that emerges from the current negotiations, the success of democracy in South Africa will depend not on constitutional niceties but on the success with which a stable and democratic civil society can be created—one that enshrines consensus and secures the rights of minorities, not by constitutional safeguards, but by civil agreements and mutual tolerance. On this score the struggle has only just begun.

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