





RACIAL REDRESS & CITIZENSHIP

IN SOUTH AFRICA

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LIST OF ACRONYMS

ANC	African National Congress
BEE	black economic empowerment
CRL	Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities
BEC	Black Empowerment Commission
CEE	Commission for Employment Equity
Cosatu	Congress of South African trade unions
DoL	Department of Labour
DPSA	Department of Public Service and Administration
DoSD	Department of Social Development
DTI	Department of Trade and Industry
EEA	Employment Equity Act
EEC	Employment Equity Commission
GDP	gross domestic product
GNU	Government of National Unity
HDI	historically disadvantaged institution
HRC	Human Rights Commission
HSRC	Human Sciences Research Council
IJR	Institute for Justice and Reconciliation
NSA	National Skills Authority
NSDS	National Skills Development Strategy
PCAS	Policy Co-ordination and Advisory Services
PDI	previously disadvantaged individual

PERSAL	personnel and salary information system (DPSA)
PRC	Presidential Review Commission
PSC	Public Service Commission
SGB	School Governing Body
RDP	Reconstruction and Development Programme
SACN	South African Cities Network
SAIRR	South African Institute of Race Relations
SASAS	South African Social Attitudes Survey
SDA	Skills Development Act
SMME	small, medium and micro enterprise
UFH	University of Fort Hare
UNDP	United Nations Development Programme
WPTPS	White Paper on the Transformation of the Public Service

PREFACE

The single biggest question of the 21st century is how to build the bridges of solidarity that enable the emergence of a common citizenship and a cohesive human community. It is an issue that transcends the development boundaries of our world, and our collective ability to address this challenge will make or break our age. Our successes or failures will be the yardstick by which we will be judged by future generations. Yet, as if this challenge is not huge enough, South Africans are burdened with an additional one: the task of building this human solidarity in a context of inequality. Our society is divided by the burdens of our historical legacy where one section of us oppressed and exploited another. The consequences of that history live with us today. They determine the opportunities available to different sections of our citizenry. And this makes it necessary for us to address the disadvantages bequeathed by our past while simultaneously building a society that transcends our divisions.

This, then, is the mandate enshrined in the Constitution of the Republic of South Africa. How successful we are in fulfilling this mandate has relevance for the worlds of both government and the academy. The world of policy needs to understand how well the existing strategies are working to fulfil the constitutional mandate, and what unintended consequences may be arising. The world of the academy needs to understand the South African experience in comparative terms, and the lessons that it imparts both for theory-building and for our society's evolution.

As an institution committed to bridging the divide between these worlds of policy and the academy, the HSRC was ideally suited to undertake this study. And in line with other aspects of its mandate, it did so in partnership with researchers from both the universities and non-governmental research organisations. Organised under the auspices of the Democracy and Governance Programme, the research project brought together a team of researchers. Demographically diverse, with different intellectual trajectories, and at various stages in their research careers, their common bond is a passionate commitment to the country and to the goals of transformation and equitable development.

The pages of this book report on probably the most comprehensive scholarly study undertaken thus far on redress in contemporary South Africa. The research focuses on four domains: the public service, the economy, education, and sport. Research in each of these distinct areas was organised under the management and supervision of a team leader, who collaborated and interacted with my co-editor and I in achieving the overall objectives of the study. All of the researchers were deployed to answer the same questions in their respective areas: How successful has redress been? Who are its primary beneficiaries and victims? What are its unintended consequences? Could it be organised on alternative foundations? Answers to these questions have both a theoretical and a utilitarian value. Moreover, the researchers were encouraged to provide answers in a form that could be useful to both policy makers and the academy.

It should be noted that, as in most other studies on South Africa, racial terminology and its uses became an issue of debate and reflection in the research and editorial processes of the production of this volume. 'Black' is officially defined in the South African legislation as being inclusive of African, coloured, and Indian people. After much deliberation, it was decided to use the lower case for black, coloured and white when used in relation to population groups, while retaining the capital letter for African, Asian, and Indian. Also, we have allowed for the use of the terms 'black', and sometimes 'African' and 'black African', as the authors have used them. We have not imposed a complete consistency in the terminology on the authors but have kept their various uses of the terms in order to demonstrate the complexity of the issue. In some cases individual authors have explained their choice of terms in their own chapters.

Many debts were incurred in the course of the study, a comprehensive list of which would be impossible to detail. Yet a few individuals and institutions merit special mention. A number of donors made this study possible. The Charles Stuart Mott Foundation, the Ford Foundation, the Konrad Adenauer Foundation, the Development Bank of Southern Africa, CAGE, the joint European Union–South African funding facility for research located in the National Treasury, and the parliamentary grant of the HSRC, all contributed to different components of the research programme. Without their generous funding, neither the research nor this volume would have been possible.

Appreciation is also accorded to the researchers for their commitment to this project. The interactions among the research team were exemplary, and I owe my deep gratitude to all of them for their good-natured, yet robust interaction. Their behaviour ensured a much stronger research product as the outcome. I must also thank my co-editor Kristina Bentley for partnering me on this project. Administratively efficient, intellectually astute and theoretically grounded, she has been an excellent collaborator and a real pleasure to work with.

This study is produced as a resource for all the multiple stakeholders who are committed to and engaged in transforming our society. We hope it contributes to a vibrant debate on redress in our society, its consequences and how to create a common future that we are all comfortable with. These pages are offered in the hope that they contribute to the kind of engagement necessary for changing our world.

Adam Habib

SECTION 1

DEBATING THE CONCEPTS AND ANALYSING THE STATISTICS

1 RACIAL REDRESS, NATIONAL IDENTITY AND CITIZENSHIP IN POST-APARTHEID SOUTH AFRICA

Kristina Bentley and Adam Habib

In June 2005, a discussion document on the national question was submitted as part of a collection of four to the meeting of the National General Council of the ANC. The deliberations at the meeting were overshadowed by the presidential succession disputes within the party and the fact that the organisational leadership's decision to contain Jacob Zuma was overturned by the membership. The documents as a result did not receive the attention they deserved.

This was a pity, given that those documents covered themes that are of central importance to the future of South Africa. And there could have been no more important a deliberation than one on the national question; after all, this is one of the big questions of post-apartheid South Africa. Moreover, it is an issue that is at the heart of much of our national debate, including that on affirmative action, economic policy, and skills shortages.

To be fair, the document submitted to the congress (ANC 2005) did not reflect on the difficult contentious issues that need to be confronted in this debate, and it found easy answers in platitudes about African liberation, freedom and majority rule, and as such its contribution was somewhat limited. The problem of course was that the congress was responding to what effectively is a fairly conservative discourse on minority rights that has emerged in the country. But discussion could have been more creative and at least raised the tension that has tended to emerge between existing redress strategies and the country's constitutional goal to develop a single nation.

This is, of course, not a peculiarly South African concern. It is an issue relevant to much of the world including the USA and western Europe. And it is a debate that has become all the more urgent internationally given the 'war

against terror' and the inroads into civil liberties that have been made in the West in the name of security. The Constitution of the Republic of South Africa (Act No. 108 of 1996), which reflects the goal of a cosmopolitan society and an attempt to create a unity from diversity, is occurring in a world when other more prosperous nations are implicitly moving away from this tradition. Its positive experiences as a result have the potential to serve as a beacon of hope for all those who do not share in the thesis of the inevitability of the 'clash of civilisations'.

There are, of course, powerful structural impediments to the realisation of this vision. Stuart Hall, for instance, has reflected on the consequences of what he terms economic globalisation, namely economic transformations including the opening up of global commodity and financial markets, the integration of manufacturing and the relocation of industrial production (Hall 1991). These, together with the increased flow of international migration and global interdependence, have fundamentally eroded national cultures and prompted a global, consumerist, American-led popular culture that is advanced and supported by powerful stakeholders in both the industrialised and the developing worlds. But these very same processes have also marginalised large sections of humanity, particularly those in the developing world. This marginalisation has produced a counter-reaction, one that involves a return to the local, what Hall refers to as *ethnicity*. This could easily take an exclusivist form, as is happening in so many cases, or it could create progressive counter-politics of the local. Globalisation thus has the effect of both promoting the shift to a cosmopolitan tradition, and simultaneously undermining this through creating the conditions for its losers to return to a politics of the local.

These conditions and social trends are also evident in South Africa. After all, South Africa's post-apartheid political elites very quickly embraced the essential tenets of economic globalisation, which has created both winners and losers. The winners exhibit much of the same values and behaviour of their global counterparts that Hall identified. But the picture on the side of the losers is more complex. Some are resorting to a politics of the local in both its progressive and its reactionary guises (Cock 2006; Desai 2006; Friedman & Mottiar 2006), while others are organising using more classic identities such as class, and through traditional institutions such as unions (Habib & Valodia 2006; Webster & Adler 1999). The complexity is of course determined by the

peculiarities of the South African transition – South Africa is simultaneously undergoing an economic integration into the global economy and a political transition away from a politics of the racial where rights are being extended to social groups that were previously disenfranchised. The current national structural context both supports and inhibits the goal of a ‘unity in diversity’ that defines the spirit of South Africa’s Constitution.

How, then, should one define the national question? An answer to this must be contextually specific: it must be grounded in the context of space and time. It must also distinguish the national question from national aspiration. The latter guides on the modalities of how to address the former, but they are not the same thing. A national aspiration may remain consistent across time: the national aspiration under apartheid has remained the national aspiration today. The national question, however, may change. It is time bound and may change from era to era. This is because society changes, advances are made, and new challenges are experienced. The particular challenge to achieve a national aspiration in one epoch may change in another epoch.

So how is the national question conceived in South Africa? The ANC’s discussion document on the national question suggests that it is about the liberation of the African majority (ANC 2005). The positive feature of this answer is that it frees one from the shackles of the discourse of minority rights. This is important, for South Africa’s transition was never about freeing a minority from oppression. It was about liberating a majority who were denied basic political and socio-economic rights. Yet one would not arrive at this conclusion if one were simply to listen to the contemporary discourse on the national question. The debate on redress advanced in the political arena by both the official opposition and the liberal intelligentsia focuses mainly on how affirmative action and black economic empowerment (BEE) erodes the rights of white, coloured and Indian citizens, and how this promotes an exodus of skills from the country. The debate in the media is largely sensationalist, surfacing when one or other ethnic entrepreneur¹ publicly articulates a provocative, most often racist statement.² The resultant debate is then accompanied by charges that members of the aggrieved group, almost always a minority racial community, are being treated as second-class citizens. This then deflects the national debate and gives it an orientation away from what should be its major focus: how to empower politically and economically a majority that has been historically excluded as a result of apartheid.

The ANC's discussion document must therefore be welcomed for refocussing the debate on this question.

At another level, however, the document is disappointing for it conflates the national aspiration with the national question. The national aspiration has always been the liberation of the African majority; how to achieve that goal has always bedeviled us. The major challenge of our time in achieving that goal is the defining element of the national question. Under apartheid, the defining element of the national question was to challenge philosophically and practically the political system's notions of segregated nations. The dominant tradition of the liberation movement did this through challenging the thesis of racialised nations and collectively building non-racial communities of struggle in the pursuit of a single nation (Taylor 2002: 85–88)

The liberation movement was largely successful in challenging the notion of racialised nations. In myriads of ways this was done, and it eroded the very foundations of the apartheid project. The challenge, however, has changed in post-apartheid South Africa. South Africans are no longer in the struggle to undermine the apartheid project. We are still in the process of building the foundations of a single nation. The big challenge in this agenda is how to ensure redress, promoting the political and socio-economic affirmation of those who were historically excluded, while simultaneously retaining the commitment of the descendants of those who were historically advantaged. This is the single biggest challenge of the 21st century and is the primary focus of the chapters in this book.

It is worth noting that there have been two distinct approaches to the problem of redress in South Africa, labelled here as the 'nativist' (also referred to in this chapter as 'ethnic,' following Barry – see below) and 'civic' models. The former is concerned with demographic representation and relies on a construct of national identity that requires the state to 'represent' the population in proportional terms. The latter model regards the redress project as being primarily about poverty alleviation and it concentrates on service delivery and gives less emphasis to employment equity. Critics accuse advocates of the nativist model of pursuing a racial agenda even though it compromises the state's initiatives to alleviate poverty and enhance service delivery. Critics of the civic model, on the other hand, accuse its advocates of being insensitive to the racialised consequences of the apartheid legacy, and falsely claim a 'colour-blind' solution to South Africa's inherited injustices. Both sides of the divide

have a case, although by denying the validity of the concerns of the other, are unable to fashion a comprehensive solution to the challenge.

This, then, is the purpose of this chapter and this book, which takes as its starting point the legitimacy of both redress and a cosmopolitan non-racial citizenship. It should be noted that this study is not a philosophical treatise on race and identity. Rather its focus is on redress and citizenship and the intersection between the two. Where there is a reflection on race and identity, it is undertaken only in so far as it clarifies our own assumptions in this regard and relates to how redress can be implemented in a form that is compatible with the responsibility of building a non-racial, cosmopolitan citizenship.

Just as important to clarify is what we mean by cosmopolitan. The term, of course, has an intellectual pedigree dating back to at least the 4th century BC, when the Cynics expressed their distaste for custom and tradition by coining the term to mean 'citizen of the cosmos'. Perhaps this is why that even today progressives are uncomfortable with the term as a descriptor, for it connotes a paternalism where the globetrotting, privileged universalist is seen to be looking down upon the poor, ordinary downtrodden masses who are much more rooted in their lives and their localities. Obviously we reject this condescending and chauvinist interpretation of the term. Like the Princeton philosopher, Kwame Anthony Appiah, we desire a rescue of cosmopolitanism to a more human and progressive interpretation. Appiah, in his recently published *Cosmopolitanism*, suggests that the term comprises three distinct elements: first, all human beings have obligation to others; second, that difference is important and that tolerance is necessary for mutual co-existence, and, finally, that 'there are some values that are, and should be, universal, just as there are lots of values that are, and must be, local' (Appiah 2006: xix). Cosmopolitanism is 'about conversation – and in particular, conversation between people from different ways of life' (Appiah 2006: xix).

Yet there are two additional ingredients of cosmopolitanism, relevant for our purposes, that are implicit in Appiah's study. As Appiah himself recognises, the nation-state remains the primary political arena where rights and entitlements for people are fought out and realised (2006: 163–164). Cosmopolitanism must therefore not be reserved for the universal terrain, but must play itself out in the national arena. Just as importantly, Appiah, in a chapter entitled *Cosmopolitan Contamination* (2006: 101–113), underwrites the other essential tenet of cosmopolitanism, namely that culture is never

pure. Culture and identity are always contaminated by other experiences, and are therefore in constant evolution. These assumptions, then, and the understanding of cosmopolitanism that they impart, permeate not only the pages that follow, but also, we believe, the Constitution of South Africa.

The chapter comprises two distinct parts. The first begins with an analysis of some of the academic literature on redress and national identity, detailing comparative experiences which may hold lessons for South Africa. This analysis then serves as a conceptual backdrop by which to understand the spirit of the South African Constitution and the implementation of redress in the country since 1994. These critical reflections are finally brought together in a concluding section which, through an analysis of the contemporary literature on race, class and redress in South Africa, defines a set of research questions that serve as the foundation of the empirical chapters in this book.

CITIZENSHIP, NATION BUILDING AND DEMOCRACY

Identity in South Africa is a complicated matter. The most obvious vector of identity in any country or society is race, but this has of course taken on added significance in South Africa because of the recent history of racism and discrimination. Related to race – and indeed largely commensurate with it in South Africa – is economic and social class, which can prove equally divisive, as ‘people on opposite sides of the socio-economic divide [are often] incapable of understanding and empathizing with one another’ (Raz cited in Barry 2001: 79).

But race, more than any other aspect of identity, continues in the 21st century to present an enduring marker of identity, difference, and, often, deep division. This is ironic considering that race is a social rather than a biological category. Indeed, as Dawkins notes, ‘if you take the totality of genes into account, we are a very uniform species’ (Dawkins 2004: 414). Appiah makes a similar point to Dawkins about racial uniformity: ‘race as a biological concept, picks out, at best, among humans, classes of people who share certain easily observable characteristics’ but these differences are of no more significance and no greater than any other genetic differences between two randomly selected people. Appiah cites Paul Hoffman, who points out that while there is on average a 0.2 per cent genetic difference between any two given people on earth, race (that is, the features that we have construed to constitute race)

accounts for an almost impossibly tiny 0.012 per cent difference in our genetic makeup (Appiah & Gutman 1996). This does not, however, mean that race as an aspect of identity is insignificant – quite the contrary.

Indeed, in South Africa race as an aspect of identity is foregrounded in many respects as the key marker of inequality – political, economic and social. There may be no country in the world as obsessed with race as South Africa. In one short decade the country has moved from being a country with a complex legal and institutional system of racism to an egalitarian constitutional democracy. Small wonder then that the consequences of these past racial policies persist and continue to imbue the way South Africans of different races perceive one another. Furthermore, the rhetoric of race, identity and inequality are frequently deployed by the government, either to ward off criticism (as in the case of the President Mbeki's stance on HIV/AIDS) or to justify certain policies that rely on racial categorisation, as in the case of affirmative action and black economic empowerment (BEE).

How, then, to build a national identity out of this racial diversity? Three lessons emanate from the intellectual and research endeavours undertaken on national identity in the last two to three decades. First, it must be remembered that national identities are, to use Benedict Anderson's memorable phrase, 'imagined communities' (Anderson 1983). This is a point worth noting, especially with the current glamorisation of racial identities by politicians, activists and intellectuals, some of whom have impeccable anti-apartheid credentials. In the new ideology advanced by some of these anti-apartheid politicians, activists and intellectuals, socially constructed racial identities constitute the cultural blocs on which society is configured (Mangcu 2001).³ The reassertion of racial identities and the establishment of 'racial cultural' spaces is seen as necessary because the legacy of institutionalised racism is not merely a result of material inequality, but also, it is believed, a product of an invisible cultural norm that promotes 'whiteness'. The problem with this argument is that it detaches 'cultural' inequalities from their material dimensions. Both forms of inequality can be truly addressed only by transforming the existing social configurations of power, itself largely defined by the skewed distribution of resources within society.

Moreover, as Khehla Shubane warned over a decade ago, such racial reassertion has merely enabled the affirmation of an elite within the disadvantaged groups. And, as he argued, it is 'absurd to extend benefits of

affirmative action to black high achievers such as UCT's [University of Cape Town] deputy vice-chancellor Mamphe Ramphele or Telkom Chair and advocate Dikgang Moseneke – to name a few – simply because they are black' (Shubane 1995: 16). But perhaps the greatest danger of this new ideology is its legitimisation of all kinds of ethnic entrepreneurs who will begin to play the ethnic card when they don't get their own way. We would do well to heed the warning of Mahmood Mamdani, who, in an article published in 2001, explained the systemic logic of Africa's slippery slide to a fractious and politically divided continent. Mamdani suggested that the real crime of colonialism was to politicise indigeneity by granting civic rights to non-natives and denying these rights to natives who were compelled to live under customary rule. Mainstream nationalism continued this colonial tradition but subverted it, tying entitlements to indigeneity. This led to a political cul-de-sac since it involved the continuous political disenfranchisement of yesterday's immigrants even though they were the product of what Mamdani termed 'the dynamism of the commodity economy'. The result, as has been noted, was the politicisation of ethnicity and political strife. Mamdani's solution: to challenge the automatic link between indigeneity, on the one hand, and political identity and rights on the other (Mamdani 2001).

A second lesson emanating from the literature is that no identity is self-enclosed, let alone a national identity. National identities are by their very definition always holistic, incorporating other more particularistic identities. Gerhard Mare, for instance, described nationalism as a 'supra-ethnic collectivity – that which binds people together who would otherwise find their greatest sense of belonging in ethnic groups, religious groups, productive units, and so on' (Mare 1992: 43). All nations are thus imagined collectives of multiple other identities. How politically salient these other identities are, and how they configure in relation to the overall national identity, differs from place to place, and from epoch to epoch. They are thus a matter for investigation, especially if one's purpose is to understand the social character of the society, its cleavages, and how these can be transcended in a project to build a single nation.

Finally, it must be noted that national identities are always, in part, defined by intellectual and cultural influences from other national and geographic contexts, even though the mythmakers of the nation often ignore this. The egalitarian traditions of Chinese culture are as much determined by the

German philosopher, Karl Marx, as they are by Confucianism. And the more egalitarian elements of our own African traditions are as much defined by the Latin American Che Guevara's socialist nationalism as they are by Tanzanian Julius Nyerere's *ujamaa* or the more generalised African commitment to ubuntu. As Doreen Massey says:

‘...what gives a place its specificity is not some long internalised history but the fact that it is constructed out of a particular constellation of relations, articulated together at a particular locus...Instead of thinking of places as areas with boundaries around, they can be imagined as articulated moments in networks of social relations and understandings. And this in turn allows a sense of place which is extraverted which includes a consciousness of its links with the wider world, which integrates in a positive way the global and the local’. (Massey 1993: 59)

But if national identities are determined by universal influences, what is it that gives them their national character? Put another way, if South Africanness is constituted by a particular collection of intellectual and cultural influences from both within and outside our borders, what is it that makes it South African? The answer is human agency. It is individual choice that defines one's national identity. As Mamdani reflects: ‘political communities are defined, in the final analysis, not by a common past but by a resolve to forge a common future under a single political roof, regardless of how different or similar their pasts may be’ (Mamdani 2001: 661). It is choice and consciousness that defines one as a South African. A person is a South African because they want to be a South African – they live here and see this as home. People describe themselves as South Africans to the outside world by carrying this country's passport and holding its citizenship. South Africanness is an identity constructed by political choice, even though it is manifested through geographic boundaries and national symbols.

But how are these lessons to be applied in a social context marked by economic inequality, which itself is a historical product of racial dispossession? After all, economic inequality is likely to continuously undermine any nation-building initiative. The answer lies in recognising the necessity of redress. In South Africa's case, for instance, black people, and the African majority in particular, have for over 350 years been subjected to the most humiliating forms of oppression and exploitation. They have been deliberately marginalised and

disempowered as a group. As a result no even playing field can be assumed in South Africa. To leave access or competition (at the social, economic and political levels) to the market would simply reproduce the historical disparities of our past. It would in effect advantage the beneficiaries of racialised history.

The lessons, however, also suggest that redress must be constructed and undertaken in a form that is compatible with the project of establishing a single nation. It must be founded on the construction of a rights regime that is uniform, in terms of both benefits and responsibilities, for all social groups in society. And it must also encourage and enable citizens to make the political choice of forging a common future through the establishment of a single political entity. Any assessment of redress, then, must be based on two distinct criteria: first, on how successful it is in advancing a social justice agenda defined by addressing the historical disparities; and, second, whether it facilitates the emergence of a national consciousness that is supportive of and enables the coming into being and sustainability of a single national political entity. These two criteria can, but need not, be in conflict. Of course, a tension will always exist between the two. But this tension can be managed. How to do so in a form that is compatible with nation building is something that South Africa could learn from the comparative experiences of other countries.

COMPARATIVE EXPERIENCES AND LESSONS FOR SOUTH AFRICA

How, then, to undertake redress while simultaneously developing a single national identity? Perhaps the answer lies in considering what concept of a *national identity*, if any, people hold. Bryan Barry, in considering the problem of ethnic divisions and discrimination, argues that a formal (legal) conception of nationality is insufficient to generate the level of 'equal concern and respect' for other citizens with whom one does not identify in any other way (Barry 2001).

Yet Barry is not arguing that homogeneity, or attempts to create a homogeneous national identity, is the solution. On the contrary, what is required is a more *inclusive* notion of national identity, which would entail empathy for the fate of others and an ability to identify with them. And the way to achieve this and

realise a sense of solidarity is by the sharing of institutions and a reduction of material inequalities. Barry makes the point that what is frequently seen as a cultural difference is in fact one of material circumstance. While it is true that the very rich and the very poor may have difficulty in empathising and identifying with one another, this is not a matter of cultural diversity and nor should it to be treated as congruent with racial identity (Barry 2001).

So the success of a liberal democracy, Barry argues, depends on citizens having certain attitudes towards one another, most importantly that they regard everyone's interests as counting equally, and that they are able to identify a common good and are prepared to make certain sacrifices for that common good. Barry labels this *civic nationality*, in contrast to *formal nationality* (as embodied in a passport) and *ethnic nationality*, which can prove so divisive because of their demonising of 'the other'.⁴ Race and culture in this account of nationality are facets among many that make up the complex identities of every individual. The idea here is that identity is not a 'constant sum game' that requires one identity to be supplanted by another. Rather identity has an 'additive' quality to it, which is analogous to the ability to learn to speak more than one language (Barry 2001). So while there must be a certain degree of overlap in people's identities in order for the required level of 'mutual recognition' and empathy with one another to exist, this does not entail expunging differences. The important point to note is that what democracy requires in order for it to succeed is for this mutual recognition to exist. So, to paraphrase Barry, being an Indian–South African or a Jewish–South African is a way of being a South African, not an alternative to it.⁵

Two important elements need to be noted in Barry's thesis. First, mutual recognition can come about only through dialogue and debate, not only between citizens of different 'cultures', but also between citizens who share aspects of identity, such as race, class, ethnicity, language, or religion; it is about what their ways really are. This dialogue is important for establishing the principle that no one group or person has a monopoly on the truth about culture and identity, but rather that this is a constantly moving picture in which any number of diverse peoples may play a part. Moreover, this dialogue among and between diverse peoples is certainly the most effective (and probably the only) way to promote the sort of tolerance and understanding that Barry labels as mutual recognition, which civic nationality requires.

Second, and as is intimated above, Barry's thesis implies a conception of nation similar to that of Anderson's. Nations are conceived not as static solidified entities, but rather as political units within geographic spaces for which a cultural foundation is imagined. As such this cultural foundation, and therefore the nation itself, can be continuously reinvented or re-imagined, with new structural developments and the inclusion of new people in society. This conception of nation distinguishes itself from both the 'clash of civilisations' thesis of the political right and the failed, crude multicultural experiments of the liberal establishment. What is common to both paradigms is their implicit assumption of cultural homogeneity. The former uses the assumption to deny the feasibility of a cosmopolitan nation and citizenship. It sees a future of conflict and demands a mix of rigid immigration controls and assimilation of newly arrived immigrants. The latter – crude multiculturalism – calls for the coexistence of distinct cultural blocs. Its danger is that in practice it looks the other way in many cases of intra-bloc anti-democratic practices and human rights abuses. This paradigm then advantages cultural elites within society. But this philosophical paradigm has been seriously weakened in the post-9/11 world, particularly in the USA and western Europe where it has come under severe ideological attack. Barry's conception of nation, then, is more compatible with the idea of a cosmopolitan citizenship, which is both the essential foundation for, and the outcome of, a globalised world.

There are a number of case studies exhibiting the competing forms of nationality – civic and ethnic – as identified by Barry. In all of these cases, the challenge being addressed was how to facilitate historical social justice while building a single national identity. Two models of redress, compatible with the different forms of nationality, can be identified (as noted above in the introductory section of this chapter). The nativist model identifies a category of disadvantaged citizens and affirms them through political and socio-economic concessions legitimated on the basis of membership to a group defined on the basis of ethnic, racial or cultural principles.

The most notable case of the nativist model of redress is from Malaysia, where the population is 65 per cent indigenous Malay (*Bumiputra*), 26 per cent Chinese, nearly 8 per cent Indian and about 1 per cent Other (Lam & Yeoh, 2004: 145). The official language is Malay (*Bahasa Melayu*), but English is widely spoken. Under British rule, Malays enjoyed special political privileges and the British brought migrant labourers from China and India, whose descendants

subsequently became dominant within the economy. In 1957 citizenship was extended to the Chinese and Indians although the *Bumiputra* still continued to retain their political privileges. This political bargain fell apart in 1969 with riots fuelled largely by the levels of poverty and inequality in the society. For an account of how the colonial division of labour directly contributed to the circumstances that fuelled the riots, see Zawawi, who remarks that:

Independence in Malaysia was essentially a class compromise between Malay political power, Chinese comprador, and British Capital. This compromise took place in the context of an economy dominated by foreign and Chinese interests, but with a predominantly underdeveloped Malay peasant base and in the absence of a Malay bourgeoisie. Under the uneasy initial political coalition, the state, dominated by the Malay ruling faction, came under pressure. Its legitimacy with Malay voters rested on solving two essential problems – Malay (rural) poverty and the absence of a Malay capitalist class. (Zawawi 2004: 129)⁶

The riots prompted the adoption of new redress strategy, the ‘New Economic Policy’ (NEP), which was implemented in 1971 to promote *Bumiputra* rights, eliminate poverty and reduce economic and social inequalities among ethnic groups. Lam and Yeoh (2004: 146) report that a New Development Plan replaced the NEP in 1991, but it persisted in favouring the *Bumiputra* in terms of education, employment, political power and wealth (Lam & Yeoh 2004). The NEP was hugely successful in reducing unemployment rates overall. Nevertheless, it is worth noting that its beneficiaries were mainly the indigenous Malays. Indeed, for the Chinese and Indian Malays, unemployment actually increased. Lam and Yeoh also argue that the NEP dichotomised Malaysia into *Bumiputra* and *non-Bumiputra*, resulting in a massive emigration of, in particular, the Malay Chinese population, with 150 000 estimated to be living in Singapore and 40 000 others in the USA, Australia and New Zealand. Most of these emigrants are highly skilled professionals who were prompted to seek employment in a meritocratic environment (Lam & Yeoh 2004).

The competing civic model of redress also focuses on the affirmation of the disadvantaged category of citizens although it does so through a series of political and socio-economic concessions. These concessions are legitimised not on the basis of membership to a racial, ethnic, or cultural group, but rather on more objective criteria such as the full realisation of citizenship.

The most well-known African example of the implementation of this redress model is Tanzania. Miguel, in a comparative study of public policy in Tanzania and Kenya, identifies a number of key policy interventions undertaken by the Tanzanian government which defined its redress strategy. First, in the mid-1960s English was replaced by Swahili as its official language, unlike other countries such as Kenya, which adopted a multilingual approach with English being used as the language of secondary and tertiary education (Miguel 2004). The Tanzanian government argued that by encouraging citizens to speak in many tongues and jealously preserve their languages, the state was actually creating ethnic (and racial) division and enmity, rather than inculcating equal respect for all languages and cultures.

Second, public officials used schooling to focus on common elements in Tanzanian history and culture, thereby conscientising students as Tanzanians and as Africans. Political education is included in primary and secondary syllabi and is tested in national exams. Third, post-independence Tanzania set about reforming local government institutions and strengthening democratic ones. Furthermore, '[t]raditional rural authorities and customary tribal law inherited from the colonial period were completely dismantled in Tanzania upon independence, and this may have played a role in further diminishing the place of ethnicity in Tanzanian public life' (Miguel 2004: 337). Finally, state resources were distributed equitably in Tanzania in so far as investment in education, health and infrastructure in different regions was concerned. By focussing on need as an objective criterion, rather than favouring 'one's own', Tanzania has successfully managed to downplay the potentially explosive element of identity. Miguel concludes that, as a result,

...individuals increasingly identify with all citizens as fellow Tanzanians rather than just with their own tribe. They are thus willing to fund public goods that benefit 'other' groups. Second, to the extent that the reforms also increase interethnic social interactions...they also increase the likelihood of stronger 'social sanctions' across ethnic groups, thereby reducing free riding and improving local collective action. (Miguel 2004: 339)

These legislative and public interventions by the Tanzanian state, which have a redress character, have had the effect of promoting a civic nationality.

Citizens, whatever their ethnic, linguistic, or religious backgrounds, are prompted to engage with one another, thereby establishing strong social bonds. Inter-ethnic relations do not take an acrimonious form, and according to the Afrobarometer Survey, Tanzanians have the highest measurable levels of national identity, support for democracy, confidence in government institutions, and trust in fellow citizens (Miguel 2004: 338).

In citing this example we must, however, add a note of demurral. As Campbell notes, the period 1961–86 was the high point of Tanzanian national identity, with the 1990s seeing and ‘upsurge of conflict and cultural fragmentation’ (Campbell 1999).⁷ This example must not therefore be seen as being presented as an ideal one, but rather as a possible, albeit imperfect, case illustrating the potential for a civic rather than an ethnic approach to this vexed question.

The Malaysian and Tanzanian examples described above demonstrate two very distinct ways that redress can be approached, with very different consequences for the construction of national identity. The Malaysian case is an example of the divisiveness of ethnic nationality (through the deployment of racial identity), while Tanzania represents a contrasting case of civic nationality. Of course, both Malaysia and Tanzania are vastly different societies from South Africa, and as a result their cases must not be interpreted completely as instructive parallels for South Africa. Rather these cases should be treated as differing examples of redress on a continuum of possibilities. Which of these is implemented and which should be implemented in South Africa requires a specific analysis of the concrete circumstances prevailing in contemporary South Africa.

There are also, of course, other examples that could be used. A redress programme founded on a notion of ethnic nationality is the practice of affirmative action in the USA, implemented in the wake of the civil rights struggle. France, on the other hand, would be an example of a redress agenda founded on civic nationality. But in both these cases the redress programme was designed to affirm and/or integrate a minority. South Africa, like Tanzania, Kenya and Malaysia, has a majority as the target of its redress programme. Moreover, these countries were previously British colonies and are currently developing nations. These comparative examples therefore seem much more relevant to understanding the redress programme in South Africa.

THE IMPLEMENTATION AND CONSEQUENCES OF REDRESS IN SOUTH AFRICA

Which of these comparative experiences are playing themselves out in South Africa? Clearly redress has been under way in South Africa for more than a decade. Is this redress initiative an example of civic or ethnic nationality? What consequences is it having? In addressing these questions it may be useful to begin by noting the obvious point that South Africa's diversity is both wide and deep. Andrea Baumeister makes the useful distinction between *first* and *second level diversity*, which is applicable to the South African case. First level diversity acknowledges differences in culture, belief and background but nevertheless regards all citizens as having the same relationship to the state. This level of diversity does not seek to assimilate different groups, but rather allows for a degree of diversity in terms of language and culture.

South Africa, however, may be described as having *second level diversity*. While all citizens have equal rights under the Constitution, in South Africa we also afford special rights – rights that alter the relationship to the state – to certain groups of people. As Baumeister describes this relationship, '[s]uch deep diversity is associated with demands for distinct institutional and legal frameworks and typically entails claims for corporate cultural rights' (Baumeister 2003: 742). But in South Africa groups designated special rights are not simply defined in cultural or racial terms. Indeed, the redress legislation identifies three very distinct categories of disadvantage that warrant redress: race, gender and disability. This represents a recognition by the 'Founding Fathers' (and fathers they were) of the post-apartheid constitutional dispensation that while racial discrimination was apartheid's most obvious manifestation, implicit in its political and socio-economic architecture lay hidden two others forms of discrimination: gender and disability. The transcendence of all three categories of disadvantage was thus defined as a constitutional obligation and an immediate political priority.

As a result redress is an explicit political mandate identified in the South African Constitution. Section 9(2) of the Constitution explicitly states that 'To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or categories of persons, disadvantaged by unfair discrimination may be taken'. This redress mandate was constitutionally enshrined because of a recognition that particular social groups in South

African society were historically discriminated against. The constitutional priority is thus to create real equality and address in a proactive way the consequences of the injustices that were historically perpetrated. In the words of the preamble of the Constitution, its purpose is to 'heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights'.

But the Constitution also recognises special rights for cultural communities. This has been codified in subsequent legislation such as the Recognition of Customary Marriages Act (No. 120 of 1998), the Traditional Leadership and Governance Framework Act (No. 41 of 2003), Communal Land Rights Act (No. 11 of 2004), and Pan South African Language Board Act (No. 59 of 1995). All of these contribute to a separate legal framework designed to cater to the interests of special communities. Moreover, they are supplemented by the constitutionally mandated Chapter 9 Commissions, and in particular the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (CRL), which form part of the 'distinct institutional framework' to support the 'claims for corporate cultural rights'.

But redress for both categories of disadvantage cannot be interpreted in an unqualified manner. It must be undertaken within the framework of, and must respect other provisions enshrined in, the Constitution. The Bill of Rights, for instance, categorically enshrines the equality provision for all citizens, and insists that the right to fair discrimination must be undertaken within the framework of a respect for the overall equality clause. Moreover, the preamble of the Constitution also states that '...South Africa belongs to all who live in it', and calls for the realisation of 'a unity in our diversity'. This implicit call for the development of a single nationhood is perhaps the overriding goal of South Africa's Constitution. Redress, as a constitutional mechanism of social justice, must then be constructed in a manner, and undertaken in a form, that is compatible with the goal of realising the establishment of a single nation.

These twin mandates of the Constitution, namely to undertake redress and build a single nation, implies the Constitution's partiality to a civic nationality. It suggests that South Africa should, in the implementation of redress, follow the example of Tanzania rather than Malaysia. But which of these experiences is reflected in the implementation of redress since 1994? An answer to this question requires both a summary of the implementation of redress in South Africa and an assessment of its consequences.

The South African government's implementation of redress has involved three distinct elements. First, a significant amount of generic and specific legislation has been passed to address racial, gender and disability discrimination. The White Paper on the Transformation of the Public Service (DPSA 1995), the White Paper on Affirmative Action in the Public Service (DPSA 1998)⁸, the Employment Equity Act (EEA) (No. 55 of 1998), the Promotion of Equality and Prevention of Unfair Discrimination Act (No. 4 of 2000), are all examples of generic legislation designed to advance the agendas of black and other historically disadvantaged citizens. These have been coupled with two very different types of specific legislation. Some, like the Choice of Termination of Pregnancy Act (No. 92 of 1996), the 1997 White Paper on an Integrated National Disability Strategy, emanating from the Office of the Deputy President, the Promotion of Administrative Justice Act (No. 3 of 2000), and the Report on Disability Equity in the South African Public Service, are focused on affirming specific groups. Other legislation, like the BEE legislation, industrial transformation charters, education and welfare policy, is targeted at particular arenas of activity. Collectively, they represent an impressive legislative arsenal passed since 1994 to address the three distinct forms of discrimination targeted by the post-apartheid political dispensation.

Second, the legislation has been accompanied by the establishment of an institutional infrastructure to advance the redress agenda. Nowhere have more coherent mechanisms been developed to overcome the legacies of racial and gender discrimination than in the realm of the workplace and the labour market. These various labour market institutions have been created to facilitate collective bargaining, enforce minimum conditions of employment, promote employment equity and coordinate various vocational training initiatives. A similar institutional architecture has been developed in the economic arena. The most important of these is the Black Empowerment Commission (BEC) and other BEE institutions, which promote BEE-oriented government procurement practices and policies; licensing and trading quotas; fast-tracked black advancement within state owned enterprises; full or partial privatisation; trade union empowerment initiatives; the promotion of industrial transformation charters (which set long-term empowerment goals) and increased pressures upon companies to engage in Corporate Social Investment.

These elements of the institutional structure are complemented by another set, commonly known as Chapter 9 institutions. These institutions – the Commission for Gender Equality, Human Rights Commission, the CRL, and the Public Protector⁹ – are meant to serve as a bridge between civil society and the state, communicating the concerns of historically marginalised citizens, and defending their interests.

Third, considerable financial resources have been deployed to advance the redress agenda. This is directed through various institutions to a diverse set of historically disadvantaged groups. BEE institutions provide grants and loans from the public purse to black and other disadvantaged groups with a view to diversifying the ownership and managerial profiles of South African corporates. The national bursary scheme provides bursaries to students to enable an increase in the intake of historically disadvantaged groups to university and higher education institutions. Housing subsidies are directed to address the housing shortage of designated groups. And, the welfare budget has been increased so that grants can be extended and equalised across all racial groups. In sector after sector, resources have been deployed to enable the implementation of the redress and transformation legislation.¹⁰

This redress initiative has had significant effects. It has enabled citizens to get resources and privileges from the state and other institutional actors on the grounds that they belong to historically disadvantaged groups. Students from the designated groups are granted preferential access to the nation's universities and universities of technology. Similarly, employees from the same groups are preferenced in hiring practices and promotional regulations in the public and private sectors. And, most of all, black businesspeople have been given a boost in their engagements with the market through both state loans on preferential terms and legislated diversity targets for particular sectors of the economy. This has in effect amounted to transforming pigmentation, gender and disability status into valuable commodities. The status of 'historically disadvantaged' has become a bargaining chip, a resource that enables previously marginalised people to compete effectively in a market environment.

It is worth noting that although the legislation identifies and preferences three very different categories of disadvantage – race, gender, and disability – actual implementation has tended to prioritise the first of these. Moreover,

the benefits of redress have not been equally shared within the identified communities. Indeed, most independent studies seem to suggest that the primary beneficiaries of redress have been black and women South Africans in the higher echelons of the class hierarchy. This group is not as narrowly defined as is often portrayed in the media and by opposition parties. Nevertheless, the empirical analyses do demonstrate that marginalised or poverty-stricken black communities and poor women, although having received some social benefits in the form of increased social grants and access to basic services (PCAS 2003: 25–26), have not been prioritised by the redress programmes. Indeed, most studies indicate that these groups' share of national income may actually have declined in this period, suggesting that they are still labouring under the consequences of past discriminatory practices.

This was most dramatically demonstrated in the Department of Social Development's 2002 Report of the Committee of Inquiry into a Comprehensive System of Social Security for South Africa, which indicated that the size of the African component in the richest income decile rose from 9 per cent in 1991 to 22 per cent in 1996 (DoSD 2002: 17). But the racial profile of the poorest has remained African, leading the report to conclude that the present economic dispensation benefits only a tiny elite within the African population. It determined that unemployment stood at 36 per cent for the overall population and at 52 per cent for African females. Poverty, in the view of the report, was pervasive and stood at an astounding 45 to 55 per cent. About 10 per cent of African people were malnourished and at least 25 per cent of African children were stunted (DoSD 2002: 225–276).

The conclusion that redress was skewed in favour of the advantaged sectors of the disadvantaged communities was borne out by a number of other independent studies. The first volume of the *State of the Nation*, for instance, concluded that South Africa has made some advances in deracialisation at the apex of the class structure (Daniel, Habib & Southall 2003). Yet it is precisely here where racial identities are being reified most because it is through the assertion of racial identities that these stakeholders can advance their material interests. Similarly Neville Alexander (2002) argues that it is mainly the international and domestic bourgeoisie, both traditional and newly created, who have benefited from the present trajectory of the transition. And these studies are not alone in arriving at this conclusion. Indeed, not only have similar conclusions been arrived at by a number of other academic

studies (Bond 2000; Terreblanche 2002), but they have also been supported by the United Nations Development Report on South Africa in 2004, which concluded that the post-apartheid regime's economic policies greatly contributed to the increase in unemployment, and thereby the acceleration of inequality and poverty, in South Africa (UNDP 2003).

It is worth noting that the biggest advances in overcoming discrimination have been made in areas where the state either retains control or exerts significant influence (PCAS 2003). Thus it is not surprising that both racial and gender representation have been most successfully achieved in the public service and parastatals. Where the market has been the primary institutional mechanism to effect redress, as in the case of land redistribution, progress has been compromised. This is in part because it is not in the immediate interest of the private sector to address the concerns of poverty-stricken communities. After all, there is not much profit to be made from servicing the interests of these communities, the very ones that redress should be targeting.

But there have also been other unintended consequences from the implementation of the redress strategy. Some white, Indian and coloured citizens have perceived the redress project as unfair discrimination, and this in part accounts for the significant increase in emigration. While Statistics South Africa estimates that some 12 000 citizens have emigrated since 1994, an independent research agency puts the figure at 24 952.¹¹ Of course one could respond by describing this as mere hypocrisy. After all, many of the same critics were themselves the beneficiaries of apartheid's affirmative action programme. Moreover, it is worth noting that studies tracking employment trends have repeatedly found that white citizens take up the bulk of vacancies that open up in the South African economy (Moleke 2005).

This should not be surprising. After all, apartheid ensured that both skills and networks, the latter being the primary recruitment ground for the private sector, are disproportionately located within the white community. Nevertheless, the perception among whites and other citizens should be a concern not only because of the loss of valuable skills to the nation, but also for the state remaining consistent to the principle of cosmopolitan citizenship enshrined in the Constitution.

The racialised orientation of the redress project has also led to tensions within the black population, and in particular between citizens of African,

coloured and Indian ancestry. Redress is officially directed primarily at the black population, which is legislatively defined according to the original Black Consciousness definition of the term, inclusive of African, coloureds and Indians. Soon after 1994, however, tensions emerged around the equal status assumed by the legislation between these social groups. Some within the African community, for instance, felt that the inclusion of coloureds and Indians within the affirmed group enabled these citizens to unfairly monopolise the openings afforded by the redress project. Entrepreneurs within the coloured and Indian communities lashed back, claiming that these racial groups are once again the targets of discrimination. The debate, which played itself out in the pages of the national newspapers and other public fora, became acrimonious, polarising the political environment and shattering the fragile, tenuous unity of the first years of the Mandela presidency.¹²

The implementation of redress since 1994 has had both positive and negative, intended and unintended, consequences. It has contributed to ensuring a more demographically representative nation, although this has not been undertaken as effectively or even in the form as was envisaged by the legislation. The redress initiative may have also reified racial identities and as a result inhibited the emergence of conditions for the realisation of a cosmopolitan citizenship. In this sense, it effectively reflected the experiences of ethnic nationality typical of the Malaysian case, rather than the civic nationality exhibited in Nyerere's Tanzania. Moreover, these consequences have provoked a national debate on the redress strategy. They have also prompted official studies, the most prominent of which were the Ten Year Review (PCAS 2003) and the Macro-Social Report (PCAS 2006). But there have also been a number of independent academic studies, an analysis of which is necessary for an understanding of the debate on identity and citizenship in South Africa.

TOWARDS ESTABLISHING A RESEARCH AGENDA

South Africa's Constitution identifies two distinct mandates for the state: to undertake redress so as to empower the previously disadvantaged; while simultaneously establishing a single nation. This dual commitment to historical social justice and cosmopolitan citizenship makes the state partial to a notion of civic nationality, one which demands an undertaking of redress without reifying race and compromising the development of a national identity. Yet the descriptive overview of the actual implementation of redress

suggests that an ethnic nationality has been playing itself out with the potential for very negative results for the development of a coherent nationhood. This conclusion emanates not only from the review undertaken in the preceding section, but also from two of the more recent academic studies on the South African transition.

Michael MacDonald's *Why Race Matters in South Africa*, begins with identifying the two options confronted by the ANC at the dawn of the transition: either transform the socio-economic system or arrive at an accommodation with it. He argues that the power of the corporate sector conditioned the ANC to adopt the latter option, which then left it with the dilemma of how to legitimise the system. Its answer, he argues, was to deracialise the apex of corporate power by creating a black bourgeoisie and an upper middle class. This, however, would work only if the interests of black elites could pass off as that of the black population as a whole. The only way this could be done, MacDonald argues, was by advancing a culturalist conception of politics, which undermined the conception of nationhood on which the liberation struggle was fought especially in the 1970s and 1980s. In this intellectual tradition, he argues, both the ANC and Black Consciousness gravitated towards a politicist definition in which the nation was conceived as originating in the common experience of oppression. The practical consequence of the ANC's shift from this tradition 'is the reifying of racial identities, its repudiation of the principles of non-racialism, and its abandonment of the construction of a non-racial people' (MacDonald 2006: 174).

Similarly, Ivor Chipkin's *Do South Africans Exist?* is a critique of African nationalism as it has come to be articulated and practised in the Black Consciousness and Charterist traditions in South Africa. Reflecting on the practice of nationalist movements and on the writings of political theorists and philosophers, both in South Africa and elsewhere, Chipkin concludes with scepticism about the ability of nationalism to serve as an ideological host to democracy and freedom, in particular because of its propensity to exclude those who do not resemble the 'national' being. If South Africa's democratic transition is to remain true to its constitutional obligations of freedom and cosmopolitanism, then according to Chipkin, it must jettison its exclusivist rhetoric and nationalist credentials and re-imagine the *demos*. Using the works of Laclau and Mouffe and extending them further, he re-imagines the democratic ideal so that citizenship comes to be defined

not by territorial limits, as has traditionally been the case, nor by ethnic, racial or cultural markers, but rather by feelings of friendship and solidarity reproduced through interactions made mandatory by democratic practice (Chipkin 2007).

MacDonald's and Chipkins' books raise distinct research questions for any study on race, redress, and citizenship in contemporary South Africa. Both question the existing redress project and are implicitly critical of the ethnic nationality it is seen to reflect and reinforce. They, for instance, explicitly argue that the state's existing policies, including its redress agenda, undermine the tradition of non-racialism and nation building on which the South African Constitution is founded. Are these assessments valid? And the questions they inspire could be accompanied by another that has so often been raised in the public polemics on the subject, namely whether redress has come at the cost of efficiency, especially in the arena of service delivery. These, then, are the research questions to be investigated in the empirical case studies on the public service, economy, education, and sport.

This book is divided into three sections. The first section, which has a general thematic focus, comprises two chapters: this introductory chapter and Chapter 2, which investigates and tries to make sense of the competing claims of various surveys undertaken on race and redress in the last two decades. Section 2 focuses on the four case studies which comprised the project that this book is based on: the public service, the economy, education, and sport.

The three chapters comprising the public service case study have useful synergies and focus on different aspects of the redress project in this arena. Chapter 3 seeks to grapple with what this mandate has implied at the level of ideology for the ANC as the ruling party, and some of the inherent tensions that have arisen as a result in this debate. Chapter 4, on the other hand, empirically grounds the case study by developing a comprehensive analysis of the available statistical evidence on the transformation of the civil service. Finally, Chapter 5 offers a specific case example in the form of the Department of Public Service and Administration, and investigates how these problematic issues have been confronted within this key ministry.

The next three chapters have different aspects of the economy as their empirical focus. Chapter 6 focuses on the labour market and the impact of the employment equity legislation, both in terms of the demographic

representation of the workforce and in terms of attitudes among and between races within this setting. The focus of Chapter 7 is the South African mining industry and the tensions posed by the redress agenda in this environment, especially given that the particular structure has been determined by apartheid labour practices. In particular the problem of external contract arrangements and the implications this has for working conditions is investigated, as is the discussion of black ownership of mining assets and the challenges that this transfer confronts in a market economy. Finally, the case of small, medium and micro enterprises (SMMEs), and the particular problems and issues confronting this sector of the economy, is analysed in Chapter 8.

The focus then moves to education. The education chapters present an analysis of the complementary environments of secondary and higher education in post-apartheid South Africa. By analysing a series of case studies in Gauteng, Chapter 9 offers an in-depth analytical and empirically grounded account of how the demand for redress has been handled in different types of school environment. Chapter 10 describes the impact on the current higher education sector of the various redress mechanisms that have come into play in the past decade, including mergers and employment equity targets, and what this has meant for institutions with very different historical backgrounds and legacies.

Finally, the sports chapters investigate the impact of existing law and globalisation on the implementation of redress in this sector in South Africa. Chapter 12 critically analyses how existing law and policy defines the character of redress and thereby determines its primary beneficiaries and victims. Chapter 12 investigates the tension between effecting redress in the national soccer league and the globalisation and commercialisation of the sport and comments on the impact of these developments for the construction of a cosmopolitan citizenship in South Africa, Africa and Europe.

The final section serves as the concluding chapter to this book and brings together the threads of the arguments and recommendations in the preceding chapters. Chapter 13 addresses its attention to two distinct stakeholders: policy makers and decision makers in South Africa, and the national and global academies. For the former it defines the costs and benefits of the existing redress strategy and makes recommendations on how it could be reconceptualised and made more constitutionally compliant. For the latter, it reflects on the impact of the existing and reconceptualised redress strategy for the debates on identity

and cosmopolitan citizenship. Ultimately, it is worthwhile to note that South Africa has always been and continues to be influenced by global developments. This country's political project to address historical injustice and build a new cosmopolitan nation, whether successful or not, will hold important lessons for similar experiments elsewhere in the world.

Notes

- 1 An ethnic entrepreneur is a political leader who advances her/his agenda by manipulating ethnic grievances, accounts for societal grievances by resorting to ethnic explanations, and mobilises people on an explicit ethnic agenda.
- 2 One notable example of this was an article, published in the *Mail & Guardian*, 24–31 March 2005, by Malegapuru Makgoba (the vice chancellor of the University of KwaZulu–Natal), which compared the behaviour of (some) white South African men to male baboons. Makgoba argued that white men, now 'dethroned' from their former positions of power, become 'spoilers' and needed to be disciplined and Africanised to help them to adapt to the new South Africa. The publication of the paper was followed by a media furore with both thoughtful, scholarly responses as well as more knee-jerk ones. For an account of the debates about freedom of speech that this article raises, see Bentley 2006.
- 3 Note however that Mangcu appears to have altered his position in his most recent writings, and is now embracing a more moderate non-racial position in his most recent book, *To the Brink: The State of Democracy in South Africa*.
- 4 A notion of ethnic nationality is what was mobilised with such tragic results in Rwanda the former Yugoslavia.
- 5 Barry makes this comment with reference to Irish and Italian Americans (Barry 2001: 82).
- 6 It scarcely needs pointing out that there is a marked congruence between this dilemma and that of the ANC government in South Africa, hence the temptation to deploy a politics that relies on ethnicity and race to legitimise certain policies.
- 7 The shortcomings of the Tanzanian model of social integration in the last two decades is further detailed by Wangwe 2005.
- 8 The White Papers are available via <http://www.gov.za>.
- 9 The review conducted by a panel chaired by Professor Kader Asmal has recently recommended that some of these institutions be consolidated under the aegis of a single body to avoid problems of duplication and capacity that they experience. See http://www.sabinet.co.za/sabinetlaw/news_par490.html.

- 10 For a detailed account, see Swilling M et al 2007.
- 11 *Business Day*, 8 August 2003.
- 12 Mbongeni Ngema's song, *AmaNdiya*, which deals with racial tensions between black and Indian people in KwaZulu–Natal stirred up a great deal of this type of mobilisation of racial identity. So emotive and heated was the subsequent debate that the song evoked that the Broadcasting Complaints Commission of South Africa was asked to decide whether the song amounted to hate speech. They recognised the protection extended to artistic expression by section 16(1) of the Constitution, but held that artistic expression can also 'advocate hatred' and that the emotional and psychological harm that the song invoked amounted to hate speech. See Van Wyk 2002.

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2 COUNTING ON 'RACE': WHAT THE SURVEYS SAY (AND DO NOT SAY) ABOUT 'RACE' AND REDRESS

Steven Friedman and Zimitri Erasmus

Like many key South African debates, the debate over 'race'¹ and redress often proceeds amid great passion, but with little data to back the claims of the protagonists. The debate is, of course, often normative. People who suffered disadvantage are said to be morally entitled to redress. As we might expect in a society in which there is no moral consensus, these arguments are often made and equally often met with a competing normative view which stresses the morality of 'merit' over 'reverse racism'. This is not, of course, a clash which can be settled by research. But redress is also often defended or opposed on strategic grounds, as something society has to do or avoid doing to achieve broader goals such as stability, economic growth or social co-operation. Here social research and analysis have an obvious role to play in seeking to settle empirical claims.

On one side, of course, the claim is repeatedly made that redress is essential because black opinion urgently demands it,² and social stability will be threatened without it. In response, we are told that much of the pressure for redress reflects elite concerns which are not shared by grassroots opinion: 'ordinary South Africans just do not subscribe to the assumptions underlying the group classification written into the Employment Equity Act' (Du Toit 2004: 34).

We are told that white people are being irrevocably alienated by demands for redress (Visser 2004) and will deprive the society of their skills and resources if its burdens become 'excessive'. While this claim is less likely to be contested (since advocates of redress tend to agree that white opposition to it is strong), the battle is joined on another plane. On one side we are told that white people are overwhelmingly opposed to redress because it erodes their privileges

and sense of superiority; on the other, we are assured that most are eager to embrace non-racialism but are repeatedly thwarted by black leadership's refusal to accept their bona fides.³ Claims are also made about those classified coloured⁴ and Indian under apartheid: the conventional wisdom seems to be that these groups are threatened by affirmative action measures designed to assist the black African majority while supporting them when they advantage all black people (not black Africans alone).⁵

These claims are often based on 'common sense' or anecdote rather than on empirical evidence. Inevitably, what people claim accords neatly with their world view and empirical claims are often disguised normative statements. They also often fail to disaggregate within racialised communities. Given the nature of human beings, it seems rather unlikely that all members of a specific community will share the same beliefs and aspirations, even in a racially divided society. Claims that redress is not supported by the black poor may distinguish between socio-economic groups but do not allow for the possibility of different interests and aspirations among the poor. And perhaps more importantly from a policy perspective, they do not allow for the possibility that particular sections of black (and white) society might feel a strong need for some form(s) of redress and not others.

Similarly, these claims often lack conceptual clarity because they do not clearly distinguish between measures explicitly designed to address racial inequality and those specifically aimed at eradicating poverty. People who enthusiastically support government action to end the white monopoly on business, for example, may energetically oppose a basic income grant designed to address poverty (even if it could be shown that the net beneficiaries would be black people). Support for racial equality and demands for greater social equality are not the same even if, on some issues, they coincide. If coherent analysis and policy on redress is to emerge, it is necessary to inject greater conceptual clarity into the debate by distinguishing between racial redress and other sorts of interventions.

THE SURVEYS AND THEIR DISCONTENTS

At first glance, this need for empirical evidence on 'race' and redress seems easily satisfied, for a plethora of attitude surveys on 'race' have been undertaken in the post-apartheid era. This should be no surprise. Ending racial divisions

and inequalities is a key objective of the post-apartheid project and research into whether this is happening is to be expected. But reading the surveys entails rather more than simply consulting results and reporting them. For a variety of reasons, surveys are not unambiguously authoritative. First, they do not necessarily agree. Thus Markinor polls find that black people are more satisfied with the country's direction than white people.⁶ But surveys by major metropolitan governments reported in SA Cities Network's 2004 State of the Cities Report find that white people are more 'satisfied with their lives' than blacks (SACN 2004).

Second, the questions that concern survey designers are not necessarily helpful to an understanding of the relationship between 'race' and redress. Many, for example, simply ask broadly whether respondents believe 'race relations' are improving. A May 2004 Markinor/SABC poll found that 65 per cent of black African respondents, 60 per cent of coloured people and 56 per cent of Indians thought 'race relations' were improving (although only 37 per cent of whites did). It also found that optimism had increased in all groups since July 1998 when the question was first asked (Markinor Press Office 2004). But what does that say about redress? Certainly, the findings do seem to contradict claims of seething black anger but, beyond that, they tell us little. Are black people more comfortable about 'race relations' because they believe they are receiving redress or because they feel they do not need it? Are white people becoming more optimistic (off a low base) because they are adjusting to redress or evading it? The question does not tell us.

Some surveys may also ignore differentiation within racialised communities and explore only 'black' or 'white' opinion on an issue rather than subcategories within those groups. Thus the initial Reconciliation Barometer surveys of the Institute for Justice and Reconciliation (IJR) focus on apartheid-defined population groups. This does not tell us whether people in particular income categories respond similarly to certain questions. Later, IJR does present findings by 'race' and income category. But, for the questions asked in this chapter, the data do not indicate whether respondents attribute their perceived economic well-being specifically to 'race' or class factors. Thus respondents are asked about their perceived chances of finding a job, not what they believe to be the factors influencing their chances of finding a job, a question which would test attitudes to racial redress. Third, surveying is rarely if ever a 'neutral' exercise, designed only to uncover data. In a social equivalent

of Heisenberg's uncertainty principle, which holds that new reality is created by our observation, surveys not only purport to describe understandings of 'race' and redress, they also create them. Surveys are often less an 'innocent' attempt to discover the truth than a tool for supporting particular political positions. What the survey research is said to have found and what it actually unearthed may differ, depending on the surveyor's position in the debate. Constant vigilance is thus needed to test the claims which surveyors make about their own data.

An extreme example of ways in which surveys can be used to generate desired conclusions is a study by Pierre du Toit for the FW de Klerk Foundation published in 2004. Du Toit commissioned the market research company Markinor to ask, among other questions, for responses to the statement 'Workers, both black and white, have common interests that are not served by the law separating them into "designated" and "undesigned" categories'. Slightly more than one-third (36.7 per cent) of the respondents did not register an opinion. Almost half (49.3 per cent) agreed, or agreed strongly. Only 10.5 per cent disagreed or disagreed strongly. Du Toit read this as a rejection of the assumptions underlying the Employment Equity Act (EEA) (No. 55 of 1998):

With this the *rationale* for specific *black* empowerment also falls away. If the public do not recognize a black working class, distinct from a white working class, but rather, by extension, endorse the idea of a single South African working class, then why would they subscribe to the empowerment of only one racially defined section of that unit? Empowering the powerless, irrespective of race, would find more support among the general public. (Du Toit 2004: 35)

It is remarkable that almost two-thirds of respondents felt able to answer the question. Since many specialists are unaware of the distinction between 'designated' and 'undesigned', it is unlikely that many lay respondents knew exactly what they were being asked. Nor is it clear that respondents who say that black and white workers have common interests are denying the salience of 'race'. A respondent who believed that black people should receive job preference over white people but that black and white workers should co-operate in support of wage demands might have agreed with the statement. And it is worth noting that a majority of respondents did not agree

with Du Toit's proposition – just under 50 per cent did. To deduce from this a widespread popular rejection of the EAA is a numerical as well as a conceptual stretch.

The likelihood that Du Toit's respondents did not believe they were rejecting racial redress is heightened by his own evidence. His study finds that 38 per cent of respondents feel so strongly about affirmative action that they believe that anyone challenging its application in court is 'misusing the Constitution' (Du Toit 2004: 17). If two out of five South Africans feel that a policy is so necessary that to challenge its implementation in court is unacceptable, it is safe to conclude that support for it is substantial (since, of course, some other respondents will feel that the policy is appropriate but that people should have a right to challenge it). Metamorphosing this level of support into widespread rejection is unsupportable by Du Toit's own evidence.

Fourth, it is something of a conceptual leap to conclude from the answers to this question that the public 'do not recognize a black working class, distinct from a white working class' simply because they feel that black and white workers have common interests. Asserting that black and white people have some interests in common is hardly to deny that there are differences between them. And the jump from responses to an ambiguous question on a particular law to a blanket public rejection of the rationale for racial redress is awesome in its defiance of logical gravity. As an object lesson in how 'scientific surveying' can be used to bolster a scholar's preferences, this example is difficult to beat. As a guide to popular attitudes it is, for this reason, worthless.

Similarly, a 2001 SA Institute of Race Relations Survey (SAIRR) conducted by Schlemmer (2001) seems determined to reach a set of conclusions regardless of its own evidence. While it reports that 60 per cent of South Africans say that racism remains a problem, it dismisses this finding by insisting that respondents' answers are 'based on hearsay and media reporting'. Despite this finding, Schlemmer insists that 'race' has little real effect on everyday life but is, instead, promoted as a concept by 'political ideologues'. While he finds evidence of continuing racism, he insists that 'raw' or 'serious' racism is an exception to the rule. Furthermore, he describes analyses of racism as systemic as 'abstract ideology' (Schlemmer 2001). This approach divorces 'race' from inequality and politics – a polemical point which he does not substantiate. In this regard, he explicitly states a need 'to protect our fragile reconciliation from the inroads of politics' (Schlemmer 2001) and cautions against political

leaders' and analysts' 're-politicisation of race' – adding that black African elites' responses to racial discrimination are over-sensitive (Schlemmer 2001). Redress is thus framed as 'racial re-mobilisation'.

Schlemmer also appears to equate affirmative action with apartheid: 'The consensus among whites that these policies are racist is as complete as the consensus among Africans opposing apartheid in the past' (Schlemmer 2001: 12). The relation between the survey's polemic and its findings are often tenuous. Thus, for example, Schlemmer declares that: 'Racial bias in the media is clearly not a popular concern among ordinary Africans but rather a concern among opinion-leaders, the intelligentsia, and some African politicians'. And yet he reports that 58 per cent of 'unionised blue-collar workers' and 36 per cent of the entire black African population share these concerns (Schlemmer 2001: 3). He claims that there are 'very substantial minorities of Africans... who feel uncomfortable about, and even appalled by, the implications of "transformatory" policy and politics' but then presents a graph in which two-thirds of black African respondents say that affirmative action and black empowerment 'do not go far enough' – a finding which would seem to indicate very strong support for the policies. No question asking black Africans whether they feel that affirmative action is currently appropriate is reported – the claim that many reject these policies seems to be a product of intuition based on other findings (Schlemmer 2001: 6).

Survey question design can also shape the data gathered and confirm a particular interpretation. Thus Schlemmer's survey asks respondents to react to statements such as 'South Africa today is a country for Africans and whites must learn to take second place' or 'Affirmative action and equity policy is a new form of racial discrimination like job reservation in the past'. It could be argued that these questions oversimplify the issues by presenting only extreme views, making nuanced or moderated answers impossible. His survey also ignores the significant political difference between identifying as 'Afrikaans' as opposed to 'Afrikaner', which is likely to shape perceptions about 'race' and redress.

The fact that a surveyor clearly takes a position in the debate is, of course, not in itself evidence that the survey cannot assist our understanding, although it would assist accuracy if surveyors were more forthright about their framework. The IJR, for example, explicitly frames redress in the language of reconciliation which is seen as part of a process of which reconstruction

and transformation are integral parts. Reconciliation is seen as enabled by economic justice, acknowledgement of the past and its impact on the present, legitimacy of political institutions, respect for the rule of law, improved relations of trust across 'race', dialogue and a human rights culture. The IJR emphasises political reconciliation which, it says, needs neither forgiveness nor loving thy neighbour (IJR 2003a), though it does require a reasonable level of 'public trust' and of mutual recognition of the past (IJR 2004). This explicit statement of approach does make it easier to evaluate the survey and its contribution to our understanding. If questions are asked in a manner which makes it possible to poll opinion accurately, surveys which are clearly compiled with a political goal in mind can provide useful information, whether or not we share the goal. But seeing surveys as neutral exercises in data collection will not provide accurate understandings.

Finally, we have no way of knowing how accurate the findings are since we have no sure test of how respondents understood the questions and how this influenced their answers. But one form of surveying which offers us ample opportunity speedily to check accuracy is election forecasting – since we can check the surveyor's claims against actual results. If, therefore, the surveys are reasonably accurate in their assessment of election results, it is far more likely that they have accurately measured public attitudes.

At first glance, this test is reasonably reassuring. Two surveyors responsible for much measurement of attitudes, the Human Sciences Research Council (HSRC) and Markinor, came reasonably close to the 2004 national election result. While both organisations substantially over-estimated the support of the New National Party and Markinor under-estimated that of the Inkatha Freedom Party, they were both close enough to give some cause for confidence.⁷ Closer inspection, however, suggests that polling may be less accurate than this suggests. Thus the last attempt at predicting election results by Markinor, which not only conducts its own surveys but is also contracted by other surveyors of racial attitudes to gather their data and is thus the largest source of information on attitudes, was less than confidence-inspiring. Prior to the 2006 local election, Markinor found that the ANC vote had declined to 46 per cent of the total (in reality, it increased from 59.4 to 66.3 per cent). This may be the result of a simple arithmetical error since the 46 per cent estimate is presented in a table in which only 71 per cent of voters are expressing a preference – the ANC enjoyed the support of just under 65 per cent of those

who expressed a preference. But Markinor does say that 'a large number of voters' say they are no longer voting ANC. So either its data was inaccurate or it did not accurately interpret its own information. While it did acknowledge that some of its respondents who said they were deserting the ANC may have been 'looking for an outlook to complain', a divergence this great between the predicted outcome and the actual result raises obvious questions about the credibility of data.

There is, ultimately, no way in which the accuracy of attitude data can be definitely verified or refuted. While there clearly is substantial room, on the strength of election surveys, for not taking the accuracy of polls for granted, there is enough of a fit between election polling and actual results for us not to dismiss those surveyors who also measure party preferences. Even if election results exactly mirrored those predicted by the surveys, it would remain possible that current survey techniques are far better at determining voting preference than the complexities of 'race' and redress.

In principle, it may be possible to test attitude surveys by comparing them against observed behaviour but the obvious caveat is that upbeat surveys which seem confirmed by a lack of social conflict could lull society into a false sense of security which might be shattered by the swift emergence of unpredicted tensions. All that can be said on this question is that surveys cannot be taken at face value and, where possible, need to be compared to other available data.

In sum, surveys may offer a useful guide to the link between 'race' and redress. But it is important to subject them to critical scrutiny while remaining open to the possibility that they may shed important light on attitudes and behaviour. This chapter is thus open to the possibility that surveys offer us valuable insights but is also concerned to remain aware of their limitations.

REFINING THE QUESTIONS

Before examining the surveys, it is necessary to offer some clarity on the questions we seek to test; discussion of redress often tends to ignore important distinctions and, therefore, to cloud understandings of what is at stake. The notion of racial redress is, of course, a response to South Africa's legacy of racial domination. Because most South Africans were denied opportunities by a systematic and legalised system of white minority rule, justice, it is argued,

requires not merely that the discrimination ends, but that those who were responsible for it compensate its victims in an attempt to undo at least some of the damage. Clearly, this means that redress may be required for specifically racial forms of discrimination. A demand for a more egalitarian society, or a concern to fight poverty, is not, therefore, a demand for racial redress unless the proposed remedy has a clearly racial dimension.

Two aspects are important here. First, a demand is not a call for racial redress unless those making it insist that the perceived injustice to be addressed is specifically the consequence of racial subjugation. Second, the redress demanded must be targeted at a group or groups who are the perceived victims of *racial* discrimination. This distinction needs to be made because of the relationship between racial identity and poverty in South Africa, where very high poverty levels are significantly racialised. Thus, according to one study, between 1995 and 2000, absolute and relative poverty among African-headed households increased, while for their non-African equivalents it remained constant or declined: the 1996–2001 Census data analysis suggests that absolute and relative poverty for all black groups – black African, coloured and Indian, have increased (Borat & Kanbur 2005: 4). But, at the same time, inequality within ‘race’ groups is significant and widening: within-group inequality, it is estimated, has increased by 20 per cent over the past three decades (Bhorat & Kanbur 2005: 5–6). So, while inter-racial inequality has grown, so too has intra-racial inequality.

An analysis of the complex implications for South African society is beyond the scope of this chapter. But a society in which the gap between black and white people is growing, while that within racial groups is also widening, is one in which a simple correlation between ‘race’ and equity is not tenable, as it might have been in the heyday of apartheid. One obvious implication is that demands for racial redress do not automatically challenge poverty: forms of redress which legitimately redistribute business ownership or professional opportunities on the basis of ‘race’ will not reduce poverty. Indeed, while these forms of redress might address access to opportunities for black people with higher incomes, they are bound to increase class inequality since they will enhance the assets of higher income groups within racial categories while leaving those at the bottom untouched. Another is that generalised measures to tackle poverty will not benefit all members of any racial group and will, in principle, be available across ‘race’. Social reality and conceptual clarity require

that we draw a clear distinction between generalised demands for greater social equity and an insistence on racial redress.

This enables us to specify clearly what we are investigating when we examine whether there is a demand for racial redress among the victims of legalised discrimination and the degree to which those racially privileged by history are open to this demand. These two main questions are central:

- How strong is black people's demand for racial redress?
That is, to what extent do black South Africans continue to see themselves as victims of injustice which is directly caused by racial discrimination and to what degree do they demand redress which will be designed to address specifically racial deprivation?
- How do white people respond to these demands?
More specifically, to what extent are whites in particular – rather than the affluent in general – responsive to redress? Do they acknowledge that a specifically racial injustice has been done and that it needs to be rectified?

This does not mean that we have lost sight of the potential importance of differences within groups – we have, in our examination of the surveys, remained alert to intra-group differences. But it is not our intention here to examine generalised attitudes to social justice – only those which are alleged to have a racial cause and to require a racial solution.

BLACK PEOPLE'S ATTITUDES TO REDRESS

Discussion of black people's attitudes to equity is complicated by an absence of consensus on how to define 'blackness'. For some, disaggregating black people into the three sub-groups of apartheid-era classification – African, coloured and Indian – is an unwarranted concession to racist terminology; blackness, it is argued, is shared by all those discriminated against by apartheid and distinctions between them are invidious. For others, acknowledgement of different black experiences does not necessarily imply political divisiveness. Instead, it is argued that recognising selected historical privilege among some black people can enhance solidarity across barriers created during apartheid. Schlemmer's SAIRR Survey, for example, conceptualises historically classified coloured and Indian communities as separate minorities rather than part of a black majority. This seems to suggest equivalence between their social

positioning and that of the white minority and is open to the objection that it ignores these groups' experiences of apartheid.

But a failure to distinguish between different black experiences is disputed by some opinion-formers who were historically classified coloured or Indian and insist that they are treated differently to black Africans by policies which seek redress. They also imply or assert that their view is shared by most members of their group.⁸ It cannot, therefore, be assumed that members of these groups will share the perceptions of black Africans. Similarly, it is sometimes argued normatively that black Africans are entitled to preference over coloured and Indian people since they were subject to greater discrimination. Coloureds and Indians were not, for example, subject to influx control. Thus, in a much-discussed 2006 arbitration hearing, the arbitrator 'ruled [that] blacks [read black Africans] had suffered greater disadvantages in the past than coloureds and therefore had to be given precedence in affirmative action'.⁹ This, together with the claimed perception that black Africans receive preference, makes it possible that support for redress is greatest among black Africans and that coloured and Indian perceptions are either ambivalent or hostile. Thus the IJR notes that it uses apartheid-era racial categories because 'substantial differences between the conditions and orientations of the four main racial groups often persist and need to be rigorously analysed' (IJR 2003b: 4).

All of these claims are, of course, in need of empirical verification. But they cannot be tested unless we examine separately the perceptions of black people previously classified coloured, Indian and African. Because claims that racial divisions among black South Africans play important roles in the racial redress debate, it is important to examine them and this can only be done by disaggregating the black population, the approach which we adopt here.

BLACK AFRICANS: A PREFERENCE IN PRINCIPLE?

A clear implication of the surveys is that, when black African respondents are asked directly about racial redress, they unambiguously support it. But when the question is not asked directly, they do not mention it – and often express attitudes which suggest a low demand for redress. Asked in the HSRC's 2003 South African Social Attitudes Survey (SASAS) if the government should redistribute land to black South Africans, 81 per cent of black Africans agree; 80 per cent support preferential hiring of black South Africans in employment

and 72 per cent back preferential contracts and tax breaks for black business (Roberts 2006: 120).

Schlemmer's study, despite his desire to rebut claims of deep black African frustration, clearly indicates black African support for redress. Thus 52 per cent of black Africans endorse the statement that 'South Africa today is a country for Africans, and whites must learn to take second place'. An even bigger majority of 60 per cent agree that 'whites have to be forced to make sacrifices for African progress and advancement'. About three-quarters agree with the statement that 'Policies of affirmative action and empowerment do not go far enough'. And almost 80 per cent agree that 'too many whites feel that they can continue living as they did in the past'. Almost two-thirds concur that 'As long as there are differences in incomes and standards of living between groups, South Africa's political liberation will be a failure' (Schlemmer 2001: 6, Graph 3). A 1999 HSRC Survey also finds that, when black African respondents are asked to judge affirmative action measures, they endorse them. In response to the statement 'People from previously disadvantaged groups should be given preference by employers when they hire and promote workers', all four black African linguistic groups surveyed – isiZulu, Sesotho, isiXhosa and 'Other' – agreed by large margins (the lowest was 52 per cent for, 18 per cent against and 30 per cent undecided) (Rule 2000: 37).

This survey also finds a racial divide on attitudes to the role of government and the market, which may be an indirect indication of attitudes to redress. Respondents were asked whether 'The government should take a more active role in the economy' or 'The government should allow the private sector and market forces to operate more freely'. Among the four black African linguistic groups surveyed, all chose government intervention over market freedom by large margins – the smallest was 17 percentage points (Rule 2000: 31). While this could be seen as simply an expression of economic interest, there is circumstantial evidence that more than a class dimension is at work. Thus, when the answers are broken up by social and economic status, there are large majorities for government intervention in the lower middle class Living Standard Measure (LSM) 6,¹⁰ which is also overwhelmingly black (estimated at 69.1 per cent black African and only 9 per cent white in 2002) (All Media and Products Survey cited in Wortley & Tshwaedi 2000). While LSM 6 is not an affluent level, those within it have improved their circumstances

significantly and might be expected to show declining enthusiasm for government intervention.

The proportion of support is remarkably stable from LSMs 3–6, which are comprised of mainly black people; in these largely black groups, enthusiasm for government intervention does not decline with rising living standards. And, although support for intervention becomes a minority position at LSM 7 and 8, the minority at 7 (37 per cent) is large given the more affluent nature of this group and may be explained by the presence of a substantial black minority. A further clue is the response to a question asking whether the government should restrict business dealings with foreign markets – in all three main black African language groups surveyed, support for intervention drops significantly by 12 to 23 percentage points.¹¹ Since restrictions on foreign business dealings have no clear racial implications, the drop in support may give us a sense of the difference between those who support intervention in general and those who see it as a means of securing racial redress. If so, those who are interested in intervention only as a means of securing redress are a significant minority.

The IJR's Exploratory Survey, while it asserts that socio-economic justice and material redress do not feature prominently as perceived meanings of reconciliation among respondents generally, tells us that only 3 out of 10 coloured and black African people felt they had received enough financial compensation to enable them 'to move on' (IJR 2003b: 14). This seems to indicate concern about insufficient material redress, though it is unclear how many of those who articulate it are black African and how many are coloured, and what is meant by financial compensation.

Schlemmer also finds that 54 per cent of black Africans believe that they 'suffer most as a consequence of racism these days' (Schlemmer 2001: 2, Table 1) and that the black African elite (those with tertiary education, in LSM 7 and 8, professionals and higher income suburban residents) 'feel that race is holding them back' and 'deny that [intra-]black inequality is as wide as white-black inequality'. Unionised formal sector workers 'believe racial inequality overshadows inequality among Africans'. 'Production workers in the formal sector are...more inclined than average to see racism as serious, to resent white lifestyles, and to be pessimistic about educational opportunity reducing race inequality.' But perceptions that formal sector workers are the most militant group are contradicted by the finding that they are more inclined to

see 'race' relations as having improved and less inclined to see their liberation as a failure because of inequality. Also, informal sector workers showed 'the greatest frustration in respect of race' (Schlemmer 2001: 11). While there is tentative evidence that satisfaction with 'race' relations tends to grow with income level, this is at most suggestive and subject to complications.

COMPLICATIONS AND QUALIFICATIONS

This provides evidence of black people's support for redress and concern about continued racism, but it does not necessarily show how impatient those who support it are. While evidence of support for redress is strong, that for impatience is weak. Thus, in Schlemmer's survey, over 80 per cent of black Africans agree with the statement that 'The different races need each other for progress and there should be full opportunity for everyone of all colours' (as, unsurprisingly, do massive majorities in all other groups). Just on 80 per cent agree that 'South Africans can achieve unity and co-operation even though they differ in incomes, standards of living and culture' (as, predictably, do the other groups) (Schlemmer 2001: 8, Graph 7).

Schlemmer also finds majority black African support for these statements: 'The way things are, the different races in South Africa will never be fully equal' (65 per cent); 'Affirmative action and employment equity is a new form of racial discrimination like job reservation in the past' (60 per cent); and 'all this talk of racism is by politicians who are trying to find excuses for their own failures' (60 per cent) (Schlemmer 2001: 7, Graph 5). His data also shows that only about 15 per cent of black Africans see inequality widening as a result of racism and less than 5 per cent 'report dissatisfaction with progress on racial grounds'. Support for these propositions is, in fact, higher among coloureds and Indians, although only relatively so (Schlemmer 2001: 13, Graph 8).

Du Toit's De Klerk Foundation Study (whose empirical findings are useful whatever the use to which they are put by its author) finds 47.6 per cent support among black African respondents for the statement that 'Young people entering the job market for the first time should be exempted from affirmative action policies' (Du Toit 2004: 22). Perhaps more strikingly, 59.7 per cent endorse the statement that 'In order to ensure that the youth get the best education possible, school teachers should be appointed on merit only' (Du Toit 2004: 27).

Schlemmer's study also suggests that, while black African respondents are concerned about continued racism, social and economic redress is not a high priority. The study asked respondents to choose between a variety of situations in which 'serious racism is found'. The two choices with socio-economic implications, housing policy and employment and empowerment, ranked second and third last ahead only of 'the way in which newspapers report and cover issues' (which, given that most people rely on some form of electronic rather than print media for news, might be expected to be a low priority). Highest sources of concern were farmers' treatment of farm workers, employers' treatment of employees and racism in former white schools (Schlemmer 2001: 3, Graph 1).

These findings are, in fairness, ambiguous. The apparent contradiction between the low priority given to 'employment equity and employment policy' and the high level of concern for treatment by employers may mean that black African respondents interpreted the first question to refer to the effect of employment equity on minorities – which would not concern them – and a reference to treatment by employers to be about behaviour in the labour market. The response could then indicate a high degree of concern for racial redress in the workplace. But around 40 per cent of black African respondents did see employment equity as a potential source of discrimination, a very high figure if they thought they were being asked to comment on its impact on minorities. This figure can be interpreted to mean that being seen as an 'affirmative action employee' results in the stigmatisation and isolation of black African employees. But, on the evidence provided by the surveys, it is not clear whether black African responses were concerned with overt racism in the workplace or demands for structural redress.

The importance of the workplace and business in experiences of racism seems to be supported further by another Schlemmer question: 'In what two ways do you notice or experience racism?' Among black Africans, fully 75 per cent cited examples of racism in 'social interaction': treatment in employment (22 per cent), commercial businesses (13 per cent), and on farms and at school or university (11 per cent). Only 28 per cent cited 'institutional racism', of which 'job opportunity' (15 per cent) was the largest – only 5 per cent cited 'white wealth', only 3 per cent 'black poverty' and only 4 per cent 'policies (which) favour whites' (Schlemmer 2001: 9, Table 3).

It is worth noting here the finding of a 2001 HSRC Survey in which respondents were asked whether they had personally experienced racial discrimination over the past six months and, if so, where. Among black Africans, work was cited first and 'shopping centre' second (Grossberg 2002: 68). While only 27.5 per cent of respondents reported experiencing racism, the concentration in workplaces and commercial premises is significant. The same study found that most respondents thought the church and sport had done most to break down racial discrimination followed by the Truth and Reconciliation Commission and the Constitution; affirmative action and employment equity were second last and last respectively. Unfortunately, these findings are not broken down by 'race' (Grossberg 2002: 70–71).

When the same question was asked in the 2003 SASAS Survey, only 27 per cent of black African respondents reported experiencing racial discrimination, compared to 40 per cent of Indians and 33 per cent of whites. By far the most widely experienced form of discrimination among black Africans occurs at work (36 per cent of all reported incidents), when applying for a job (14 per cent) or in shops (13 per cent), confirming again that black South Africans are most concerned about workplace discrimination.¹² But this does not indicate that a burning sense of continued racial wrong is felt by black people, which could prompt demands for unreasonably speedy redress. Thus, in the same survey, 80 per cent of black Africans agreed that 'most white people are racist' (Roefs 2006: 90). But 59 per cent said 'race' relations had improved. Although the finding that responses became more negative the younger the respondents indicates potential future tensions, again, this indicates that demands for racial redress are not unreasonably urgent (Roefs 2006: 90).

Asked generally about national priorities, black African respondents do not demand racial redress. In a November 1999 HSRC Survey, respondents were asked to identify national priorities. Among black Africans, job creation was the overwhelming favourite (46 per cent), followed by crime reduction (24 per cent). Better education received only 6 per cent and housing only 7 per cent. Housing and education do better when people are asked their second priority but still trail behind jobs and crime prevention (Ramaema 2000: 16–17).

The IJR's 2003 First-Round Survey also provided suggestive evidence that specifically racial redress is not a priority among black Africans to the exclusion of other concerns. Thus 29 per cent identified class divisions as the

most important divide between South Africans, 23.5 per cent saw divisions between political parties as the most significant and only 17.7 per cent saw apartheid racial categories as the biggest, only slightly more than the 16.6 per cent who identified divides between those living with HIV/AIDS and those who are not. This, of course, indicates a lower level of concern for racial divisions (IJR 2003a: 21).

Black people's optimism is a theme in many surveys despite both subjective and 'objective' indications that current conditions are poor. A study conducted by the Buffalo City metropolitan government in 2001 found that only 26 per cent of black African residents were 'satisfied with their lives' while 84 per cent of white residents reported satisfaction. Similarly, an eThekweni 2002–03 Quality of Life Survey found that only 33.3 per cent of black Africans were satisfied while 79.4 per cent of whites were (SACN 2004: 104). A survey conducted by Johannesburg's metropolitan government in May 2003 found that, in informal settlements, only 22 per cent of residents approved of council performance while, in formerly white suburbs, the approval rate was 60 per cent (SACN 2004: 150).

But evidence that personal dissatisfaction does not translate into disenchantment with the society's direction is provided by the SASAS Survey. It asked people whether their lives had improved, remained the same or worsened over the previous five years (almost coinciding with the beginning of the Mbeki administration) and what they expected over the next five years. Black African respondents were more likely to answer that their lives had improved. There is some evidence of class difference here – satisfaction and optimism declines with income level. But the most pessimistic responses are still as optimistic or more optimistic than the most optimistic response from other groups, suggesting that 'race' remains a more powerful determinant of attitude than class (Roberts 2006: 113).

Similarly, the 2001 HSRC Survey asked respondents whether they felt that 'race relations' had improved, remained the same, deteriorated, or whether they felt uncertain about the state of 'race relations' since 1994. The survey found that 43 per cent of black Africans felt 'race relations' had improved while 35 per cent felt they had stayed the same – meaning, of course, that 78 per cent of black Africans felt that 'race relations' had improved or remained static (Grossberg 2002: 65).

This trend is confirmed by the South African Quality of Life Trends Project, which finds that white people are more satisfied with life but harbour negative expectations, while black people are dissatisfied but have positive expectations (Moller & Saris cited in Roberts 2006: 104). Similarly, the HSRC Social Movements surveys found that black people tend to be dissatisfied with their personal situation but believe that the situation of their group has improved and that the outlook for the future is bright. Whites were happy with their personal circumstances but believed that those of their group had declined and would continue to do so in future (Roberts 2006: 104).

EXPLAINING THE CONTRADICTIONS

These responses may seem confusing – indeed, a key theme in Schlemmer’s study is the ‘contradictoriness’ of responses. He argues that ‘these very contradictions are in the nature of social reality. Unlike highly politicised ideologues, ordinary people are ambivalent about many major social issues and they express their ambivalence by subscribing to different objectives at different times’ (Schlemmer 2001: 7).

Certainly, some of his findings do present a puzzle. Black Africans, his survey tells us, who support ‘white’ or ‘minority oriented’ political parties such as the Democratic Alliance (DA) ‘have harsher racial attitudes than average and are more inclined to see themselves as victims’ but ‘are less likely to support forcing whites to make sacrifices for African progress, or to regard whites as second class citizens, and they are more likely to see politicians as the causes of racial tension’ (Schlemmer 2001: 10). Among the black African elite, respondents endorse many of the more uncompromising attitudes, but ‘particular categories within the elite are more likely than average to feel that the races need each other and that race relations have improved’. They ‘tend to believe, more than the average, that merit counts and that racial inequality could be eliminated with education and opportunity’ (Schlemmer 2001: 11).

No explanation is offered for these findings which, in varying degrees, challenge our ‘common sense’ understandings. It is, for example, possible that black DA supporters felt that racism was deep-rooted but that whites were so powerful that their prejudices had to be accepted as a reality which could not be changed. This interpretation is, however, speculative. One possibility, of course, is that the questions were understood by respondents in unintended

ways. Another is that they reflect a complexity in perceptions of 'race' and redress which a questionnaire-based survey is incapable of illuminating – while Schlemmer's comments imply that the responses may reflect ambivalent attitudes, it is equally possible that they express coherent understandings which simply cannot be adequately understood by asking people to respond to bald questions and statements. In the main, however, much of what Schlemmer sees as ambivalent and incoherent can be clearly understood as an entirely logical and coherent position.

On careful scrutiny, there is nothing particularly confusing, contradictory or ambivalent about most of the black African people's responses. First, there is no necessary contradiction between supporting racial redress, on the one hand, and, on the other, believing that racial co-operation is both possible and desirable. It is, after all, common for advocates of redress to present it as a means toward racial harmony because it is said to show that white citizens are willing to share opportunities. While this position, like all other contributions to public debate, is open to challenge, it is hardly ambivalent. Indeed, the claim that it is seems to stem from the notion that supporters of racial redress must hold polarised views on the prospects for racial harmony. There is no reason why this should necessarily be so and one important finding of this particular survey is that it is not.

Second, there is no contradiction between believing that, in principle, redress is desirable while not making dramatic demands for its immediate implementation. Many people support social goals in principle but, either because they do not seem feasible now or because there are currently more pressing priorities, or both, do not expect to see them achieved soon. In general, the surveys suggest that black African perceptions of 'race' and redress follow this pattern: it is a desirable goal but one which might take a while to attain. And, where more pressing concerns such as poverty eradication seem to be impeded by demands for redress, it is the latter which is expected to give way. Also, the fact that majority rule has been achieved seems to have convinced a black African majority that circumstances will improve in future – there is little, if any, evidence of a perceived need for quick and dramatic redress.

This also helps to explain another seeming contradiction: the finding that black Africans, while often dissatisfied with the current state of their own

lives, believe that the society is improving and that their prospects are likely to improve with it. It is perfectly consistent for people to believe that, while their own circumstances are far from desirable, their country is in the hands of a leadership which, because they have confidence in it, will ensure improvements both for them and society. These responses are, therefore, indicative of the confidence which the post-apartheid order continues to instil in most black South Africans. And they suggest that the continued goodwill which the new polity enjoys continues to temper the urgency of demands for racial redress.

This does not mean, as Du Toit implies, that most black African people reject racial redress as an elitist irrelevance. But nor do the surveys show that they are impatient for redress or even that they place it high on their list of priorities. Whether it is not demanded urgently because the repercussions of urgent promptings are considered too high at a personal level or because respondents have other priorities is unclear. Lack of urgency may also be prompted by the continuing belief among most black Africans that the post-apartheid order is addressing majority expectations (which may prompt a view that urgency is not needed because the government will address the issue). This attitude may not endure into the future. But, at present, the surveys suggest both that there is widespread black African support for racial redress and that demands for redress are not imbued with great urgency.

COLOURED AND INDIAN RESPONSES

Findings on coloured and Indian perceptions offer a more ambiguous and complex picture. The ambiguity, it must be stressed, is a consequence of the manner in which questions have been asked rather than the perceptions of respondents surveyed.

There is, therefore, evidence that these respondents are uncomfortable with the effect of measures to achieve racial redress in the economy. In the 1999 HSRC Survey, coloured and Indian respondents joined whites in identifying 'employment equity and employment policy' as the single largest source of racism. In the main, they did so by smaller margins than whites although the percentage of Indians citing this concern was slightly greater than that among English-speaking whites (but much lower than among Afrikaans-speaking whites) (Rule 2000: 37). Similarly, the HSRC's 2003 SASAS Survey found little

support among coloured and Indian respondents for the propositions that the government should redistribute land to black Africans or that black African people should enjoy hiring preference in employment, preferential contracts or tax breaks for businesses (Roberts 2006: 120). Schlemmer found that 80 per cent of Indians and about 70 per cent of coloured people perceive affirmative action and black economic empowerment policies as racist (Schlemmer 2001: 3)

Perhaps predictably, however, since these respondents were victims of racism under apartheid, these reservations do not translate into an objection to redress in principle or complacency about the current racial power balance. On the first score, in 1999, in response to the statement 'People from previously disadvantaged groups should be given preference by employers when they hire and promote workers', opinion was split down the middle (43–40 in favour among coloured respondents, 48–47 against among Indians) (Rule 2000: 37). The IJR's 2003 Barometer found that only about 40 per cent of Indians felt enough financial compensation had been made to enable them 'to move on' (IJR 2003b: 14). This does seem to confirm the conventional wisdom that coloured and Indian respondents favour redress but fear that the version currently on offer in the labour market is skewed towards black Africans. This may explain why 43 per cent of coloured and 37 per cent of Indian respondents, the largest group in both categories, believe their group suffers more from racism than other South Africans (Schlemmer, 2001).¹³

Members of the above groups were far more inclined than whites to express concerns about racism perpetrated by white farmers, employers, former white schools and the police. These findings suggest that there is considerable commonality among the black respondents on racism understood as overtly insulting or threatening behaviour but that, on labour market issues, intra-black divisions corresponding to apartheid categories emerge. It is also at least possible that it confirms reservations among black minorities about other material redress too – the third largest concern among coloured respondents (after employment equity and treatment by employers) was housing policy. This could indicate a perception, frequently claimed by some commentators, that housing allocation unfairly favours black Africans, although, of course, in the absence of other data, this must remain speculative.

Other findings are far more random and difficult to explain. Thus Schlemmer's study finds significant Indian support for redress, but low levels among

coloured respondents. Most Indians but only a quarter of coloured respondents agree with the statement that 'South Africa today is a country for Africans, and whites must learn to take second place'. This question is ambiguous since it is not clear whether those who agree with the statement also endorse it normatively – over 40 per cent of white Afrikaners and around 30 per cent of white English speakers also agreed and they presumably were expressing a protest, not a preference. But the likelihood that coloured and Indian respondents who agreed were also endorsing it normatively is enhanced by the fit between responses to this statement and that to others which endorse redress more clearly. Well over 60 per cent of Indian and about 30 per cent of coloured people agree that 'whites have to be forced to make sacrifices for African progress and advancement'. Just over half the Indian respondents and 40 per cent of coloured people agree that 'Policies of affirmative action and empowerment do not go far enough'. Over 60 per cent of coloured and Indian respondents also agree that 'As long as there are differences in incomes and standards of living between groups, South Africa's political liberation will be a failure' (Schlemmer 2001: 6, Graph 3).

Preferences for government intervention and the market, tested in the 1999 HSRC Survey, however, reverse this trend. Coloured respondents chose government intervention but by a small margin – 4 percentage points. Indians preferred the market by 20 percentage points (Rule 2000: 31). This could mean that responses to this question are largely a consequence of class rather than 'race' but, without evidence on the socio-economic profile of respondents in the two groups, this claim is purely speculative. Our only clue is Schlemmer's claim that among coloured people those in middle to lower socio-economic categories and 'a small core of more highly educated people' take more militant attitudes towards wealthy white people (Schlemmer 2001: 12). The patterns here are difficult to explain and could be a consequence of surveying techniques as much as social realities.

Equally seemingly mysterious is the finding, in the 2003 SASAS Survey, that Indians and whites report experiencing more racial discrimination than coloured people or black Africans – only 27 per cent of black African and 20 per cent of coloured respondents reported experiencing discrimination, compared to 40 per cent of Indians and 33 per cent of whites. The obvious possibility is that this is a negative response to affirmative action policies.

While the 2001 HSRC Survey tells us that Indians are most enthusiastic about this form of redress (Grossberg 2002: 70–71), the sample was far too small to inspire any confidence in the finding. The Indian response may indeed be shaped by a perception that this group is ‘wedged’ between white people’s prejudice and black people’s expectations: over 60 per cent of Indians (although only about one-third of coloured people) agreed that ‘most white people are racist’ but almost the same percentage also feels that black Africans are racist (Roefs 2006: 90). But the evidence here is not robust.

Levels of optimism or pessimism about the state of ‘race relations’ are also difficult to track from the surveys. The SASAS 2003 Study reports that 61 per cent of coloured people and 58 per cent of Indians agreed that ‘race relations’ had improved (Roefs 2006: 90). The 2001 HSRC Survey, however, reported a sharp divergence in coloured and Indian people’s assessments: 59 per cent of Indians felt ‘race relations’ had improved while 24 per cent felt they had stayed the same (although the sample was ‘skewed’ towards wealthier respondents and the survey also found that positive assessments increased with wealth – except in the wealthiest category). In contrast, only 34 per cent of coloured respondents felt that ‘race relations’ had improved (Grossberg 2002: 65). And most Indian people agreed that ‘race no longer matters’ in South Africa while 43 per cent of coloured people said it did still matter (Grossberg 2002: 69–70).

The 1999 HSRC Survey, however, finds far more pessimistic Indian attitudes: 48 per cent of respondents felt ‘race relations’ had deteriorated while 51 per cent felt that racial tension against Indian people had become worse. Only 20 per cent and 13 per cent respectively of coloured people agreed. Either Indian attitudes turned very optimistic very quickly or there are patterns which remain unexplained. Finally, the IJR September 2003 Survey reports that 27.5 per cent of whites, 24.7 per cent of Indians and 21.2 per cent of coloureds say they see ‘race’ as the biggest social division in South Africa today (IJR 2003a: 21). These are, as noted above, significantly higher percentages than among black African people, suggesting that this is an expression of concern about redress. If so, coloured and Indian respondents are almost as concerned as whites about the effects of redress, but for different reasons.

Part of the obstacle to clarifying these responses is that it is difficult to translate general statements into clear positions. There is no specification of what, in a wide array of relationships which could be encompassed in the broad and

often elusive concept 'race relations', respondents are judging progress by – or whether they are comparing current realities with apartheid or judging the post-apartheid period. These questions provide little information about what respondents are saying, in concrete terms, about 'race' and hence about redress. But even where questions are more specific, a coherent picture of perceptions among coloured and Indian respondents is elusive.

What does seem clearer is that, with some nuanced exceptions, coloured and Indian respondents are also concerned about discrimination in the workplace and in business. In response to the 2001 HSRC Survey, Indians were most likely to report experiencing racism at work, followed by at 'shopping centres'. Among coloured respondents, this sequence was reversed but the two categories still came in first ahead of educational institutions, government departments and 'elsewhere' (Grossberg 2002: 68); 58 per cent of complaints about racism are reported at work or when applying for a job. Whether this reflects complaints about affirmative action or about continued discrimination by white employers cannot be established from the data.

The surveys are at their weakest when they attempt to report perceptions of redress among coloured and Indian communities. Trends are confusing and contradictory; questions offer little enlightenment which might clarify these complexities and the surveys are generally not overly concerned with explaining trends. This may indicate how blunt a weapon the surveys are: attitudes in these communities are more complex than those of whites and black Africans – a consequence of their treatment under apartheid as 'less restricted' black people and the perceptions which flow from that – and the surveys seem ill-equipped to deal with complexity. Either more sophisticated surveying or other methods of gauging perceptions are needed if we are to understand more fully the complexity of coloured and Indian communities' perceptions of redress.

WHITE PERCEPTIONS: A CHINK IN THE ARMOUR?

Perhaps the only point of consensus between strong advocates of redress and its opponents is that white people's opinion to racial redress is hostile. The surveys offer ample support for this proposition. But they may also suggest important evidence that redress strategies can win white compliance despite this.

There is no shortage of data on white people's resistance to redress. IJR survey data tell us that most whites are unwilling to support either general redistributive measures or further racial redress (IJR 2003a: 5). This unwillingness stems not only from the imagined, though unlikely, threat to their economic security, but also from their perception that enough is being done to effect racial redress. The IJR Exploratory Survey Report notes that 69 per cent of white South Africans feel sufficient financial compensation has been made to enable all South Africans 'to move on' (IJR 2003b: 14).

Predictably, white opinion is firmly set against specific redress measures. Thus the 1999 HSRC Survey finds that 78 per cent of white Afrikaners and 77 per cent of other white people disagree with the statement 'People from previously disadvantaged groups should be given preference by employers when they hire and promote workers' (Rule 2000: 37). Schlemmer (2001: 3) finds that about 90 per cent of Afrikaans-speaking whites and almost 80 per cent of English-speaking whites see affirmative action and black economic empowerment as racist. All the surveys find substantial white opposition to both measures. Grossberg (2002) reports white people to be predominantly negative about affirmative action and equity policies in the HSRC 2001 Survey. Roberts also found that white people were in the main opposed to affirmative action (Roberts 2006).

These perceptions are accompanied by a sense of racial victimisation and pessimism about the trajectory of 'race relations'. The 1999 HSRC Survey reported that 57 per cent of white respondents felt 'race relations' had deteriorated and 58 per cent felt that racial tension against white people had become worse. Grossberg reports that of the 27.5 per cent of respondents to the 2001 HSRC Survey who indicated that they had experienced racial discrimination, most were middle-income and either white or black African (Grossberg 2002: 67). The 2003 HSRC SASAS Survey finds that more than two-thirds of white people agree that black Africans are racist (Roefs 2006: 90). In the same survey, only 42 per cent of whites believed 'race relations' had improved while 41 per cent said they had become worse. While this showed more optimism than in previous surveys, responses become more negative the younger respondents were, suggesting that attitudes may harden again in time (Roefs 2006: 90). Nor is there much evidence of a fully developed white social consciousness.

WHITES AND SOCIAL CONSCIOUSNESS

A useful way of testing the openness of economic elites to redistribution is Abram de Swaan's notion of 'social consciousness', which, he argued, played an important role in the creation of welfare state systems in western Europe and the USA (De Swaan 1988). De Swaan argued that a 'social consciousness' exists when elites develop:

- an awareness of the interdependence of all social groups;
- a realisation that elites bear some of the responsibility for the sufferings of the poor; and
- a belief that efficacious means of assisting the poor exist or might be created.

Where a 'fully developed' social consciousness exists, we should expect significant elite support for redistribution.

In 1998, Kalati and Manor conducted a qualitative study of elite perceptions of poverty and poor people in South Africa, partly using 'social consciousness' as a framework for evaluating responses (Kalati & Manor 1999). While they were not concerned to research white elites alone and many of the attitudes they found were held, to a lesser degree, by black elites, it is white attitudes which concern us here.

The study found that white elites in particular grossly underestimated the degree of inequality and did not see rural poverty as an urgent issue. This underestimation was shaped by elites' 'belief that those in abject poverty survived because of their resourcefulness, reliance on others, and a sense of community and collective responsibility which is regarded as very strong among the African population' (Kalati & Manor 1999: 6).

They also found that some white elites saw population growth and poverty as consequences of Africans' desire for large extended families, 'a tendency among Africans to accept shared poverty as a way of life and to shun a work ethic that might lift them out of poverty' (Kalati & Manor 1999: 13). Crudely stated, some white respondents saw black Africans as primitive, accustomed to lower living standards and lazy. They constructed 'African culture' as homogeneous and primitive and, paradoxically, saw it as both the cause *and* cure of poverty. Surveys examined for this chapter do not test these perceptions. However, the 2001 World Values Survey found that '[w]hite South Africans are inclined

to attribute poverty to laziness'.¹⁴ This suggests continuity in some elite perceptions over the last decade.

Kalati and Manor also found that many white respondents reported not feeling personally responsible for apartheid and thus did not see their privilege as a cause of poverty. Not surprisingly given this, the white (and coloured and Indian) elite saw racial redress as 'damaging to race relations'; unfair; a contributor to inefficiency; and demoralising for younger white (and coloured and Indian) citizens. More recent IJR surveys report similar findings for white people: less than a quarter (22 per cent) agreed that they profited from apartheid and continue to do so today (IJR 2003b: 15). This refusal to accept complicity in the inequities of the past means, of course, that De Swaan's second condition for a developed social consciousness is absent among most white people.

They also found that the white elite showed little sense of the interdependence between their living standards and those of the majority of poor black South Africans: they showed more inclination to focus on and accept interdependence across 'race' than across class. Unlike De Swaan's Northern elites, the South African white elite did not show an awareness of the possible consequences for them of conditions which produced threats to health – HIV/AIDS and tuberculosis were seen as diseases of the poor, suggesting that elites were immune to them. Kalati and Manor argued that elites' sense of interdependence had been diminished by their perceptions that quality of life for the poor had improved, albeit marginally, as had health services, and that they were protected from possible epidemics by their capacity to buy private health care. Elites were more concerned that epidemics would mean higher taxes. Disturbingly, '[s]ome respondents, however, held the cynical view that an epidemic which wiped out large numbers of poor might serve the government's interests by easing the demand for services' (Kalati & Manor 1999: 9). They also expected that the poor would remain loyal to ANC, making a revolt highly unlikely.

These perceptions indicate a lack of social consciousness among white people. However, they do not translate into a blanket rejection of social spending. While white elites thought that health care and housing provision for the poor should not be given priority 'because they were expensive, and...because they do little to help the poor escape from poverty' as the poor lack the

financial resources to maintain their houses and pay for related services such as electricity, they did tend to suggest education and social security as more important measures as these might enable poor people to find jobs or create their own. However, Kalati and Manor's finding that white elites show little sense of interdependence is consistent with the 1999 HSRC Survey's finding that the overwhelming national priority identified by white people was crime, not poverty eradication (Ramaema 2000). Kalati and Manor noted that, while Indians also showed anxiety about crime as a threat linked to poverty, white elites were particularly preoccupied with crime despite the reality that poor people are more prone to be its victims. Neither they nor the surveys, however, find evidence that white elites see crime as a reason for redress.

How much has changed? The surveys do not tell us directly since they do not ask the same questions as Kalati and Manor. White complacency might be less marked than they suggested: the IJR May 2005 Fifth Round Survey Report finds that respondents in high LSM categories (most of whom are white) 'fear for their wealth' (IJR 2005: 9). This could, of course, act as a spur to redress. Nevertheless, continued resistance to racial redress may indicate that white people still do not recognise interdependence – as might Schlemmer's finding that 'white Afrikaners...see racial bias in the large-scale subsidisation of houses for Africans' (Schlemmer 2001: 3). And, while the 2003 SASAS Survey finds that 84 per cent of white people believe government 'must take more responsibility to ensure that everyone is provided for' (Roberts 2006: 120), it is difficult to know whether to interpret this as a recognition of interdependence or an attempt to evade it by passing the buck to the government.

On the latter point, Kalati and Manor found that whites insisted that the government should take responsibility for redress. Whites, they argued, overestimated the resources available to the government while also expressing little confidence in its administrative and managerial capacity. More recent IJR data show that whites expect inequality to be addressed in the main by the post-apartheid government: 62 per cent support an enhanced government emphasis on development (IJR 2003b: 17).

At first glance, the view that government should do more about inequality and poverty seems to express a fairly developed social consciousness. The IJR finding is, for example, at variance with the 1999 HSRC Report's finding that only 11 per cent of Afrikaans-speaking whites and 16 per cent of other white people favoured active government intervention in the economy (Rule 2000: 31),

suggesting growing white acceptance that the government must take an active role in addressing poverty. But, where white people insist that it is the government's job to address inequality and that it has substantial resources with which to do it, they are, in effect, shifting responsibility because the clear implication is that no tax contribution is needed from them since the government already has all the resources it needs to address the problem. If there is no change for the better, the problem lies with government incompetence, not white elite resistance.

How do we determine whether white respondents are acknowledging the need to fight poverty or passing the buck? The key test is whether white people are willing to pay increased taxes to finance redress. White elites emphatically rejected tax increases when interviewed by Kalati and Manor: they viewed them as 'controversial', 'problematic', 'counterproductive' and a 'dangerous idea'. Among the reported reasons were increased government corruption, inefficiency, incompetence and mismanagement. Direct data on whether this has changed since their study is scanty. On the one hand, the already-reported finding that white people believe that black people have received enough financial compensation suggests likely resistance. On the other, IJR surveys find increasing white trust in parliament 'to make decisions that are right for the country as a whole'; white respondents who agreed rose from 21.2 per cent in November 2003 to 34.4 per cent in April 2005 (IJR 2005: 22). This suggests an increasing belief in government ability to address the problem – although it should be stressed that trust in parliament is not directly comparable to Kalati and Manor's findings on lack of confidence in government administration and management.

A suggestive pointer to attitudes to funding redress may, however, be offered by Seekings (2005), who sought to test attitudes to distributive justice in a Cape Area Study. This study uses, among other methods, vignettes of a retrenched worker to test attitudes to redistribution: respondents are asked to say what compensation they feel the worker is entitled to, given a range of personal circumstances. Seekings (2005) reports that white respondents proposed much larger amounts to be awarded as grants from government to beneficiaries than did black Africans and coloureds – although the proposed award was a smaller portion of their income. 'In low income neighbourhoods the mean award is about one half of mean household income. In high income neighbourhoods, the actual award is much larger...but the mean award

is just one-tenth or less of mean household income' (Seekings 2005: 19). This relationship between 'race' and size of redress awards is shaped by class, as the size of awards rose with neighbourhood income.

Seekings suggests the exercise shows that '[r]ich, white Capetonians are certainly more generous in their views on redistribution than is generally assumed'. This finding is not based on a sense that white South Africans have a more developed social consciousness. Rather, Seekings suggests that proposals for higher awards are more related to their 'inflated sense of what constitutes a reasonable minimum', and he observes that they 'are generous in absolute terms, but miserly in relation to their own affluence' (Seekings 2005: 18, 19). While this does not, therefore, indicate any substantial departure from the social attitudes discussed earlier, it does indicate a strategic possibility for redress. This is not as great as initial white responses might suggest; Seekings further reports that '[a] minority of respondents who initially favoured financial assistance to the retrenched worker changed their minds when told that taxes might have to increase' (Seekings 2005: 25). Unfortunately, we are not told how large this minority is. But the finding shows that most white respondents are prepared to contemplate higher taxes of an unspecified – but, given the sums they propose for compensation, presumably modest – amount to fund redistribution.

Seekings's study also allowed for a test of racial perceptions since respondents were asked to say what they thought retrenched workers of different racialised experiences deserved. He finds that while descriptive statistics suggest that respondents consider beneficiaries in their 'race' group as most deserving, regressions suggest this racial mapping is not significant (Seekings 2005: 17–18). He did find, however, that respondents across 'race' awarded the largest grants to white beneficiaries. He speculates that this might be related to the fact that the Unemployment Insurance Fund awards larger grants to higher income earners, or that it might indicate resignation to racialised material inequalities (Seekings 2005: 20, 23). These explanations are clearly speculative, however.

In sum, Seekings finds the 'race' of respondents has little or no effect on Capetonians' initial perceptions of whether someone deserves distributive justice. He reports 'a significant but weak race effect...with white respondents slightly more likely to be opposed to pro-poor policies and coloured respondents slightly more likely to support them'. But 'adding education

removes the effect of being white relative to being African and adding an affluence variable largely removes the effect of being white relative to being coloured' (Seekings 2005: 11). He adds that 'the "race" of the beneficiary and whether the beneficiary has children are significant' since '[r]espondents considered African and coloured subjects more deserving, and subjects with children more deserving also' (Seekings 2005: 22), even though whites were awarded the largest grants. Seekings suggests that 'the racialisation of privilege has made white South Africans *more* supportive of some forms of redistribution' (Seekings 2005: 26). This certainly does not indicate a strong social consciousness among white people. But it does suggest, strategically, that there might be greater possibilities for white assent to – or compliance with – redress measures which the social consciousness measure does not fully capture.

STRATEGIC OPENINGS

While the evidence suggesting significant white resistance to redress is compelling, this does not necessarily mean that white people are entirely closed to complying with redress measures. This is important because effective redress obviously requires that those who have benefited from past injustice agree to contribute to redressing it.

Besides Seekings's data, Schlemmer finds significant minority white support for some forms of redress. Thus almost 40 per cent of white English speakers agree that white people must be forced to make sacrifices for black people's progress and advancement and that affirmative action and black empowerment 'do not go far enough', while 40 per cent of white Afrikaners and almost 60 per cent of white English speakers agree with the statement that 'Too many whites feel they can carry on living as they did in the past'. And a majority of white Afrikaners and a smaller majority of white English speakers agree that 'As long as there are differences in incomes and standards of living between groups, South Africa's political liberation will be a failure' (Schlemmer 2001: 6, Graph 3). The 2001 HSRC Survey found that only 33.4 per cent of white respondents (24 per cent fewer than in 1999) felt that 'race relations' had deteriorated (Grossberg 2002: 65). This could indicate complacency born of the fact that fears of redress have proved exaggerated – or it could mean that white people are becoming more comfortable with a majority-ruled society and therefore more open to contributing to redress.

The IJR May 2005 Report claims a 'broadening of common ground between South Africans of different backgrounds' because '[r]esponses pertaining to a large number of measurements are moving increasingly closer towards the average national responses' (IJR 2005: 39). None of these trends necessarily suggests greater white openness to redress. But they do suggest it might be possible to cultivate such openness and that further research is clearly needed.

More specifically, a focus group study conducted in 1995 suggests that it might be possible strategically to broaden white minority acceptance of redress by phrasing demands for redress in different terms from those used in most of the survey questions (Project Manzi 1995). This exercise was conducted for a water utility and participants were white and coloured white-collar workers and professionals. They were asked, initially, whether they were willing to pay more per unit for water in order to atone for apartheid by ensuring that black Africans would receive cheaper water. The response was overwhelmingly negative – participants insisted that black African people were, for a variety of reasons, undeserving of preference. Later in the session, participants were asked whether it was fair for people who used more water to pay a higher rate per unit than those who used less. All agreed that it was. Evidence that this response accurately reflected the views of householders who were not black African was offered some months later when the government raised water tariffs for affluent users in order to subsidise the poor. The measure was presented not as a means of atoning for apartheid but as a conservation measure. White consumers complied without complaint, let alone resistance.

The redistributive measure which participants endorsed is not, technically, a racial redress measure as defined in this chapter: black people who used large amounts of water would have to pay more and whites who used little would pay less. But the income trends discussed at the outset of the chapter suggest that the concrete effect would largely be to redistribute resources from white people (and more affluent black people) to poor black people. And the key lesson is that, while measures which explicitly seek racial redress do seem to be fiercely resisted by whites, those which redistribute – largely racially – but are justified in a general appeal to fairness (or seemingly technical goals such as conservation) rather than in the language of racial restitution, do gain assent. There may, therefore, be greater white openness to redistribution than we have suggested so far – as long as the demand is not phrased in racial terms.

Support for this claim may be offered by Seekings' evidence as well as the 2003 SASAS Survey finding that 92 per cent of white people agree that incomes are too unequal. Indeed, white agreement is even greater than that for black Africans (Roberts 2006: 120). It may also be significant that while, as noted above, whites were, in the 2003 IJR First Round Survey, more likely to see 'race' as a source of division between South Africans than black Africans were, they still saw class divisions as more important than their racial equivalents (29.1 per cent saw class as the biggest division, 27.8 per cent saw 'race' as the biggest) (IJR 2003a: 24). This suggests an awareness of social inequality which could translate into a greater propensity to pay for redress than questions solely based on 'race' suggest. While not mentioning 'race' might be strategically useful for gaining white people's support for some forms of redress, this strategy will not work in cases where redress is more about racialised inequalities and less about the intersection of 'race' and class inequality.

QUESTIONS ANSWERED, QUESTIONS RAISED

Perhaps the clearest message conveyed by the surveys is that perceptions of 'race' and redress are far more complex than much of the public debate implies. Invariably, extreme portrayals of public perceptions do not adequately express reality and this overview of the surveys suggests that this issue is no exception.

One implication is that there is much which the surveys do not tell us. While we have sought here to draw out significant patterns, there are many cases in which contradictions between findings and the lack of data on key questions leave us convinced that there are stories to be told which the surveys do not tell. This is particularly so in the discussion of coloured and Indian perceptions but there are many other issues on which the survey data do more to prompt speculation than to provide answers. It is debatable whether these gaps in our knowledge are best answered by more quantitative research or by qualitative studies. What is clear is that the surveys do not tell us everything we need to know. It seems likely that there is a need not only for surveys which ask different questions but also for the use of other methods of gathering data, such as qualitative studies.

The trends we were able to glean from the surveys despite these reservations present two broad findings with important strategic implications. First,

that while, contrary to the wishful thinking of some surveyors, there is overwhelming support for redress among black Africans and significant support among coloured and Indian communities, demands for *racial* redress are secondary to interventions aimed at addressing poverty and inequality which are higher priorities for most respondents. This clearly does not mean that the society can avoid the issue. But it does mean that the oft-made claim that there is severe pressure to act quickly and dramatically is not supported by the surveys. And this in turn means that there is enough leeway to develop a considered, medium-term, redress strategy which takes into account the many constraints, practical and political, which redress faces. This obviously makes effective and sustainable redress far more possible than it would be if the society was faced with a clash between unreasonably urgent expectations and difficult obstacles.

The surveys are strangely silent on one key issue which may shape black people's attitudes in important ways: efficiency. A frequent criticism of redress policies is that they diminish efficiency and so reduce both economic performance and the quality of services available to citizens. If this is indeed so, it would clearly create a difficult dilemma in the minds of supporters of redress who would then need to choose between greater racial equity and improved living standards. (Opponents of redress would, of course, simply be strengthened in their conviction.) We might expect the efficiency problem to weigh particularly heavily on the minds of the overwhelmingly black poor, who rely far more heavily on efficient public services than those who can turn to private resources. In theory, then, one source of specifically black pressure *against* some forms of redress could be the fear that it will reduce the efficiency of public services. But only Du Toit's De Klerk Foundation Survey asks a question which tests attitudes on efficiency: as noted above, it asks respondents whether 'In order to ensure that the youth get the best education possible, school teachers should be appointed on merit only' (Du Toit 2004: 25).

Does the finding that some 60 per cent of black respondents agree with this statement indicate that most black South Africans would not support redress if it could be shown to reduce efficiency, particularly in key services such as education? Not necessarily. While the question framer may see the stress on 'merit' as a rejection of racial redress, respondents may not. The question does not ask them whether they feel that redress policies have ensured that

people are not currently appointed on merit. It is hardly guaranteed that they do. Supporters of redress do not necessarily accept that it compromises efficiency – many argue that it recognises suppressed talent and so enhances efficiency. It is perfectly feasible, therefore, that black supporters of redress who answered positively believe that they are being asked to comment on the appointment of *black* teachers who deserve the job rather than on a supposed choice between ‘merit’ and ‘race’.

Similarly, a 2003 SASAS Survey question asked which factors should determine people’s earnings, and 88 per cent or more of respondents across the racial divide selected the responses ‘the responsibility attached to a job’, ‘skills and qualifications’ and ‘work experience’ (Roberts 2006: 121–122). This finding cannot be accepted as an implied critique of the impact of redress on efficiency, however, because respondents were not asked whether they believed that redress was compromising efficiency.

Thus far, then, surveys do not tell us whether South Africans believe that redress compromises efficiency and whether black South Africans would therefore be willing to modify their support for particular forms of redress because they believe that it reduces efficiency. The consistent finding that most black people support redress in principle but do not necessarily see it as a priority to the exclusion of others suggests significant potential black support for a pragmatic approach to redress which would be sympathetic to exceptions if efficiency could be shown to be at risk. But this cannot be taken for granted given the caveats noted here and further research on this issue is clearly needed.

The second broad finding is that, while white people’s perceptions do indicate significant resistance to redress, there may be greater leeway to win white compliance with redress than most accounts of these perceptions would suggest. While political pressures to pursue specifically racial redress (rather than more generalised attempts to tackle poverty) are too strong to allow the racial dimension to be ignored, framing redress in racial terms only is not the strategically most effective way of securing white people’s compliance. Where possible, then, redress is least likely to face resistance where measures that serve to redress racial inequities can be phrased as anti-poverty measures rather than as a means of reversing racial power and privilege, even if this is ultimately the goal.

This is not only a pragmatic strategy. Calls for solely 'race'-based redress can blur the distinction between those for whom redress is about access to power and privilege and those for whom it is about access to life and livelihoods. Racial redress often obscures the impact of historical racial discrimination on the poor, divorcing 'race' from class inequalities. Furthermore, framing certain attempts at redress in terms other than 'race' might disrupt the appropriation of the language of racial equity by white and particular black elites for the purposes of claiming victim status. It is important not to lose sight of the tight intersection of 'race' and class – confirmed by the Presidency's macro-social report finding that class inequalities continue to be shaped by 'race'¹⁵ – and its impact on distributive justice.

This, of course, makes it more likely that anti-poverty programmes will also assist racial redress. It is, however, important to distinguish between those for whom specifically racial redress is a priority (often those with potential access to professional and business opportunities) and the millions for whom distributive justice is a greater priority. White elites' complaints about 'reverse racism' suggest that severe difficulties face attempts to secure racial redress in middle-income sectors. But what is clear is that racial redress for the middle and upper income strata is a different issue requiring different remedies to the fight against poverty.

The surveys may also indicate the need for astute strategies designed to shift white elite complacency in particular. These strategies might include drawing wealthy white people's attention to possibly negative future consequences for their current status (in terms of public health, long-term economic and political stability, or South Africa's place in the regional and global political economy) of continued and deepening social inequalities, and stressing possible positive future consequences of measures to address these inequalities. Addressing both black and white elites on these issues might prove valuable for engendering a sense of interdependence with the poor. This implies that the governing elite would need to work as hard on building a humanist consciousness among black as they do among white elites.

Significantly, the surveys indicate an increasing awareness among South Africans of class inequality understood as a division between rich and poor. Although they do not tell us what it is about these divisions that concern respondents most, this shift might provide part of a basis for building increased social awareness of these inequalities and their consequences for

the future should they be left unaddressed. Again, this suggests far greater potential support for compliance with a coherent and effective attempt to address poverty than a superficial reading of the surveys would suggest.

The implied claim here that there are possibilities for workable social compromises on redress obviously assumes that South Africans share enough of a common national identity to prompt them to want to compromise. Given the country's past – and some of the attitudes reported here – this is hardly a foregone conclusion. Nor are redress policies devoid of impact on national identity: on the contrary, there is wide agreement that they influence it in important ways. The problem, as with much of the debate on redress, is that there is no agreement on how such policies affect national identity's impact upon it. Advocates of redress see it as a crucial means of restoring a common identity – the victims of discriminatory policies can, in this view, fully feel a unity with those who benefited from them only once we are no longer divided into those who suffered because of their 'race' and those who benefited from it. Opponents insist that, by 're-racialising' society after apartheid's demise, redress divides South Africans, creating obstacles to a common identity. What, if anything, do the surveys say on this issue?

Again, there are no questions which directly ask whether respondents believe that redress policies have brought them closer to or have alienated them further from their fellow citizens. But some surveys have sought to test the extent to which South Africans are more inclined to share an identity than they were in the past. Perhaps the most direct test is a set of findings quoted in the Macro-Social Report published by PCAS in 2006. Citing FutureFact Mindset Survey data, it reports that, in 2000, '44 per cent of South Africans considered their primary form of social identification as racial or nationality/language. By September 2001, this had declined, with only 22 per cent (12 per cent racial and 10 per cent nationality) using these categories as groups to which they 'belong first and foremost' – 'class or occupational descriptions', it added, had become more frequently used. In the FutureFact PeopleScope 2004 Survey of South Africans 16 years and older, it adds, 71 per cent of South Africans define themselves as African or South African (presumably as their primary identity), 'and this is strongest among whites, followed in this order by coloureds, Indians and Africans'. Among black Africans, the tendency for people to define themselves by language is declining and the findings suggest 'a stronger African/South African identity among younger citizens, especially

in the age group 25–34 years' (PCAS 2006: 85–86). In sum, the trend in this view is towards a heightened, not a reduced, sense of national, rather than sectional, identity.

High levels of national identity also seem to be reported in the 2003 SASAS Survey in which 83 per cent of respondents said they would rather be a citizen of South Africa than any other country and 93 per cent are 'somewhat' or 'very' proud to be South African. Only 65 per cent of whites and 68 per cent of coloured respondents preferred being South African to any other national identity, indicating a racial divide, but perhaps less of one than the society's history might suggest (Grossberg, Struwig & Pillay 2006: 58). Fully 58 per cent of South Africans responded positively to a SASAS 2003 statement that the world would be a better place if more countries were like theirs – a higher proportion than in the USA, Canada and Ireland (Grossberg, Struwig & Pillay 2006: 61). A sense that some re-racialisation of attitudes may have occurred is offered by Afrobarometer data reporting that whites were less inclined in 2000 to express pride in being South Africans than they were in 1995 (levels of pride among other respondents was uniformly high). However, the decline was not substantial – from 87 per cent to 75 per cent – and there was also a slight increase from 73 per cent to 75 per cent between 1998 and 2000 (Burgess cited in Grossberg, Struwig & Pillay 2006: 59). If the SASAS 2003 finding that 86 per cent of white people agreed that they were proud to be South African is accepted, then national pride among this group had by then returned to 1995 levels.

The surveys do not, therefore, offer support for claims that redress has eroded a common sense of nationhood. But it cannot be assumed from this that redress strengthened national identity. Levels of identification with South Africa have not risen sharply among black Africans, the most consistent advocates of redress, since redress policies were introduced – they have remained high among this group throughout the period in which surveys were conducted. Nor is there any necessary causal link between the responses of other groups and redress. If the surveys are a guide, claims that redress is eroding national identity lack evidence. But definitive statements on the relationship between the two are not suggested by the surveys.

It should be stressed here that national identity is a far more complex concept than its treatment in the surveys would suggest. First, the fact that most South Africans identify with the country does not necessarily mean that they

share a common set of values and assumptions which would enable them to co-operate on issues of national importance. It is possible for societies to be characterised both by high levels of national pride and by deep, almost intractable, divisions: in these cases, people may agree on their identification with the nation but disagree sharply on what the nation is. The evidence presented here shows that, while a crude distinction between white and black people's attitudes would be misleading, there is a significant correlation between people's 'race' and the positions they adopt on identity issues. Whether significant common ground exists to enable us to talk of a strong sense of common purpose is an issue beyond the scope of this chapter, but one which obviously merits much debate and analysis.

Second, national identity is not an unquestioned good. It is perhaps trite to point out that a strong sense of identity by members of a political community can also be highly exclusionary since it can imply hostility or indifference to non-members. Strong senses of national identity can also be obstacles to the expression of difference, whether of gender, language, culture or political opinions which are necessary to the full self-expression of all within the nation. And they can be instruments employed by the powerful to maintain dominance over others. In South Africa as elsewhere, the persistence of explicit, freely expressed, difference may well be a sign of hope rather than a sign that the nation-building project remains unfinished. To make claims about redress's impact on national identity without clarifying what is meant by national identity and why it is considered desirable is to close off important areas for debate and inquiry.

The surveys suggest, albeit tentatively, that redress remains a significant source of division between South Africans. But they suggest too that more common ground may exist for an attempt to redress discrimination's legacy without worsening social divisions and eroding people's life circumstances than the mainstream debate often assumes.

Notes

- 1 For the purposes of this chapter 'race' is understood as socially and historically constructed. This assertion has, however, become so commonplace that its implications for political practice have often been lost entirely. When writing 'race' we use inverted commas throughout this chapter to indicate the anti-racial practice embedded in this theoretical conceptualisation. This practice is against the concept

of 'race', as well as, and more importantly, against the injustices and inequalities that this concept and its attendant power dynamics represents, historically and in the present. It is in the combination of these two related refusals that this approach differs substantively from colour-blind, power-evasive arguments against 'race'.

- 2 For example, Kotzé (2001) refers to 'high expectations for socio-economic redress and reconstruction'.
- 3 See speech by Archbishop Desmond Tutu and response by Democratic Alliance representative Douglas Gibson in an article by Thokozani Mtshali in the *Cape Times*, 24 April 2006, Tutu ignores important role of whites – DA.
- 4 This chapter refers to racial categories devised in the classification system of the apartheid Population Registration Act of 1950. Reference to these categories does not imply that we accept their validity or existence as naturalised entities. On the contrary we oppose the uncritical use and reproduction of these categories. Here, we strictly refer to them as social constructions that express historical asymmetries some of which persist in the present. Ideally, we would use inverted commas in each instance to indicate our critical stance. We have refrained from this practice simply to allow for easier reading and rely instead on the reader's continued vigilance.
- 5 R van der Ross in the *Sunday Times*, 28 September 2003, Not white enough, not black enough.
- 6 'Blacks were the most positive, with 70% saying the country was going in the right direction, followed by coloureds (50%), whites (45%) and Indians (43%)'. Two-thirds of citizens happy with SA: Markinor *SABC News*, 2 February 2006. Available at: http://www.sabcnews.com/south_africa/general/0,2172,120905,00.html
- 7 The HSRC projected 67.8% for the ANC, 10.5% for the Democratic Alliance, 8.7% for the New National Party and 7.1% for the Inkatha Freedom Party. SABC/Markinor predicted 64%, 11%, 4% and 4% respectively. The ANC won 69.7%, the DA 12.4%, the NNP 1.65% and the IFP just under 7%. (HSRC Media Release 19 November 2003, South African Social Attitudes Survey: HSRC survey predicts two-thirds election majority for ANC; Markinor/SABC, cited in Matlosa & Karume 2004: 10.)
- 8 R van der Ross in the *Sunday Times*, 28 September 2003, Not white enough, not black enough.
- 9 *business.iafrica.com*, 22 June 2006, Explain affirmative action status. Available at: <http://business.iafrica.com/news/578439.htm>.
- 10 The LSM is a statistical instrument that 'group[s] people according to their living standards using criteria such as degree of urbanisation and ownership of cars and major appliances' (SAARF n.d.).

- 11 The percentage among 'other black' respondents actually increases marginally from 49 to 51% when asked about intervening in foreign dealings. But not enough is known about this category to draw conclusions (Rule 2000: 38).
- 12 For data see Roefs 2006: 88–89.
- 13 In both groups, 12% believe that black Africans suffer most.
- 14 World Values Survey 2001, cf Seekings (2005).
- 15 *Sunday Independent*, Business Report, 25 June 2006.

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SECTION 2

CASE STUDIES FROM THE PUBLIC SERVICE, THE ECONOMY, EDUCATION AND SPORT

3 AFFIRMATIVE ACTION IN THE PUBLIC SERVICE

Mcebisi Ndletyana

The public service has undergone profound changes since South Africa's inauguration as a democratic and non-racial state. It has been re-constituted both to reflect the new political ethos and to enable it to fulfil the mandate of the new ruling party, the ANC. Part of the change has included re-configuring the racial profile of the staff complement at various levels within state institutions to correspond with the demographic make-up of the country (a process otherwise known as affirmative action). Consequently, some racial groups have received preference over others with respect to employment.

Affirmative action has generated criticism on two grounds. First, it is said to be racist. Within this criticism is an expression of disappointment at what appears to be a betrayal of the promise of non-racialism. By instituting a racially based official policy, the ruling party is said to have deviated from its long tradition of non-racialism (Van Zyl Slabbert 2006). This critique obviously presupposes not only that there is a unanimous acceptance by the ANC of a non-racial ideology, but also that it is an ingrained practice within the organisation. Accordingly, non-racialism was expected to be transposed into state institutions following the ANC's taking political office. Second, affirmative action is said to engender inefficiency in the public service due to a lack of technical skills among new black employees. Preference for black candidates over white supposedly deprives the state of technical skills. Blacks apparently cannot meet the levels of technical skill required within the public service, whilst skilled whites are supposedly either discouraged from staying in state employment or applying for a state job.

The focus of this chapter is on affirmative action within the public service, and on three related issues. First, it probes the rationale behind affirmative action, as defined in legislation and the policy framework. Here the chapter shows

that the justification for the affirmative action is two-pronged: normative and instrumentalist. But these goals stand in conflict with each other: one draws from a progressive universalist tradition, while the other is nativist. This inconsistency is not just a peculiarity, though. Rather, and this is the second point of the chapter, it is a function of a deep-seated ideological tension about the question of nationhood and, consequently, on citizenship within the ruling party itself. This is a historical and persistent tension, and these conceptions (of citizenship and nationhood) have assumed varying forms at different times in the life of the ANC. Third, I argue that affirmative action extends the notion of efficiency. It defines efficiency beyond the possession of technical skills to include state responsiveness to popular needs (DPSA 1997). This is embedded within the notion of participatory democracy, where the citizenry is not just a recipient of state services, but also participates in the formulation of public policies.

In making the aforementioned argument, the chapter begins with a brief background on affirmative action, followed by analysis of the relevant policy and legislation, focussing mainly on their justification of affirmative action. Thereafter, attention turns towards the theoretical conceptions of citizenship and nationhood to show that affirmative action is not a policy abstraction but a function of a long intellectual tradition within the ANC and the nationalist discourse in general. It then ends by unpacking the concept of state efficiency as defined by the post-apartheid state.

LEGISLATION, POLICY AND CONTEXT

Affirmative action is implemented under the auspices of the Employment Equity Act (EEA) (No. 55 of 1998). It is defined as ‘corrective steps’ to create an equitable environment, specifically to benefit those who had been ‘historically disadvantaged by unfair discrimination’. The latter refers specifically to black people, women and the disabled. For the purpose of this chapter, however, we will focus on the racial aspect of affirmative action; that is, its application to Africans, coloureds and Indians (DPSA 1994). But the practice of affirmative action predates the promulgation of the EEA.

It started in 1994, following the inauguration of the first post-apartheid government, under special provisions outlined in the Staff Codes of the newly amalgamated public service (DPSA 1995). This was in line with the interim Constitution, promulgated in 1993, which stipulated that the public service

shall be 'broadly representative of the South African community'. By 1995 some progress was already being reported in this regard in the White Paper on Transformation of the Public Service (WPTPS) of 1995, with the government committing itself to fill most, if not all, of the 11 000 posts advertised at the time to advance representation. Numerous other policies¹ were introduced, prior to the 1998 legislation, to promote affirmative action. The 1994 White Paper on the Reconstruction and Development Programme, for instance, committed the inaugural post-apartheid government, barely six months into its first term, to creating a significantly representative public service within the first two years of its establishment. The 1995 WPTPS was even bolder in its target. By the end of 1999 it envisaged a public service whose middle to senior levels of management would be 50 per cent black.

Thus the EEA simply legalised a series of policies and a practice that was already underway. In particular, the Act introduced the possibility of legal censure in case of employers failing to comply with affirmative action. This was to be detected through an elaborate administrative infrastructure put in place to monitor and track compliance with affirmative action, both within and outside of the public service. Within the public service, the monitoring mechanism included the Public Sector Transformation Forums at both provincial and regional levels and Transformation Units within each state department and the Public Service Commission (PSC). In addition, the Commission for Employment Equity monitors both the private and the public institutions (DPSA 1995).

Thirteen years after the commencement of the practice and nine years since the legislation was promulgated, the public service has largely been successful in re-configuring its racial profile in line with the targets. The 1999 target of having at least 50 per cent of middle to senior management posts filled by black people was achieved: it stood at 54.5 per cent. A new target of ensuring that 75 per cent of the senior management level was black by 2005 was subsequently set. This target was not met. Data published in 2007 showed that black people made up 68 per cent of senior management. Of this Africans accounted for 52 per cent, coloureds 8 per cent, and Indians 8 per cent (PSC 2007). Overall, this represents a monumental change. In 1994, 85 per cent of management posts were filled by white people and the 15 per cent of managers who were black were largely concentrated in the former Bantustans (PSC 2007).

THE OFFICIAL RATIONALE FOR AFFIRMATIVE ACTION

The rationale for redress in the public service is twofold: one value-based and the other instrumentalist. The value-based argument sees redress as a manifestation of constitutionally enshrined values of equality and representation. The Green Paper on a Conceptual Framework for Affirmative Action and the Management of Diversity in the Public Service puts it this way: '[affirmative action is] the drive to materialize the value of equality...a tool of social justice...to bridge the gap between the injustice of the past to a democratic future' (DPSA 1997: 8). The principle of equality, therefore, at least in this case, is being applied not just procedurally, but also substantively. The profile of the civil service is thus re-configured to reflect an equal representation of South Africa's demographic population, especially the economically active population within each racial group. How much representation each racial group receives depends on the make-up of its economically active population within the area of location. Thus the (quantitative) requirement to achieve equal representation would differ, say, from one province to another, depending on the racial demographic profile. The Western Cape province, for instance, would grant greater representation to coloureds due to their numerical dominance than the Mpumalanga province, where Africans are predominant. Representation at national institutions is guided by national demographics.

The second rationale is an instrumentalist one (DPSA 1997). It posits affirmative action as a boost to the efficiency and productivity of the state, especially with respect to providing social services to the citizenry. This rests on the assumption that, in the light of opportunities for upward mobility, black staff will improve their level of productivity, which had been poor due to low morale and a lack of motivation induced by racial discrimination. Moreover, representation bestows legitimacy on the civil service: the apartheid state suffered a crisis of credibility because it was unrepresentative of black people. Retaining that racially imbalanced profile would perpetuate public hostility towards public institutions resulting in the persistence of a lack of co-operation between themselves and black communities. In the absence of co-operation, the civil service would be unable to service the needs of these communities properly. By recruiting individuals from the communities they serve, the argument continues, the civil service also becomes better equipped

to service the public: such individuals are knowledgeable about the needs of those communities and have the requisite language skills to facilitate better communication and interaction.

Implicit in the implied causal relationship drawn between (black) racial background and improved service to the black community is the assumed existence of racial solidarity, and this also 'nativises' knowledge. It assumes that black civil servants will necessarily empathise with the plight of the black community and thus be more responsive and caring towards them. It also assumes that only 'natives' know best of their own circumstances and 'outsiders' necessarily lack similar knowledge. This nativist assumption is obviously at odds with the ruling party's commitment to non-racialism, but this is not an oddity. Non-racialism and Africanism have always contested for ideological influence within the nationalist discourse. This point is developed further below.

Beyond the nativist assumptions, however, affirmative action also rests on the ANC's broad conception of the role of the post-apartheid state and what it takes to create an effective bureaucracy. The ANC intends to re-orient the post-apartheid state into a developmental one 'that prioritises the interests of those who are in need of development – the poor and disadvantaged'. It sees this role as particularly necessary for the post-apartheid state in the light of South Africa's acute socio-economic inequality and rampant poverty. This would be achieved through adopting an appropriate public policy framework and prioritising the poor budgetary allocations (ANC 1997b).

The ruling party is cognisant, however, that the extent to which the state is actually able to attain its developmental objective (regardless of the availability of resources and a fitting policy framework) depends on its personnel. Civil servants are at the forefront of policy implementation and decide on the allocation of resources. Government success in its mandate, therefore, requires a civil service that is pliant and responsive to its policy objectives. But the ANC was highly doubtful that the old bureaucracy would be committed to its policies and serve the black community against which it had historically discriminated. The initial experience of ANC cabinet ministers did not ease their anxiety either. 'There was no handover,' recalls Mac Maharaj.² 'The previous incumbents disappeared. They weren't even at the door to welcome us' (O' Malley 2007: 405–406). Maharaj goes on to explain:

Those of us who came into the cabinet from the ANC had a huge sense of wariness about the existing civil service. At the same time, the civil servants had a huge sense of unease about us. They just didn't know how to relate to us. Some of our people's wariness was so strong that it literally translated to 'I won't show it, but I'm going to get rid of this bastard as quickly as possible. Not because the man is bad, but because I proceed from the assumption that he comes from the old guard. I want somebody else I have confidence in from my ranks. Until then, I'll just interact civilly'. (Maharaj cited in O'Malley 2007: 406)

But the new government could not immediately get rid of the old bureaucracy. In what became known as the 'Sunset Clause' agreement with the apartheid government, the ANC had undertaken not to dismiss apartheid-appointed bureaucrats, especially those in strategic positions, in the first five years of its coming to power. This was prompted by a fear that, because of their monopoly of skills, dismissals might destabilise the functioning of the public service and/or the targeted individuals might retaliate by actively undermining the work of the new government.³ Retaining old bureaucrats made for an uncomfortable relationship between the political and administrative heads that was marked by tension and suspicion. Again, Maharaj's experience is instructive in this regard. During briefings with his director-general (DG), Dr CF Scheepers, Maharaj felt he was simply being flooded with documents:

But in the discussion I was evaluating him: was he summarizing effectively? Was he answering my question directly, or was he evading it and simply giving a mass of documents? (Maharaj cited in O'Malley 2007: 406)

Maharaj narrates another instructive example of a suspicious old bureaucrat. This involved his own secretary. What sparked the suspicion was that the secretary was appointed just a week before he started the ministerial job. Maharaj could not understand why that person was earmarked to be his secretary, instead of allowing him the opportunity to appoint his own. What raised even more suspicion was that the secretary had previously been working for General Magnus Malan, the former minister of Defence, a key figure in the former apartheid security apparatus implicated in a series of political massacres. On discovering this information, Maharaj resolved:

‘...this guy I’m getting rid of. He’s been put here. This is one person I don’t want’ (Maharaj cited in O’Malley 2007: 409).

Racial redress (or the appointment of black people), therefore, was one way of overcoming the potential problem of a resistant civil service. The objective was that the public service should ‘reflect in its composition, doctrines and culture, the classes and strata which stand to benefit from transformation’. In the case of Maharaj, he appointed a black person and a party activist, Ketso Gordhan, at the first available opportunity. He never encouraged the old DG to renew his contract, and appointed Gordhan as his special adviser, whilst the incumbent DG was still serving out his contract. Maharaj explains:

I got rid of [the old DG] because he was not suitable for managing the consultative process that I wanted to inculcate as the key instrument in policy-making – one that would ensure that the concerns of all stakeholders were taken into consideration. The DG had to be someone who would come in with confidence and would have the personality to win confidence of all the role players. I needed a person who would relate to all the players without transmitting his suspicion and who would respect facts. Dr Scheepers, was not suitable for that role. (Maharaj cited in O’Malley 2007: 408)

Racial redress, therefore, is not merely value laden – that is, aligning state institutions to the founding values of the new democratic state. It has an instrumentalist value, which is to improve the efficiency and capacity of the state. In doing so, however, it draws a correlation between race and knowledge. That is, it assumes that only black people care or know about the plight of black communities. Similarly it assumes that white people are necessarily ignorant of, and indifferent towards, the conditions in the black communities. Translated into everyday political language, blacks are seen to constitute what the ruling party commonly refers to as ‘our people’ and whites are seen as part of ‘other communities’. Since whites are not part of ‘our people’, therefore, they are seen as not knowing about and/or being indifferent to the conditions of black people, and not caring about ameliorating those conditions.

The aforementioned begs the question: has the predominantly black state been responsive to the black community? We answer this question further below. For now, however, is it worth probing another implication: that is, the

correlation between social/racial background and the efficiency of the state. What is clear here is that the ruling party espouses a broader definition of state efficiency. Efficiency, in this case, extends beyond a technocrat orientation (a focus on technical skills) to include an element of responsiveness to popular needs. That is, public servants not only have to be technically skilled, but also have to be open to popular input and participation in the processes and initiatives that concerns the citizenry (O'Malley 2007: 405–406). To be sure, the idea of a technocratic state-driven development has long been discredited because it tended to misdiagnose developmental problems and, accordingly, offered inappropriate solutions (Friedman 2007). This obviously does not reject the importance of technical skills, but sees sensitivity to public needs and participation as just as important if the state is to formulate effective public policies.

IDEOLOGICAL UNDERPINNING OF RACIAL REDRESS

Seemingly, the above juxtaposition is inconsistent with building a non-racial and cohesive society as contained in the Constitution of the Republic of South Africa (Act No. 108 of 1996) and numerous other policy declarations. According to Van Zyl Slabbert, former leader of the pre-1994 opposition, this can only racialise South African society even further, he states that 'If you make yourself and others hostage to a racial past, you can budget generously for a racial future' (Van Zyl Slabbert 2006: 8). Below I examine this claim to racism, but my immediate interest is to understand this ideological inconsistency by locating affirmative action within the ANC's own political tradition since its inception.

Consistent with the aforementioned assertion, Van Zyl Slabbert, for instance, sees affirmative action purely as an offshoot of the ANC's sudden embrace of Africanism, a post-apartheid phenomenon. He traces this to the demise of the communist bloc in the late 1980s, which discredited the currency of communism as a mobilising ideology for the liberation movement. Since the ANC was a communist movement, according to Van Zyl Slabbert, this plunged it into an 'ideological meltdown. Overnight it became a movement with no discernable dominant ideology' (Van Zyl Slabbert 2006: 12). Communism was thus ditched, and now 'Africanism, in an exclusive sense is fast becoming the new dominant ideology' (Van Zyl Slabbert 2006: 12). This suggests that, until recently, Africanism was never part of ANC's ideological tradition.

Similarly, former National Party leaders, especially Pik Botha and FW de Klerk, express surprise that the ANC is pursuing an affirmative action policy. Botha even says that the NP, a partner in the political negotiations, was duped by the ANC:

...the NP would not have been party to a negotiated settlement which brought about a constitutional dispensation in South Africa if the ANC had insisted that affirmative action legislation – particularly the way it is currently being implemented – be enshrined in the constitution.⁴

Contrary to being a sudden and new post-apartheid phenomenon, affirmative action is a function of the ANC's intellectual tradition, especially its definition of nationhood, or what is commonly referred to as the 'national question', and post-apartheid citizenship. Two fundamental but interrelated points are made in this section. First, the conception of nationhood has always been at issue between the non-racialist and Africanist paradigms within the liberation movement. Inevitably, conceptions of nationhood predetermined citizenship. The two are interlinked: nationhood prefigures who belongs (or does not), and what rights one has within the nation state. Second, and related to the latter point, affirmative action accentuates, if it does not re-emphasise, the link between citizenship and a material base. Throughout South Africa's modern history, a person's political status has always prefigured access to material resources; citizenship has never been a mere philosophical abstraction.

Universalism had a singular influence on the initial conception of nationhood, especially in the late 19th to the mid-20th century, within the nationalist discourse. The 'Founding Fathers', as Halisi puts it, were multiracial unionists. They agitated for a multiracially integrated political community based on a shared value system. This entailed (Victorian) liberalism, British culture and worldview, and political allegiance to the British monarch. Thus they demanded assimilation into the colonially created state through the franchise. This would be granted on the basis of individual merit, primarily social status as defined by level of education, personal property value and income (Halisi 1997). In a speech made in 1914, the founding president of the ANC, for instance, Langalibalele Dube, couched the demands for equality as follows:

We feel that the time has come when we should have some measure of legislative representation, some way of making our

influence felt in the law-making powers. Our progress in the Gospel life and its accompanying civilization demands it...
(Dube cited in Walshe 1971: 39)

Dube did not have any romantic attachments to the African past and traditions. Rather he urged his followers: 'Onward! Upward! Into the higher places of civilisation and Christianity – not backwards into the slump of darkness nor downwards into the abyss of antiquated tribal systems' (Dube cited in Walshe 1971: 38).

Needless to say, black multiracial unionists accepted white settlers as fellow citizens with whom they shared a culture and an allegiance to the British monarch. The idea of racial solidarity with their African brethren seemed far-fetched to such people. Rather, they bitterly complained against government treating Africans all the same, regardless of their social status. They insisted on equality with those of similar status, who happened to be white people. Colin Bundy, for instance, tells of African farmers calling for sterner action against (African) farm tenants. One African farmer complained:

We would like to have a severe law to deal with them. Because we are black you may perhaps think that we have sympathy with the other black fellows who go to gaol, but as a fact we are just as great enemies of bad black people as white people are. (Cited in Bundy 1988: 93)

The early multiracial unionists, as noted earlier, were products of Victorian liberalism and Christianity. They had been educated in missionary schools and socialised to believe in the equality of all people, regardless of race: people would be treated according to their social status. But the denial of the promise of civilisation – that is, equal treatment – engendered the rise of a competing ideology within the African elite. That is, the Africanist ideology or, to use Halisi's terminology, black republicanism.

Black republicanism initially manifested itself in the 1880s within missionary circles where black clergy, retaliating against racism, led a split from established churches to form independent black churches (Roux 1948). This marked the beginning of racial exclusion, a 'going it alone' type of attitude that frowned upon transracial co-operation. This was replicated within the political circles, notably in the formation of the South African Native National Congress

in 1912, which excluded white people from its membership. A major proponent of non-racialism and a doyen of black journalism, John Tengo Jabavu bitterly protested against this exclusivist turn, denouncing it as racist. The proud non-racialist that he was, Jabavu duly boycotted the founding of the SAANC (later known as the African National Congress) and never took up its membership (Karis and Carter 1972).

That ANC founders, quintessentially non-racialist as they were, would be accused of racism underscores a fundamental point about the relationship between non-racialism and Africanism within the nationalist discourse. That is, though largely opposed, non-racialism and Africanism are not exclusively de-linked from the each. They evolved interactively and were influenced by each other. Thus one finds what is essentially an Africanist tendency – racial exclusiveness – within a largely non-racialist discourse. And this was to be a common feature of the nationalist discourse throughout the century.

To be sure, these exclusivist tendencies were a nascent form of an Africanist paradigm within the liberation movement. It was not a profound turn-away from non-racialism but a statement of disappointment with liberal politicians of the late 19th century within the Cape colonial politics. The African elite, who enjoyed franchise in the Cape, had long relied on liberals to agitate for a better deal for Africans within the Cape parliament. Africans voted for them. In some constituencies, African voters even constituted a decisive vote. But liberals betrayed this trust and turned against African franchise in the 1880s by voting for legislation that restricted the number of African voters (Roux 1948).

As an ideology, however, liberalism still held sway within the early African elite. Marcus Garvey's strand of exclusive Africanism, marked by the slogan 'Africa for Africans', in the early 1900s, failed to make any ground on the nationalist discourse. Its influence was short-lived, as it did not survive beyond the 1920s: the very decade during which it had emerged (Walshe 1971). By and large, the ANC remained a non-racial organisation that valued positive multiracial relations. The ANC president in the 1940s, Dr Alfred Xuma, even opposed the idea of mass-based militant politics for fear that it would turn white people's opinion against them. Xuma believed in a transracial class alliance, and that he could appeal to the reason of the white political elite to see the folly of racism (Mandela 1994).

But persistent racism and the intransigence of officialdom towards the black franchise put non-racialism under strain. Africanism resurfaced in the mid-1940s spearheaded by the ANC Youth League, mostly composed of university graduates. Their education gave them an elite status within their community, only to have their opportunities withdrawn on account of their race. The United Nations' assertion of the right of the colonised person to self-determination added further impetus to African nationalism. With the multiracial unionists having nothing to show for cross-racial class coalition, Africanists spurned the latter urging intraracial alliance in its stead. This was to be a populist front combining all strata of the African community to go it alone (Gerhart 1978).

Unlike Garveyism, however, this strand of African nationalism had a lasting impact. It not only infused itself into the nationalist discourse, but largely redefined the discourse into a fusion of the two ideological strands. Henceforth, the discourse of African nationalism broke away from the assimilationist tradition of the earlier non-racialists. Afro-centricity, as opposed to British culture and allegiance to the Crown, occupied the centre of the nationalist identity. Cross-racial alliances and non-racial citizenship were retained, but still excluded whites from the organisation. It should be noted, though, that non-racial citizenship was retained; it was preceded by a bitter contest that eventually split the liberation movement into two organisations: a largely non-racial ANC and an Africanist Pan Africanist Congress (PAC) formed in 1959.

To the Africanists, whites were an alien invading force primarily responsible for impoverishing African people. They aspired to an African-oriented republic not just in cultural content and national imagery, but where all dispossessed land would be restored to the indigenous population. Thus Africanists reasserted the link between citizenship and the material base. For this they had the example of the apartheid state. It had defined Africans out of South African citizenship, thereby legitimising their dispossession of land, and confinement into underdeveloped Bantustans. It thus seemed, certainly with respect to the PAC, that citizenship could not be defined independently of the material base, particularly if the underdevelopment of the African populace was to be reversed (Halisi 1998).

To draw a stark dichotomy between non-racialism and Africanism as espoused by each organisation, however, would be grossly misleading. The

ANC, though adopting non-racial citizenship and practising cross-racial co-operation, continued to retain strong sympathies towards the Africanist project. It believed that whites would have to accede to African leadership and the non-racial state would have an Afro-centric national identity. Even for non-racialists, the primacy of African leadership was a *sine qua non*. None challenged the fact that the ANC prohibited membership to whites.

In fact, the ANC leadership sought to downplay its commitment to non-racialism as early as the 1960s following its forced relocation to exile. This was partly as a result of displeasure expressed by African leaders against what they saw as undue influence exercised by non-Africans on the ANC (Ndebele 2001). The exiled leadership, in turn, reasserted the Africanness of the ANC. At times this even manifested itself in non-Africans being kept out of organisational activities. Ben Turok, for instance, complained that he was 'treated with so much reserve' and his 'direct offers of total involvement' in organisational activities went unanswered. Such 'estrangement', Turok reasoned, was purely on account of his 'whiteness and nothing else'. The exiled ANC, it seemed to Turok, had turned chauvinist (Turok 2003: 216–8).

Yet, the ANC's military wing, Umkhonto we Sizwe (MK) was fully non-racial from its inception in 1962. MK was not grounded in nationalist ideology. It was founded in resistance politics purely as a military response to apartheid brutality. To replicate the exclusionary policy of the ANC would have been folly since non-Africans possessed the technical skills required to launch military operations. MK's non-racial membership, therefore, was partly inspired by pragmatic reasons. A similar consideration was at play in the exiled ANC's Africanist orientation in order to retain the favour of African leaders, who were both its hosts and its supporters (Turok 2003).

That said, opposition to non-racial membership of the ANC also stemmed from conviction. It was not a purely strategic move meant to appease Africa's political capitals. Some felt white leadership, as would inevitably happen with the opening up of membership, would dilute the African identity of the organisation and divert it from representing African interests. Thus, following their pleas from the mid-1960s, non-Africans were granted limited membership in 1969. They could serve only in organisational committees, and would not be elected to the executive (that is, the National Executive Committee (NEC)) of the organisation. This was a compromise between continuing exclusion and full membership. The ANC leadership felt it unjustifiable to continue excluding

non-Africans when they were prepared to die for the struggle (through service in MK) and could add further value to organisational activities. But full non-racial membership also met with determined opposition. Indeed, the party thought it necessary to reaffirm the primacy of African leadership and interests within the organisations in its key policy document, *Strategy and Tactics*:

...those belonging to the other oppressed groups and those few white revolutionaries who show themselves ready to make common cause with our aspirations, must be fully integrated on the basis of individual equality... Equality of participation in our national front does not mean a mechanical parity between the national various groups. Not only would this practice amount to inequality (again at the expense of the majority), but it would lend flavour to the slander which our enemies are ever ready to spread of a multiracial alliance dominated by minority groups. This has never been so and will never be so. (ANC 1969: 9)

Limited membership for non-Africans represented a major shift in the discourse of non-racialism within the ANC. Non-racialism was translated from an ideal to a lived reality, albeit limited. But this was still highly contested, as highlighted through vehement protests led by some senior ANC leaders throughout the 1970s, bemoaning what they perceived as the predominance of non-Africans in the ANC's external missions, especially in Europe. They wanted the organisation to remain overtly Afro-centric (Ndebele 2001). This highlighted a continuing tension between universalism and nativism inherent within (the ANC's) nationalist discourse. The Freedom Charter's territorially based definition of citizenship represented a universalist tendency, alongside an African-only (based on indigeneity and race) membership of the ANC.

The 1970s contestation over the popular use of the term 'blacks' as applied to Africans, coloureds and Indians was reflective of the persistence of the aforementioned ideological tension. The Black Consciousness Movement had introduced the term into South Africa's political lexicon. It was a strategic response privileging political conditions, and was not based on racial traits or descent. Africans, coloureds and Indians were all black based on their common condition of political oppression (Biko 1978). Application of the term black within the ANC now meant that Africans would no longer be defined distinctly from the other oppressed 'national minorities'. 'Blackness'

thus homogenised the political experience of the three groups, underplaying their varying locations on the hierarchical structure of apartheid's racial oppression.

It was precisely because of this homogenisation of the experience of political oppression that the adoption of the term 'black' was contested within the ANC. For it also insinuated equal claim to post-apartheid redress, without taking into account the severity of the racial oppression of Africans and the relative advantages enjoyed by coloureds and Indians. But the organisation could not flatly refuse the use of this term, as it had taken root within the internal resistance movement. Thus political developments forced ideological concessions. The same dialectical relationship was to force adoption of full non-racial membership in 1985 at the Kabwe Consultative Conference in Zambia. The internal resistance movement, which pledged allegiance to the exiled ANC, was genuinely non-racial. Denying membership to non-Africans risked limiting the ANC's support base and was at odds with actual political dynamics back home. Thus ANC membership was open to all races, a concession that further advanced universal values within the organisation. This progressive advance, however, was checked by nativist concerns. The top three positions of the president, the secretary general, and the treasurer were reserved for Africans to ensure that the organisation continued to project an African imagery and protect the hegemony of African interests (Ndebele 2001).

The post-Kabwe Conference period also saw a strengthening of the link between post-apartheid citizenship and access to material resources, especially for Africans. Hitherto it had been the PAC that underscored this correlation, while the ANC continued promising equal access to all, 'black and white'. Now however, the principle of the primacy of Africans within the organisation was extended to the question of access to material resources as well. Writing on the subject of the national question, for instance, Francis Meli, a highly respected intellectual and member of the ANC's NEC, asserted that 'Once one destroys apartheid, there is still inequality. It will not be easy for whites to lose all their privileges but, if we want real equality in daily practice, not only formally in law, this question will have to be addressed' (Meli cited in Van Diepen 1988: 75). The imminence of the fall of apartheid thrust the subject of redress onto the immediate agenda of the ANC, as the organisation would have to grapple with socio-economic equalities once in power.

Thus national liberation was increasingly defined not only in relation to the franchise, but also took into account socio-economic inequalities. Inevitably, once this link had been underpinned, the uneven racial structure of inequality was to require a degree of racial ordering, as the 'African majority...were the main victims of the apartheid system; the coloured and Indian communities, who, though accorded bigger crumbs from the masters' table, were [also] excluded from the court of the privileged'. Hence, the emphasis within ANC policy documents that political liberation was not just about freeing 'blacks in general', but about freeing 'Africans in particular'. The document, *Nation-formation and nation building in South Africa*, explained '...national oppression can only be successfully addressed in the context of socio-economic transformation' (ANC 1997a).

This entails much more than competition among the 'multiracial' middle strata and classes for material benefits that can be gained out of the achievement of democracy, a phenomenon to which concepts like 'black empowerment' popularly tend to be reduced. Rather, it means improving the quality of life of the poor, the overwhelming majority of whom are defined by South African capitalism as blacks in general, and Africans in particular.

The principle of African leadership does not mean moving away from merit: one cannot proceed from the premise that it is people, other than African people, who have merit. However, apartheid deliberately denied opportunities to blacks in general, and Africans in particular. Therefore, it is critical that deliberate steps are taken to empower them to play their role. Affirmative action is meant to address this and, naturally, it is those who have been most disadvantaged who ought to be the foremost beneficiaries of such a programme (ANC 1997a).

A fundamental point underscored here is that affirmative action does not constitute a shift in the nationalist discourse. Rather, it is embedded within this discourse, especially in the conceptions of nationhood and citizenship. The latter carried implications for social redress, because socio-economic status in South Africa had always been inextricably linked to citizenship. But this was articulated at varying points by the contending paradigms – non-racialists and Africanists – within the nationalist movement. The Africanists (primarily the ANC Youth League and later the PAC) were the first to underscore the citizenship material-resources nexus from the 1940s, whilst the non-racialists

followed late in the 1980s when they began grappling with the question of how they would address the post-apartheid socio-economic inequalities.

It was inevitable that non-racialists, as represented by the ANC, would link the restoration of black citizenship to social redress. For defining citizenship purely in terms of political rights would have implied political equality against the backdrop of social injustice. This was unfathomable, especially because the ANC had predicated the achievement of nation building, among other things, on eliminating the sense of national grievance felt by blacks, particularly Africans. This national grievance stemmed primarily from material dispossession and denial of opportunities, which left Africans comparatively disadvantaged. Affirmative action thus is intended as a measure to undo that historical disadvantage and placate the attendant national grievance.

Needless to say, affirmative action suffers from a class bias. It benefits the educated black elite, not the entire black community. What of the grievance felt by the black working and under classes? Are they not deserving of a similar measure of social redress? Actually, the post-apartheid state, according to most literature,⁵ has opted for a policy regime that hardly addresses itself to the specific needs of the poor and unemployed. Seekings and Natrass (2006), for instance, identify the government's capital-intensive and high-wage growth strategy, among others, as particularly inappropriate to absorb the large pool of the unemployed into the labour market. Of course this does not suggest that the post-apartheid policy regime has been completely inimical to the interests of poor. A significant measure of progress has been registered in numerous areas, including in the housing, health, and social welfare sectors, which has largely benefited the black lower classes (PCAS 2003).

But the black lower classes have not received a comparable measure of social redress as the middle-to-upper-classes. This is evidenced by the comparatively high level of poverty and increasing inequality between the high and low income groups within the black community (Seekings & Natrass 2006; UNDP 2003). This is, of course, a result of conscious policy choices made by the post-apartheid state. Ultimately, this class bias reveals the pitfalls of the nativist-oriented conception of the state, for it assumed that a predominantly-black state apparatus would necessarily be equally responsive to the plight of the black community regardless of class location. This presupposed the existence of racial solidarity, unmitigated by class interests. Evidence shows such a supposition to have been false.

IS AFFIRMATIVE ACTION DISCRIMINATORY?

But this still begs the question posed earlier in this chapter: Is affirmative action racist? If judged racist, then it means that this practice is also unconstitutional, for the Constitution, as the supreme law to which all the legislation complies, outlaws racism. A short answer is that it is neither racist in a discriminatory sense nor unconstitutional. This answer is based on the constitutional definition of rights, equality and fairness/unfairness.

In the first instance, the Constitution guarantees three types of rights: political and civil rights, cultural rights, and socio-economic rights. The last of these evidently has implications for social redress. This implication is brought into sharp focus by the constitutional principle of equality, which, among other things, re-emphasises equal access to socio-economic resources. The Constitution, as the Constitutional Justice Albie Sachs underlines, ensures that equality is 'looked at from a contextual and substantive point of view, not a purely formal one'. Justice Sachs explains that a substantive approach to equality:

...roots itself in a transformative constitutional philosophy which acknowledges that there are patterns of systemic advantage and disadvantage based on race and gender that need expressly to be faced up to and overcome if inequality is to be achieved. In this respect, the context in which the measure operates, the structures of advantage and disadvantage it deals with, the impact it has on those affected by it and its overall effect in helping to achieve a society based on equality, non-racialism and non-sexism, become the important signifiers. (Sachs 2007: 14)

Affirmative action, therefore, is in alignment with the constitutional objective of establishing an egalitarian society. That this policy manifests itself in terms of preference for race over another is a function of the nature of the structure of inequality. The latter, owing to the past practices of racial discrimination, exists in a racial form. Inevitably and logically, undoing inequalities requires a race-based policy. And this, according to Sachs, does not amount to discrimination against those excluded from affirmative action, for it does not entail unfairness. Fairness, in this instance, is defined in conjunction with the South African context, that is, racial equalities, and the broader constitutional values of equality and non-racialism. Affirmative action pursues non-racialism as it eliminates race as a determinant of life opportunities.

REDRESS THAT TACKLES RACE AND CLASS

The claim that affirmative action is not racist, however, should not preclude any enquiry as to whether it is the best tool to effect social redress within the black community. Already, evidence shows that it accentuates inequalities, creating an elite group of beneficiaries, whilst the rest of the black populace is left out. Thus an alternative argument has been advanced as to whether the existing racially based redress mechanism should not be substituted with a class-based one (Alexander 2006; Habib 2004). Advocates of this approach argue that, though class-focused, this new approach would still largely benefit the black population, as it constitutes the largest segment of the poor. The limitation in this approach, however, is that it does not address itself to the racialised nature of income and wealth distribution in the South African society. Income and wealth distribution is still skewed in favour of the white population, and a redress mechanism that is exclusively focused on the lower section of society would leave that distribution intact.

What is required instead is a redress mechanism that tackles both race and class simultaneously. The existing Broad Based Black Economic Empowerment Act (No. 53 of 2003) is one innovative way of doing this. This legislation ensures that economic transformation benefits not only the black middle and ruling classes, but also the lower classes who are able to mobilise resources through, for instance, stokvels. This obviously has to be supplemented by even greater expenditure on social issues, especially on public education to facilitate upward mobility.

In sum, affirmative action does not constitute a shift in ANC policy from non-racialism to Africanism. The two ideological strands have always contested for influence within the nationalist discourse and, in the process, elements of each ideology fused into one hybrid ideology. Thus, throughout its lifespan, the ANC has never been exclusively non-racial. Rather, it has vacillated on an ideological continuum that comprises both Africanist and non-racialist tendencies. Affirmative action, therefore, is simply a function of this nationalist discourse, especially the principle of the nexus between citizenship and social redress and/or material base. Post-apartheid citizenship was always going to be accompanied by social redress to placate the national grievance caused by colonial and apartheid dispossession. Affirmative action alone, however, is insufficient as it benefits the black middle to upper classes.

Beneficiaries of redress need to be expanded to include all segments of the black community. Needless to say, this point is increasingly gaining acceptance within officialdom and some measures have been undertaken in this regard.

Notes

- 1 See, for instance, the 1994 White Paper on the Reconstruction and Development Programme; the 1995 White Paper on the Transformation of the Public Service; and the 1998 White Paper on Affirmative Action.
- 2 Maharaj was one of the first ANC ministers in the inaugural cabinet, responsible for transport.
- 3 <http://www.sacp.org.za/people/slovo>
- 4 Pik Botha cited in *The Weekender*, 17 July 2007.
- 5 See, for example, Bond 2000; MacDonald 2006; Terreblanche 2002; Seekings and Nattrass 2006; and UNDP 2003.

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4 ASSESSING RACIAL REDRESS IN THE PUBLIC SERVICE

Vinothan Naidoo

Efforts to make South Africa's public service more representative were propelled by the introduction of a non-racial democracy in 1994. The racial profile of South Africa's public service was integral to sustaining the policy of apartheid, which was designed to promote a segregated and unequal system of social, economic and political relations between legally defined race groups.¹ Van den Berghe (cited in Marger 1994: 402) interestingly referred to apartheid South Africa as a *Herrenvolk* democracy, defined paradoxically as a 'state that provides most democratic features of political rule to whites while ruling blacks dictatorially'. More specifically, the creation of geographically separate and administratively distinct homeland territories to house South Africa's black African population represented the pinnacle of a race-based system of public administration designed to strategically regulate the representation of the country's black population in the public service relative to its white population.²

South Africa's system of public administration has undergone significant changes in its racial composition since 1994. These changes have resulted from the coming into force of legislative and policy provisions designed to distance the country from its apartheid past, by specifically promoting the notion of 'employment equity'. The passing of the Employment Equity Act (EEA) (No. 55 of 1998) gave legal backing to this process, and held a twofold purpose: the first was to promote equity in the workplace by eliminating 'unfair discrimination', recognising historical disparities in employment and occupational representation of black people as a result of the apartheid policy and other discriminatory laws and practices. The second purpose aimed to actively achieve this equity by implementing 'affirmative action' to redress imbalances in racial representation, which entailed promoting the employment of persons from the black population (section 15.1). In addition

to the Act a number of policies specific to public administration have been drafted to guide the implementation of affirmative action.

Departing from the twofold purpose of employment equity, the aim of this chapter is to review measures specifically created to promote and achieve racial redress in the South African public service, and to take stock of the outcomes. This aim will be pursued by firstly giving a historical background to the issue of racial redress in the public service. The chapter will then cover the legislative and policy instruments created to promote racial redress. This will be followed by a review of the state of race and gender representation in the public service, employing secondary and primary statistical data, the latter of which includes recent (that is, 2006) data available from the government's personnel and salary information system (PERSAL).³ The final section will consider the relationship between racial redress and government capacity.

HISTORICAL OVERVIEW OF RACIAL REDRESS IN THE PUBLIC SERVICE

Before providing some historical background for understanding racial redress in the public service, some basic information on its size and structure is necessary. South Africa's post-apartheid public service is overwhelmingly comprised of persons employed in national government departments and 9 provincial administrations, according to the Public Service Act (No. 103 of 1994). Data published by the Public Service Commission (PSC) in 2006 on the total size of the public service indicated that it numbered 1 078 236 employees (PSC 2006a: 69). This represented 6.4 per cent of the country's economically active population, estimated at 16 726 000 persons by Statistics South Africa (Stats SA 2006: iv, xviii).

The total number of public servants is spread across 40 national structures, 29 of which represent departments presided over at ministerial level; and 9 provincial government administrations (PSC 2006a). Employees of local government administrations are not defined as part of the public service, and are constituted and structured according to separate pieces of legislation.

Prior to 1994 South Africa's policy of apartheid entrenched a system of legal discrimination based on race. This was most intensively developed in the case of the African segment of the black population, who, even though most lived and worked in so called 'white areas', were assigned to geographically separate

territories that were supposed to attain independence from a white-led South Africa proper at some future time.⁴ The systematic nature of the system was marked by inequalities in levels of political and administrative status attached to each of the four defined race groups. For instance, although South Africa's 1984 Constitution provided some measure of political representation for the country's coloured and Indian/Asian communities, overriding authority remained in the hands of a whites-only elected House of Assembly.

The apartheid policy also had significant effects on the structure of public administration in the country. The PSC reported, for example, that prior to the country's political unification in 1994, there were as many as 11 public services, each with its own legislation, structures, systems and personnel composition (PSC 1995: 5–6).⁵ This principally comprised public administrations serving the RSA, and 10 other administrative structures attached to the geographic areas designated to house the country's African population. This included the 4 so-called TBVC states (Transkei, Bophuthatswana, Venda, and Ciskei), which were considered 'independent', and 6 other non-independent 'self-governing territories'. In the same report, the PSC indicated that prior to the country's first democratic election the public service constituted 172 departmental structures and just over 1.2 million personnel shown in Table 4.1.

Table 4.1: Public service organisation and employment, 1993

	Number of departments/ administrations*	Number of personnel
Public service of the RSA	38	750 000
TBVC states (independent African homeland territories)	76	210 000
Self-governing territories (non- independent African homeland territories)	62	270 000
Total	172	1 230 000

Note

* Includes provincial administrations.

Source: PSC (1995: 9)

Any doubt as to the extent of the apartheid policy's influence over the structure of public administration was countered with Pierre Hugo's reference to a comment by the chairperson of the Commission for Administration,

the apartheid-period predecessor to the present PSC, who acknowledged that the 'whole structure [of public administration] is imbued with the apartheid policy – it has become a way of life' (cited in Hugo 1990: 111–112). The consequences of the chairperson's observation can in essence be seen in the pre-1994 staffing profile of the public service, as illustrated in Table 4.2.

The figures in Table 4.2 show that Africans actually constituted the largest racial segment of public servants prior to the introduction of a non-racial democracy. The comparatively larger representation of Africans takes on a different character however when the distribution of their representation is tallied. Table 4.2 is qualified, for example, by the fact that 40 per cent of the total number of African public servants resided in the administrations of self-governing states, which were economically dependent and politically subservient to South Africa in 1989.⁶ The data also shows the extent to which Africans were more marginally represented amongst the majority of occupational classes, including the security services, whilst comprising 83 per cent of public servants classified as 'labourers'.

Table 4.2: Racial composition of central government, provincial administrations and self-governing 'states', 1989⁷

	Labourers	Educators	Nursing personnel	Service personnel (SADF, SAP, Prisons)	Other (520 occupational classes)	Total
White	1 050	68 657	25 881	84 533 ^b	121 980 ^b	302 101
Coloured	35 237	37 743	15 082	13 469	18 119	119 650
Indian/ Asian	2 065	12 655	5 992	3 722	7 077	31 511
African	190 353 ^a	128 528	43 685	47 340	49 377	459 283 ^c

Notes

a This amounts to 83 per cent of all labourers employed in the public service.

b 68 per cent were employed in security services and other general and own affairs occupational categories.

c 40 per cent were employed in the public services of the self-governing states.

Source: Calculations based on data reproduced by Hugo & Stack (1992: 54–55), taken from the Commission for Administration Annual Report, 1989

Senior occupational categories (that is, management) by income band were also dominated by white people, with the top 8 income categories averaging nearly 89 per cent white occupation, with a high of 100 per cent at the highest band down to a low of 75 per cent at the second highest band. Total employment across the top 8 income bands overall saw nearly 81 per cent white representation (Hugo & Stack 1992: 56). This situation was essentially confirmed in Guy Martin's analysis, which estimated that before 1994 more than 94 per cent of senior posts in the public service were occupied by white people (Martin 1999: 631).

Hugo added elsewhere that the scope for Africans occupying managerial positions was largely limited to homeland bureaucracies or those institutions dealing exclusively with government decreed 'own affairs' (Hugo 1990; 1989). The distribution of African public servants prior to the establishment of a non-racial democratic state would appear therefore to coincide with a deliberate attempt to control their distribution, which also corresponded with the prevailing logic of apartheid. In other words, the numbers would appear to be consistent with the chairperson of the Commission for Administration's earlier description.

The previous section introduced the circumstances which influenced the macrostructure and personnel composition of the public service prior to South Africa's transition to a non-racial democracy in 1994. The next section will pick up the story after 1994 by giving an overview of the legal and policy provisions that came into effect to address racial imbalances in the composition of the public service.

LEGISLATIVE AND POLICY BACKGROUND BEHIND RACIAL REDRESS IN THE PUBLIC SERVICE

Redressing the representation of black people in the public service after 1994 was primarily driven by the outcomes engendered by the apartheid policy, which ensured that the central public service was strategically dominated by representatives of South Africa's white population. In keeping with the reconciliatory tone of South Africa's political transition, the country's first democratic Constitution, the interim Constitution (Act No. 200 of 1993), protected the employment of persons employed in the public service before the coming into effect of the Act (See Clause 236, Chapter 15). These were

termed the 'Sunset Clauses', characterised as a 'power-sharing' mechanism negotiated between the apartheid-governing National Party and the African National Congress (Cameron 2004). These two political parties would jointly constitute a Government of National Unity (GNU) following South Africa's first democratic elections in April 1994. Although essentially granting job protection to white public servants, the 'Sunset Clauses' were by definition not indefinite and, in terms of the interim constitution, could be subject to future repeal or amendment of legislation. In this regard the maintenance of the status quo would soon come to coexist with the drafting of policy calling for major changes to be effected in the demographic profile of the public service.

The first major policy pronouncement signalling changes in the racial profile of the public service was expressed in section 5.2 of the ANC's Reconstruction and Development Programme (RDP), which later became the 1994 White Paper on the Reconstruction and Development Programme. The RDP White Paper made specific mention of a need to promote 'affirmative action'. This was, however, presented in a broader administrative context marked by a need to re-evaluate the public service's functional priorities and review the rules governing personnel placement and salary recognition. Reference to affirmative action within the context of the public service's internal personnel arrangements indicates that the GNU and ANC in particular, acknowledged early on that any programme of affirmative action would need to be accompanied by a review of essential administrative infrastructure, which, in any event, would be needed to support the changes in policy content and priorities brought about by the post-apartheid transition.

A year after the publication of the RDP White Paper, another White Paper began to set more tangible expectations for affirmative action. The 1995 White Paper on the Transformation of the Public Service (WPTPS) identified the goal of creating a 'genuinely' representative public administration, where this was defined according to an administrative system that reflected the major characteristics of South African demography (section 2.2.(a)). The goal of achieving 'genuine' representation was further qualified by the enactment of the Constitution of the Republic of South Africa (Act No. 108 of 1996) a year later, which included amongst nine values and principles underpinning public administration, that of a public service which was broadly representative

of the South African people, and which necessitated a 'need to redress the imbalances of the past'.

The implications of a 'genuinely representative' public service, coupled with a public service that was 'broadly representative of the South African people', were given concrete form elsewhere in the 1995 WPTPS (section 10.6), which set racial, gender and disability targets for the public service. These are illustrated in Table 4.3:

Table 4.3: Demographic targets for the public service at management level

Category	Target
Percentage of black people at management level* by 1999	50%
Percentage of women new management (middle and senior) recruits by 1999	30%
Percentage of people with disabilities by 2005	2%

Note

* At director or equivalent, and higher ranks.

Source: DPSA (1995)

The targets were directed at three levels of representation: the first called for an increase in the representation of black people at management level. The second called for an increase in the representation of women in management⁸. The third target called for an increase in the number of persons with disabilities in the public service as a whole.

Seeking an increase in the number of black people in the management echelons of the public service was to a large extent expected, taking into account the almost complete dominance of white public servants in the influential senior occupational categories, illustrated earlier by Hugo and Stack. Vincent Maphai (1992) also observed early on that South Africa's political transition bequeathed a perception that certain quarters of the state, such as the military, security forces and the civil service, were strongly partisan, and preserved a great deal of power and patronage. He added that the top echelons of public administration represented a major political power bloc, leading him to speculate that the key arena for affirmative action was likely to be the senior decision-making ranks of the public service, in which white people had historically enjoyed complete dominance. On this score, it

was reported that before the political transition the ANC proposed that the top 1500 posts in the public service, starting from director level, should reflect the composition of the population as a whole, which, in a consolidated geo-political entity, was of course overwhelmingly black, and African in particular (cited in Hugo 1992: 58).⁹

Three years after the tabling of the WPTPS, the White Paper on Affirmative Action in the Public Service (DPSA 1998) essentially pulled together these earlier policy pronouncements on the issue. Of particular interest was how this document tried to link the need for affirmative action with notions of acceptability, reflecting concerns about how the public service would be viewed by the population if its demographic profile in a unified non-racial state did not translate into significant changes in the representation of black people. Section ii of the White Paper argued for example that achieving a broadly representative public administration was a key to restoring 'legitimacy' and 'credibility' in the eyes of the majority of South Africans (who were black and African).

The notion of drawing on the racial diversity of South Africa's population, introduced in the 1995 WPTPS, was also given further expression in the White Paper on Affirmative Action by the argument that individuals who were historically marginalised might be better placed to administer services to constituencies that were also marginalised in this way. This was based on the rationale of recruiting individuals who possessed the linguistic ability to communicate with South Africa's diverse population groups (particularly the various African linguistic groups), coupled with the recruitment of individuals who could be said to possess an 'in-depth' understanding of the needs of populations who were previously discriminated against (DPSA 1998 : section 2.5). Section 3.3.1 of the White Paper on Human Resource Management in the Public Service offered a similar point (DPSA 1997a).¹⁰ The publication of the White Paper on Affirmative Action in the Public Service (DPSA 1998) occurred in the same year as the signing of the EEA, which gave legislative backing to erstwhile policy positions arguing for the racial profile of the public service to be actively transformed.

In general, the introduction of policy calling for significant changes in the representation of black people in the public service was communicated as an issue of service delivery efficacy in a non-racial democracy, whilst

being broadly underpinned by more sentimental notions of credibility and legitimacy. The actual process of introducing affirmative action into the public service did not however, at least in policy terms, appear to abandon the initial concern as expressed in the RDP White Paper that affirmative action needed to proceed alongside the review and reform of personnel practices and functional priorities in the public service. The implications of ignoring this relationship were in fact expressed in the White Paper on a New Employment Policy for the Public Service (DPSA 1997b), which observed that a central goal of public service employment policy was creating a genuinely representative service that reflected the major characteristics of South African demography, 'without eroding efficiency and competence' (section 2.2 (a)). Assessments of efficiency and competency relied on more than just the complexion of human resources to capture broader questions about the structure and management of a new employment regime and its relationship with new functional priorities and reformed organisations. Before probing this relationship further, the next section will first need to review the outcome of racial redress in the public service.

RACIAL REDRESS IN THE PUBLIC SERVICE

This section reviews relevant statistical data on the state of race and gender representation in the South African public service, including calculations based on recent employment data contained in the government's personnel and salary information system (PERSAL) system. The review will begin by using the employment figures documented earlier by Hugo and Stack as a baseline around 1989 and working towards the present period. The review of race and gender will cover both aggregate and disaggregated levels referring to, *inter alia*, total employment, employment by occupational category, and employment by sphere of government (national versus provincial). A statistical review such as this will provide a material indication of the enforcement of legislative and policy provisions calling for racial redress in the public service.

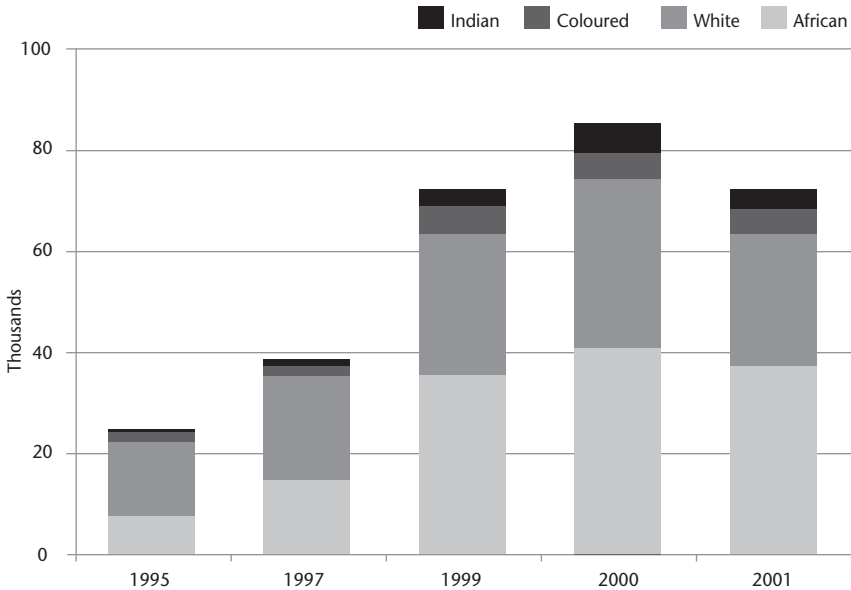
REPRESENTATION BY RACE

As illustrated in the figures referenced earlier by Hugo and Stack, aggregate employment by race showed that black people constituted 59 per cent of the

total public service, taking 1989 as an example and excluding employment in the self-governing territories. The more significant issue for the incoming ANC-led government was however the occupational distribution of black public servants which saw their significant under-representation in the majority of occupational categories, including the security services, whilst excluding educators and nursing personnel; as well as the almost complete absence of black people amongst the senior occupational levels. With reference to these senior levels, if distribution by population representation was the yardstick, which it explicitly became after 1994, then asymmetrical representation was the practice during apartheid, where population figures for South Africa as a whole in 1989 indicated that the country was 75.2 per cent African, 13.6 per cent white, 8.6 per cent coloured, and 2.6 per cent Asian/Indian (SAIRR 1990: 35).

Having noted this, any attempt to change the racial composition of the public service was not likely to be carried out in a vacuum; in his description of the policy reform framework facing public administration in South Africa Paseka Ncholo indicated that 'representativeness and affirmative action' was one of nine priority areas, which included 'institution building and management... transformation of service delivery to meet basic needs...[and] improvement of employment conditions and labour relations' (Ncholo 2000: 89). This recalls the RDP White Paper's discussion of affirmative action in a broader context entailing a review of functional priorities, personnel placement and remuneration practices.

With this in mind, reviewing the effects of post-1994 policy calling for changes in the racial profile of the public service could begin with Thompson and Woolard's (2002) assessment of employment equity between 1995 and 2001. The aim of the researchers was to assess the outcome of efforts to institute affirmative action in the public service by using data captured in PERSAL. Overall, the researchers were able to show a rise in the aggregate number of black public servants at management level in the period under review. Figure 4.1, reproduced from Thompson and Woolard's study, interestingly shows that the number of white managers also rose during this period, which together with the number of black managers indicated that the total number of public servants at management level increased substantially from around 24 000 in 1995 to over 70 000 by 2001.

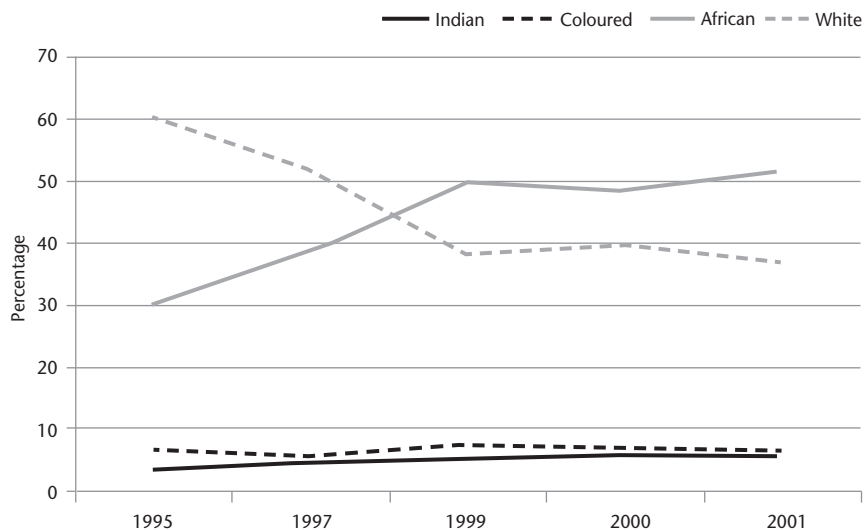
Figure 4.1: Racial breakdown of managers in the public service, 1995–2001

Source: Thompson & Woolard (2002: 5)

Referring to this situation, Thompson and Woolard indicated that ‘although the managerial level numbers are taken from the PERSAL database (level 13 and above), it does indicate some change in the level descriptors during this period and not a mass employment drive by the public service’ (2002: 5). This was elsewhere confirmed by the Department of Public Service and Administration (DPSA 1996), which reported that the salary grading system for the public service was significantly rationalised beginning in 1996, which, together with Southall’s (2004: 533) observation that total employment in the public service actually decreased between 1994 and 2001 by a figure of 124 959 persons, indicates that the rationalisation process produced changes in the definition of a public service manager. Of more immediate interest, though, was the comparative increase in the number of black public servant managers, and Africans in particular, coupled with a reduction in the comparative representation of white managers. This is illustrated in Figure 4.2; the picture conveyed in this figure must be situated in a context where, as Hugo noted earlier, there were already populations of white and black public

servant managers prior to 1994, where these groups generally co-existed in separate administrative systems. The unification of this disparate system of public administration after 1994, which resulted in a merging of managerial and non-managerial personnel, saw marked gains for black and, in particular, African managers and would-be managers.

Figure 4.2: Public servant managers at all levels, by race, as percentage of total managers, 1995–2001



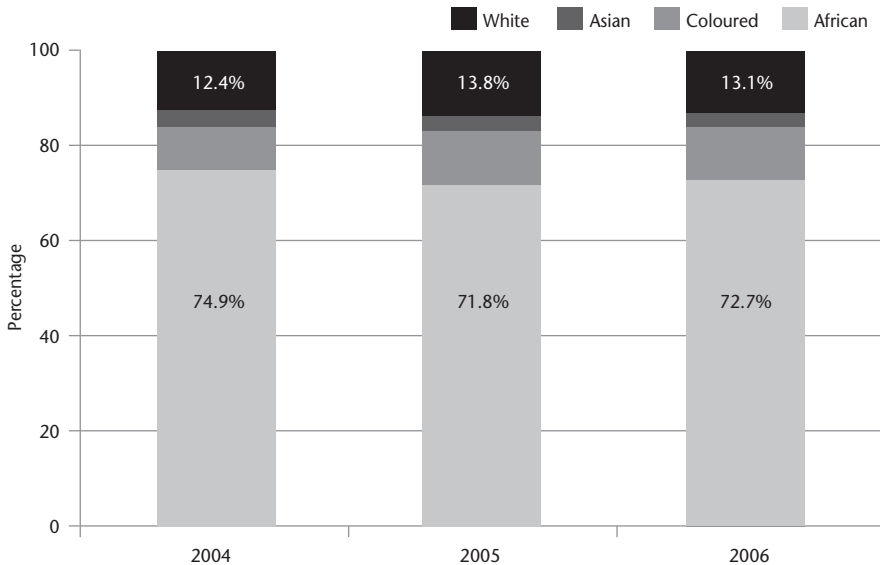
Source: Calculated from data in Thompson & Woolard (2002: 5)

Figure 4.2 also indicates that the policy objective of achieving a 50 per cent representation of black public servants at management level was reached by its target date of 1999, driven exclusively by the African segment of this grouping. The Public Service Commission (2006b: viii) reported that the 50 percent target figure for black managers had been revised upwards to 75 per cent in 2005.

Figure 4.3 illustrates the racial composition of the public service as a whole and shows that by 2004 the goal of a public service reflecting the major characteristics of South African demography, as intended by policy, seems

to have generally taken place, if compared with overall population statistics. For example, South African census data showed that by 2001 the African segment of the population stood at 79 per cent, the white population at 9.6 per cent, the coloured population at 8.9 per cent and the Indian/Asian segment at 2.5 per cent (Stats SA 2003: 10). By 2004, African representation in the public service was estimated at 74.9 per cent, with white representation standing at 12.4 per cent. These proportions remained generally consistent between 2004 and 2006.

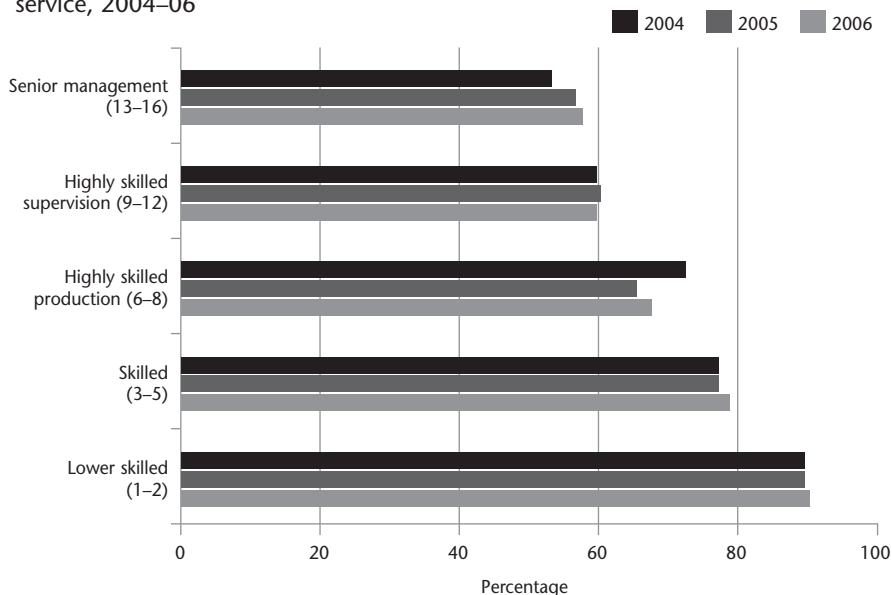
Figure 4.3: Aggregate racial composition of the public service, 2004–06



Source: Own calculations based on PERSAL data (excludes Department of Defence and Secretariat for Safety and Security)

Another perspective on racial representation in the public service across a wider grouping of occupational levels shows that African representation *within* these categories remains highest at the lower-skilled end of the scale, and decreases towards the higher-level bands (see Figure 4.4). This recalls Hugo's earlier observation about the considerable representation of Africans at lower levels of the public service prior to 1994.

Figure 4.4: Africans as a percentage of occupational categories in the public service, 2004–06

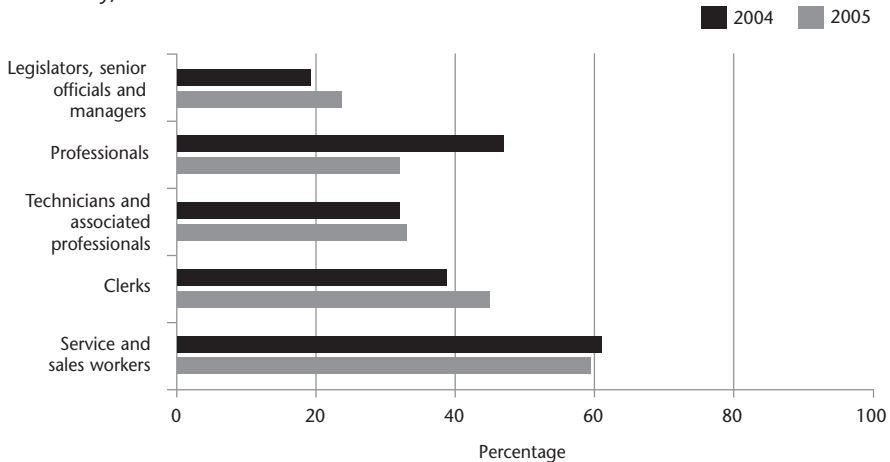


Source: Own calculations based on PERSAL data (excludes Department of Defence and Secretariat for Safety and Security)

This is generally consistent with the picture in the wider economy, as illustrated in reports of the Commission for Employment Equity, a South African statutory body. The occupational categories referred to by the Commission between 2004 and 2005 could generally be compared with that of the public service, allowing for an indicative impression of racial representation across occupational categories.

Figure 4.5 shows that African representation as a percentage of occupational bands tends to be highest in service/sales roles and declines towards the higher-skilled end of the scale. Having said this, in terms of their representation within occupational categories, African representation in the public service exceeds this group's composition in the wider economy, and particularly when taken as a percentage representation of higher-skilled occupational categories.

Figure 4.5: Africans as a percentage of occupational categories in the wider economy, 2004–05



Note

The definition of occupational categories in the CEE's 2006–07 report changed and did not allow for same comparison.

Source: Own calculations based on data contained in reports by the CEE (2004–05; 2005–06)

REPRESENTATION BY GENDER

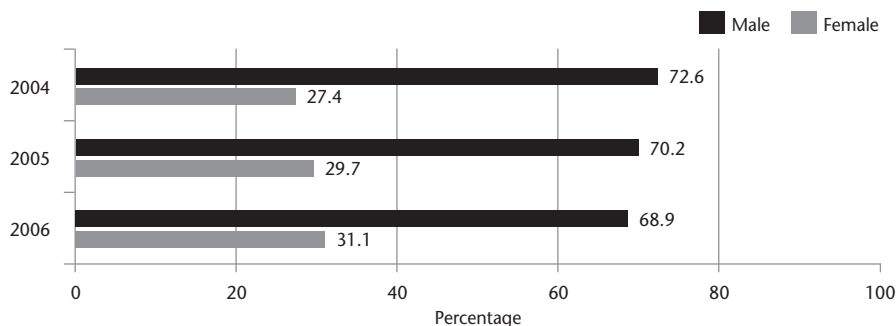
The significance of gender representation in the public service, and within the context of racial redress, follows from a number of observations showing that prior to 1994 the representation of women was strikingly low, particularly at senior occupational levels. This has been pointed out by a number of contributors researching affirmative action in the public service and representative bureaucracy (Cameron 2004; Martin 1999; Naff & Uys 2005). Cameron (2004: 16) in particular observed that women constituted only 7.94 per cent of public service managers in 1995, a figure which had more than trebled by 2004. This still contrasted sharply with the gender composition of the country as whole, which the 2001 Census calculated at 52 per cent women and 48 per cent men (Stats SA 2003: 8).

A closer look at the current status of gender representation in the public service (Figures 4.6 and 4.7) indicates that gender imbalances have not been reduced at the same pace at which racial imbalances have shifted. Having said

this, the representation of women at middle management level had well and truly cleared the 30 per cent target mark by 2004, whilst taking an additional two years to reach this milestone at the senior management ranks.

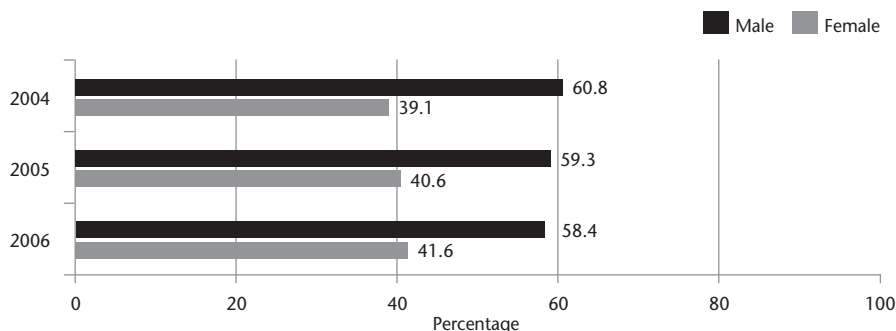
Figure 4.7 in particular shows that the gap between women and men in middle management (levels 9–12) is less unequal, where in 2006 women represented 41 per cent of ‘highly skilled supervision’ employees. The gender situation at middle management level paints a more sanguine outlook for the future, where, all things being equal, the percentage share of women occupying senior management posts should improve if departments are able to successfully retain and career-path female middle managers to higher levels.

Figure 4.6: Senior management in the public service by gender, 2004–06

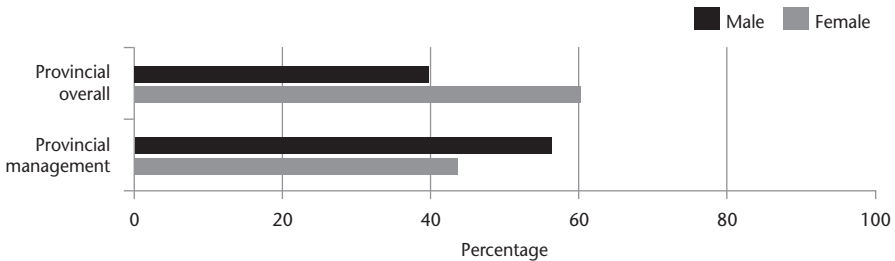


Source: Own calculations based on PERSAL data (excludes Department of Defence and Secretariat for Safety and Security)

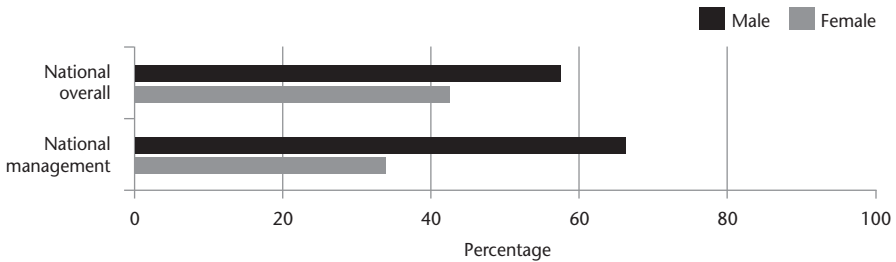
Figure 4.7: Middle management in the public service by gender, 2004–06



Source: Own calculations based on PERSAL data (excludes Department of Defence and Secretariat for Safety and Security)

Figure 4.8: Gender representation in provincial government, 2006

Source: Own calculations based on PERSAL data (excludes Department of Defence and Secretariat for Safety and Security)

Figure 4.9: Gender representation in national government, 2006

Source: Own calculations based on PERSAL data (excludes Department of Defence and Secretariat for Safety and Security)

In the course of analysing PERSAL data, calculations elsewhere revealed that despite the real prospects for future gains in the representation of women in senior management, gender imbalances remain evident at the upper echelons of the public service. This is acutely visible in Figure 4.8, which shows that despite the preponderance of women as a percentage of total provincial government employ, their numbers have not translated into gains at the management level (middle and senior, levels 9–16).

Figure 4.9 indicates that although the representation of women in national departments is not as inconsistent as it is in provincial departments, women's share of management is as high as ten percentage points below their allotment of provincial management positions, where men occupy two-thirds of the management positions in national departments. It may be significant to

note, whilst reflecting on this differentiation, that national government is constitutionally invested with greater policy and administrative authority than provincial government in South Africa.

This section has provided an overview of the status of race and gender representation in the public service between 1995 and 2006. It has generally shown that targeted objectives for changing the racial representation of the public service, especially at management levels, were achieved relatively quickly, whilst gender imbalances have taken longer to be redressed. As stated earlier, a conclusive assessment of the outcome of measures like affirmative action to rectify imbalances in race and gender representation cannot happen in isolation because affirmative action is intertwined with broader reform issues including changes in the functional prioritisation of the public service and the overall management of its human resources. The next (and final) section of this chapter will consider this relationship.

REDRESS AND PUBLIC SERVICE TRANSFORMATION

Relating the effects of affirmative action with the functional and employment circumstances of the public service often intersects with the issue of 'capacity', which most South Africans would anecdotally acknowledge is often discussed in informal conversations involving the issue of race. The association between race and the capacity of the public service has also been alluded to in the literature, where questions have been raised about whether, driven by a need to meet and maintain racial targets, racial redress has had an adverse impact on the ability of the public service to respond to new priority areas. John Luiz has, for example, speculated that 'the government's policy of affirmative action may have a double-edged effect. Whilst representativeness may indeed enhance the legitimacy of the bureaucracy, it will not necessarily promote capacity and autonomy' (Luiz 2002: 608).

Luiz added that: 'Whilst improving the representativeness of the bureaucracy is vital, it cannot be undertaken at the expense of capacity' (Luiz 2002: 608). The implication in Luiz's argument is that seeking racial representation, depending on how this is carried out, could yield adverse consequences for administrative capacity. Whilst this cannot be judged as deviating from the tone of policy such as the WPTPS, which acknowledged that affirmative action programmes may require the supply of intensive training support, it remains

to be shown whether the circumstances created by broader public service reform might cause the rigid adherence to racial redress measures to have a harmful effect on capacity? The next section will suggest that the conditions accompanying the functional re-organisation and re-prioritisation of state institutions, including current human resource management problems being experienced by the state sector, militates against a rigid adherence to measures designed to regulate staffing in the public service, which would include affirmative action.

FUNCTIONAL AND HUMAN RESOURCE MANAGEMENT CHALLENGES

This section firstly suggests that it would be challenging to, in the first instance, establish a causal relationship between the outcomes of racial redress and the capacity of the public service, given the significant increase in the scale of the public service's delivery mandate brought about by South Africa's political transition. Robert Cameron for example wrote that:

The apartheid state [pre-1994 Republic of South Africa] existed primarily to provide services to its White constituency. The post-apartheid state is trying to provide quality services to all of its constituents which entails increasing its target group from four to 44 million. This in turn requires a far more capacitated public service. The public sector is struggling to adapt to this gargantuan challenge. (Cameron 2004: 21)

The consequences of a significant increase in the scale of the public service's delivery mandate can also be seen in the functional changes in the organisational mandates of government departments. This can be seen by comparing the national departments and provincial administrations represented in Schedule 1 of the apartheid-period Public Service Act (No. 111 of 1984), with its post-apartheid successor, the Public Service Act (No. 103 of 1994). The comparison provides an indicative illustration of the functional changes experienced by the public service in the course of South Africa's transition to democracy. The comparison uses Schedule 1 listings at the time of the passage of the Acts, and does not incorporate changes to departments which took place after the acts came into being. The comparison is illustrated in Table 4.4.

Table 4.4: Comparison of apartheid-period and post-apartheid public service departments and administration

1984	1994
Dept of Agriculture	Dept of Agriculture
	Dept of Arts, Culture, Science and Technology <i>(Later split into the Dept of Arts and Culture and the Dept of Science and Technology)</i>
Dept of Constitutional Development and Planning	Dept of Constitutional Development <i>(Changed its name to Dept of Provincial and Local Government)</i>
	Dept of Correctional Services
Dept of National Education	Dept of Education
Dept of Environment Affairs	Dept of Environmental Affairs and Tourism
Dept of Finance	Dept of Finance
Dept of Foreign Affairs	Dept of Foreign Affairs
Dept of Health and Welfare	Dept of Health and Welfare <i>(Later split into the Dept of Health and the Dept of Social Development)</i>
Dept of Internal Affairs	Dept of Home Affairs
	Dept of Housing
Dept of Manpower	Dept of Labour
	Dept of Land Affairs
Dept of Mineral and Energy Affairs	Dept of Minerals and Energy
National Intelligence Service	Dept of National Intelligence Services
	Dept of Public Works
	Dept of Sport and Recreation
	Dept of State Expenditure <i>(Later merged with the Dept of Finance to form the National Treasury)</i>
Dept of Industries and Commerce	Dept of Trade and Industry
Dept of Transport	Dept of Transport
	Dept of Water Affairs and Forestry
South African Defence Force	National Defence Force
Office of the Prime Minister	Office of the President

1984	1994
Office of the Commission for Administration	Office of the Public Service Commission
South African Police	South African Police Service
4 provincial administrations	9 provincial administrations

Source: Public Service Act No. 111 of 1984, Schedule 1; Public Service Act No. 103 of 1994, Schedule 1

Table 4.4 shows that at least seven new national departments were present in the post-apartheid Act.¹¹ It also shows at least three cases of intra-departmental restructuring after 1994: the creation of a single Department of Arts, Culture, Science and Technology and its subsequent split into two departments (in 2002); the merging of the Department of State Expenditure with the Department of Finance to form a single National Treasury (in 2000); and the splitting of the Department of Health and Welfare into two separate departments. These more visible functional changes do not of course take into account the significant changes in delivery scale affecting departments that transitioned into 1994, including departments such as Agriculture and (National) Education. In addition to these changes, the post-apartheid Act also confirmed the previous disestablishment of bodies such as the Department of Community Development and the Department of Co-operation and Development. Finally, South Africa's four provincial administrations became nine provincial administrations with the passing of the interim Constitution in 1993, bringing into the fold the previous homelands and self-governing territories.

Table 4.4 can offer only an indication of the considerable organisational turbulence created by functional re-prioritisation and a scaling-up in the service delivery mandate of the public service. This needs to be considered together with the 'right-sizing' that began around 1996, which Ncholo (2000: 98) described as having been an almost interminable challenge for the government to '...balance service delivery needs against downward pressure on the public service wage bill'. Relating the goals of the 'right-sizing' strategy, that is to streamline and re-prioritise post establishments in the public service, in an expanded delivery context where public service personnel numbers fell by approximately 151 764 in the period between 1993 and 2006¹², presents difficulties for analysing the effect of racial redress. The question is: in the absence of race and gender changes in the public service, would the

bureaucracy have been better able to carry out an expanded agenda of new policy priorities in a restructured organisational environment and under restrained hiring circumstances?

In attempting to probe the relationship between racial redress and the broader effects of public service reform, there is evidence suggesting that, setting race off to the side somewhat, the post-apartheid public service appears to be grappling with broader challenges relating to the overall management of its available human resources. For example, research by the PSC (2003) showed that between 1998 and 2002 a significant amount of mobility was occurring *within* the public service management corps (calculated at 62 per cent), and particularly at the national level (see Table 4.5). This later declined but stabilised at what remained a high overall rate (internal and external mobility) of 32 per cent at the national level and 38 per cent in the provinces, where the provinces continue to be affected by what appears to be an incongruent allocation of management resources relative to their total employment, in a scenario where provinces shoulder the bulk of policy implementation responsibility in South Africa (Table 4.6).

Although mobility within the public service appeared to be more heavily pronounced between 1998–2000, the Presidency (PCAS 2003: 12) observed in its Ten Year Review of government programmes report that ‘career-pathing’, particularly at the highest levels of the public service, had not yet been fully developed, resulting in skilled and experienced personnel being lost to the private sector (i.e. external mobility).

Table 4.5: Mobility of senior managers in the public service, 1998–2002

	National	Provincial
Average annual mobility rate (1998–2002)	68.0%	13.0%
Percentage external mobility (out of public service)	6.0%	
Percentage internal mobility (within public service)	62.0%	
Average annual mobility rate (2000–02)	32.0%	38.0%

Note

Levels 13–16, including directors, chief directors, deputy directors-general, directors-general.

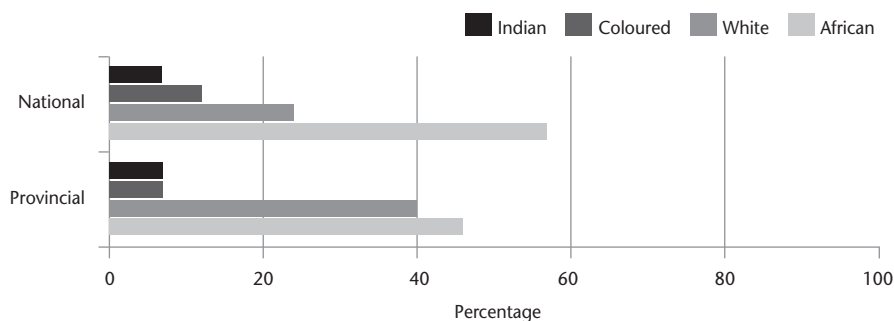
Source: PSC (2003)

Table 4.6: Ratio of senior managers to subordinates (national and provincial levels), 2006

	Total excluding senior managers	Senior managers	Ratio
National departments	246 945	4 585	53.86
Provincial departments	736 341	4 109	179.20

Source: Own calculations based on PERSAL data (excludes Department of Defence and Secretariat for Safety and Security)

Staying with the issue of mobility, Figure 4.10 shows that nearly 60 per cent of mobility that took place at the provincial level involved African people, with 24 per cent involving white people. Amongst national departments, 46 per cent of mobility involved Africans, followed closely by whites, who constituted 40 per cent of mobility. The overall effect of this mobility data suggests that creating greater stability in high level public service employment, regardless of the race of the incumbent, has to be seen as a significant issue.

Figure 4.10: Senior management mobility by race, 1998–2002

Source: Based on figures published by the PSC (2003)

In addition to the problems presented by high mobility rates, the public service has also been experiencing difficulties filling vacancies at middle and senior management levels. In order to obtain an empirical impression of the problem, published senior manager (level 13–16) vacancy figures for 22 national departments were tabulated by consulting annual reports for the periods 2004–05 and 2005–06. For those departments that were not

included, published figures were either not available or appeared to have been miscalculated. Table 4.7 illustrates the result of this exercise. The 22 departments averaged a 22.3 per cent vacancy rate at senior management level, rising to 25.3 per cent in the 2005–06 reporting period. The problem was more pronounced at middle management (level 9–12), which on aggregate contains more posts than senior management, and where the average vacancy rate was 32 per cent and 31 per cent for 2004–05 and 2005–06 respectively.

Table 4.7: Senior management vacancy in selected national government departments

National Departments	Year 2004–05 (%)	Year 2005–06 (%)
Agriculture	24.6	27.1
Communications	24.3	31.9
Correctional Services	11.7	9.6
Defence	0.0	1.1
Education	15.3	19.3
Environmental Affairs and Tourism	22.0	37.2
Foreign Affairs	11.0	18.0
Home Affairs	42.0	45.2
Justice and Constitutional Development	70.0	44.0
Labour	8.2	18.2
Land Affairs	12.6	13.7
Minerals and Energy	17.0	23.9
National Treasury	17.0	13.0
Presidency	27.6	27.5
Public Service and Administration	24.0	22.6
Provincial and Local Government	18.6	34.4
Public Works	20.4	21.7
Public Enterprises	16.3	24.1
Social Development	26.6	23.1
Trade and Industry	32.8	48.3
Transport	35.0	27.0
Water Affairs and Forestry	14.0	26.2
Average vacancy rate	22.3	25.3

Source: Own calculations based on figures published in departmental annual reports

In an effort to assess the significance of the vacancy rates shown in Table 4.7, the percentage change in vacancy rates in the 2004/05–2005/06 periods was compared with the percentage change in the post establishment, or number of posts specified by each department, which depending on the degree of change here, could give some indication of the impact that organisational restructuring might be having on the filling of vacancies. The results are presented in Table 4.8, which showed that in only four observable cases could a significant relationship be drawn between the rate of change in the number of posts and that in the vacancy rate. Notable examples included the Department of Communications, which showed a 31.3 per cent increase in vacancies, accompanied by a 27 per cent increase in the number of posts. The Department of Justice and Constitutional Development showed a 37.1 per cent decrease in its vacancy rate; however its total post complement was reduced by nearly 49 per cent. In contrast, there were ten departments which displayed, in many cases, a considerably higher increase in vacancies as compared to a more modest rise in post establishments. The results also showed that, in a handful of cases (Departments of Correctional Services, National Treasury, Public Service and Administration, Social Development and Transport), vacancy rates were being reduced in the face of increased post establishments. The overall picture obtained from published departmental reports suggests that most departments appear to be sustaining high levels of senior management vacancies in a relatively unforgiving environment, consisting of across-the-board increases in post establishments.

Table 4.8: Senior management vacancy rate compared with changes in post establishments, 2004–06

National departments	Percentage change in vacancy rate	Percentage change in number of posts
Agriculture	10.2	3.5
Communications	31.3	27.0
Correctional Services	–17.9	9.4
Defence		
Education	26.1	3.5
Environmental Affairs and Tourism	69.1	4.9
Foreign Affairs	63.6	12.1

National departments	Percentage change in vacancy rate	Percentage change in number of posts
Home Affairs	7.6	8.3
Justice and Constitutional Development	-37.1	-48.5
Labour	122	20.5
Land Affairs	8.7	9.2
Minerals & Energy	40.6	3.4
National Treasury	-23.5	3.7
Presidency	-0.4	1.5
Public Service and Administration	-5.8	24
Provincial and Local Government	84.9	25.8
Public Works	6.4	0.7
Public Enterprises	47.9	10.2
Social Development	-13.2	21.9
Trade and Industry	47.3	-49.7
Transport	-22.9	-1.1
Water Affairs and Forestry	87.1	17.5

Source: Own calculations based on figures published in departmental annual reports

The vacancy picture remains a key area of concern as it contributes directly to the capacity of public service departments to effectively carry out programmes and services. It should further be acknowledged, though, that the vacancy situation has also been a subject of contestation in South Africa. The source of the confusion stems from an article published in a South African newspaper in which the director-general of the DPSA was reported to have said that although the PERSAL system had recorded 320 000 vacancies in the public sector, most of these vacancies were unfunded, but in any event '97.8 per cent' of the personnel budget was being spent each year. Furthermore, he was reported to have added that new positions were often being created while existing vacant posts were not being abolished (and presumably de-recorded) and this had resulted in the true vacancy position being inaccurately reflected.¹³ This casts some confusion on at least one segment of the vacancy picture being published by departments themselves (management posts), whilst hinting at a potentially more serious problem with the manner in which departments have

created and managed post establishments. Further research that could provide a time-series picture of departmental post establishment and disestablishment, along with an in-depth analysis of the factors affecting this, could make a useful contribution towards clarifying the vacancy issue. For now, it appears evident that recent moves to expand the capacity of the state, through a general increase in management posts at least, which are furthermore being sought in an increasingly competitive domestic and international hiring environment, are proving difficult for the state to fulfil.

CONCLUSION

This chapter has had two purposes. The first has been to review the state of racial representation in the South African public service. This review has shown that efforts to transform the racial composition of state bureaucracy have yielded considerable shifts in the representation of black people since 1994. In particular, the representation of Africans at senior management level has increased significantly in comparison to the picture that existed prior to this date, where the representation of this group was heavily regulated in order to maintain the integrity of the apartheid policy. The overall picture indicates that shifts in racial representation have produced a public service that is organisationally more balanced in relation to the makeup of South African society. The representation of women in the public service has also increased markedly since 1994, especially at the middle and senior management levels, although in aggregate terms the appearance of women at key decision making levels remains below their share of the population.

The second purpose of this chapter was to situate changes in racial representation in a broader transformational context defined by functional re-organisation and re-prioritisation, and human resource management. It was apparent that the state continues to struggle with the management of its key human resources, following an initial period that saw considerable organisational restructuring and an increase in the scale and orientation (that is, a more participatory developmental approach) of government service delivery. Symptomatic features of the state's human resource management difficulties have included high rates of internal and external mobility of personnel of all race groups, and a potentially serious problem with filling vacancies in a more competitive job environment that is also witnessing an overall increase in post establishments. The net result of these observations would tend to call for the

relaxation of rigid measures designed to regulate staffing in the public service, including affirmative action, where this could result in greater flexibility being applied to attracting and retaining personnel, thus countering the effects of mobility and vacancies.

Notes

- 1 Race groups defined as white, coloured, Indian/Asian, and African.
- 2 'Black' population comprised coloured, Indian/Asian, and African race groups.
- 3 Primary statistics derived from data in the personnel and salary information system (PERSAL), obtained from the Department of Public Service and Administration. Data on vacancies derived directly from that published by government departments in annual reports.
- 4 See the Promotion of Bantu Self-Government Act (No. 46 of 1959).
- 5 See also Ncholo (2000: 89, 95).
- 6 'Self-governing states' conflates the two distinct categories of homelands, that is, the TBVC 'states' and the self-governing territories. The total employment figure given by Hugo and Stack for the 'self-governing states' suggests that just one of these categories is being referred to, rather than both, as a subsequent PSC report (1995: 9) counted that the TBVC states and self-governing territories each had in excess of 200 000 employees (see Table 4.1). It is assumed therefore that Hugo and Stack are referring either to the 'self-governing territories' or 'TBVC states', and not to both.
- 7 See Southall's data on the racial composition of the public service (including 'non-independent homelands') as at 1993. Southall observes that 43 per cent of African public servants resided in these homelands (presuming that 'non-independent homelands' refers to self-governing territories) (Southall 2004).
- 8 Apart from the marginalisation of Africans in the apartheid-period public service, it has been recognised that women were also severely under-represented. The RDP White Paper for example observed that although there were many capable women in the public service, very few were in senior positions. Cameron (2004) also observed that apartheid discriminated against white women, with very few holding senior management positions.
- 9 *Finansies en Tegniek*, 24 April 1991.
- 10 The White Paper remarked on a need to diversify public administration by arguing that the goal of improving quality and extending public services to all would require fresh thinking and innovative approaches that lay outside the traditional culture of public administration (section 3.3.2).

- 11 Does not include the Department of State Expenditure, which was established prior to 1994.
- 12 If comparing aggregate size presented earlier in Table 4.1 with that published by the PSC (2006: 69) as at February 2006.
- 13 *Mail & Guardian*, June 1 to 7 2007, Gear blamed for public service vacancies.

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5 SET-UP FOR FAILURE: RACIAL REDRESS IN THE DEPARTMENT OF PUBLIC SERVICE AND ADMINISTRATION

Ivor Chipkin

Efforts to 'transform' the state have formed a critical part of the post-apartheid project. Yet the task has been complicated by two factors. To begin with, the meaning of 'transformation' is caught between two imperatives that in the current situation appear to be at odds with each other. The first concerns the need to improve the efficiency and effectiveness of the state. The second concerns the need to achieve demographic representation in the public service.

Although it is common in South Africa to debate the relationship between these two variables (transformation as a mechanical process and transformation as nation building), the causal relationship between them is, in fact, mediated by a third factor: the rise of the New Public Management (NPM) in the South African public service. It is the combination of these three factors that needs to be considered.

Without proceeding too quickly to soon, let it be enough for the moment to say this: the way in which the public service is often analysed or discussed obscures the problem that this chapter wants to identify. Although it is common to discuss the performance of the public service and state agencies, in general, in terms of a skills deficit compounded by affirmative action, this chapter highlights a different dimension of the problem. It views the pursuit of equity as happening in the context of a particular politics on the state. As a result, dysfunctions arising from the NPM come across as deficiencies resulting from affirmative action itself.

AFFIRMATIVE ACTION AND TRANSFORMATION

What is the relationship between affirmative action and transformation? Let us recall that section 195(1) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) stipulates that 'Public Administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness and the need to redress the imbalances of the past to achieve broad representation'. Here affirmative action is referenced primarily to 'nation building'. In this view the state is a microcosm of the nation because it is composed of and reflects its real demography. But 'broad representation' is not necessarily the same as transformation. This is acknowledged by the Presidential Review Commission (PRC) when it worries that:

For some...change is believed to be adequately reflected in a more representative workforce, with organisational culture issues being ignored or seen as unimportant. For others, it refers solely to changes in service delivery, with little emphasis being placed on internal change. This illustrates the tendency to ignore the extent and complexity of the transformation process as a whole and how its most important indicators are often in the intangible rather than the tangible changes that occur in the working environment. (PRC 1998: 4.2.1)

According to the White Paper on the Transformation of the Public Service (WPTPS) (DPSA 1995), what matters in 'transformation' is the re-tooling of the state as an instrument to achieve service delivery. How are these two variables – affirmative action and performance – reconciled? In the words of the Department of Public Service and Administration (DPSA), affirmative action serves to reconcile the vision of the bureaucracy with that of the politicians, to co-ordinate and align their operations and to get the bureaucracy to work smarter with greater discipline and control (DPSA 2000c: section 2.5). It serves, in other words, to improve the responsiveness of the state to the commands of the new political operators. This is how democratisation too is conceived. The idea here is that black managers are likely to share a common political vision with their political masters. In Chapter 12 of the WPTPS, democratisation is reduced, in the main, to 'enhancing accountability'. Indeed, this is the title of the Chapter that deals with democratisation per se in the public service.

The document explains that ‘The RDP [Reconstruction and Development Programme] calls for democratisation, which goes beyond the right to vote, in both public and private sectors. This will require a comprehensive approach to the development of a democratic and accountable public service. At one level, a democratic approach will facilitate internal accountability and democracy within the operations of the service. At another level it will ensure that its relationship with the public are also transparent, consultative, participative and democratic’ (DPSA 1995: 33). We are left in no doubt as to which imperative is uppermost in the document. The same chapter reads that ‘In line with the spirit of the White Paper, consultation and accountability should not compromise efficiency and effectiveness’ (DPSA 1995: 33).

Before moving on, let us note that critics of transformation as, chiefly, racial redress, doubt that it necessarily has the instrumental benefits mooted above. In other words, they argue that current practices favour employment on the basis of race, including solidarities arising from experience of exile or struggle, over employment on the basis of skills and/or competence. In Weberian terms, we might say that transformation *personalises* the state on ascriptive criteria. This is the gist of the criticism levelled by Mamphela Ramphele, for example, against the current transformation project. In many instances, she suggests, solidarities based on race and/or developed in exile have seen the allocation of posts and portfolios to ‘individuals who in some cases lacked the capabilities and/or experience to discharge their responsibilities’ (Ramphele 2001: 9). While certainly compelling in many instances, this genre of argument overlooks how equity is being pursued in the context of a *new politics of the state*.

THE STATE AS MACHINE

The 1995 WPTPS begins with a cursory appraisal of the tasks at hand for the Government of National Unity (GNU). The GNU, it says, has inherited a society scarred by deep social and economic inequalities and serious racial, political and economic divisions. As a result, the purpose of government interventions is to achieve ‘national reconciliation’; that is, to ‘reorient and reunite’ South African society around a ‘common purpose’ (DPSA 1995). This purpose, we are told, is a ‘socially coherent and economically equitable society’ (DPSA 1995). In forging ahead with the processes of reconciliation, reconstruction and development, the South African public service will

have a major role to play as the executive arm of government. To fulfil this role effectively, the service will need to be transformed into a 'coherent, representative, competent and democratic *instrument* for implementing government policies and meeting the needs of all South Africans' (emphasis added) (DPSA 1995: 1).

The WPTPS lists eight features of this instrument. It must:

- 1 be *representative* in such a way that it reflects the major characteristics of the South African demography;
- 2 have a *democratic ethos* directed by attention to human rights;
- 3 ensure that public servants act in the *national interest* and in accordance with the Constitution, rather than pursue factional interests and have partisan allegiances;
- 4 ensure that the public service is *decentralised*;
- 5 ensure that the public service promotes *human resource development* and *capacity building*;
- 6 ensure that public management processes are *accountable* and *transparent*;
- 7 ensure that service delivery is improved so that it is *efficient* and *effective*; and
- 8 ensure that the public service is *efficient* and *stable enough* to facilitate economic growth.

In order to hone the public service into such an instrument Chapter 5 lists a number of measures to be taken. The public service has to be rationalised and restructured to unify and integrate the 11 administrations of the apartheid era; there has to be affirmative action and human resource development. Democratisation must take place to make the public service accountable to political representatives and the public. There have to be changes in the management philosophy and practice of existing organisations as well as in the new ones that are created. Service delivery has to become a guiding principle of the public service so as to meet the challenges of the RDP; labour relations have to be improved and a professional service ethos developed.

These proposals formed the substance of the White Paper, each receiving special attention, including recommendations, in their own chapter. From a *policy analysis* perspective we might ask if these proposals are sufficient or even appropriate interventions to create the desired instrument for national reconciliation. We might wonder about some proposals, applaud others,

and suggest improvements to yet others. We might consider the likelihood of being able to achieve points 1, 2 and 3 on page 132 given current social, economic and political conditions. We would almost certainly raise the spectre of 'globalisation' and the limits it imposes on any of these ventures. We might discuss too the respective advantages and disadvantages of various management models. This is how the PRC of 1998 proceeded. It evaluated how transformation had progressed since it began in 1994. Typically it wonders whether the government's policy on 'right-sizing' is 'effective, feasible and in the interests of economic growth and social development' (PRC 1998: 3.2.1). It measured whether strategies for improving the public services (leaner and more responsive) were, amongst other things:

- well-conceived, well-researched and well-planned (sic);
- communicated effectively at all levels;
- designed and monitored effectively; and
- achieve[d] the optimal allocation of human and other resources. (PRC 1998: 3.2.2.1)

This is the substance of the report; a systematic consideration of each policy aim measured against its own standards. This is a valuable and worthwhile enterprise. And yet it is caught off guard by a blind spot. It is not simply that transformation has multiple objectives (improving effectiveness, efficiency, equity) that are difficult to reconcile (for logistical or financial or political reasons). The claim in this chapter is stronger than that. Different, and potentially even contradictory, projects of transformation are simultaneously being pursued. If we surface the concept of the state that informs these practices, we will see that, collectively, they 'work' on different things.

Is there sufficient evidence in the 1995 WPTPS from which to reconstruct the concept of the state that informs it? What there are, are metaphors and allusions that gesture to a concept. The document frequently invokes the metaphor of an *instrument* (Chapter 1, Chapter 5, Chapter 6, Chapter 16). There is discussion of the public service as a *tool* (Chapter 13). More important is the idea implicit in the very *structure* of the White Paper. The document starts off with a discussion of the task at hand (national reconciliation), goes on to list the kind of institutions that are well positioned to realise this task (institutional design) and then discusses the measures necessary for these bodies to take (transformation).

What we have here is an image of the state as an instrument that when properly crafted and when correctly wielded will deliver the product for which it was made. In the report of the PRC these metaphors find their proper term. There are references to the '*machinery of government* decision-making' (Chapter 3.1.4, 3.4) and to the '*machinery of the government* and the administration' (Chapter 3.4.6.3). Chapter 2 of the 1999–2000 Annual Report of the Department of Public Service and Administration (DPSA: 2000a) is entitled 'Restructuring the *machinery of government*' (emphasis added). This alludes explicitly to President Thabo Mbeki's 2000 State of the Nation address, where he remarked: 'we have yet to complete the task of restructuring the *machinery of government*' (DPSA 2000a: 2). Even when discussing the way the DPSA is advancing the representation of women in the public service, this is discussed as 'building a *gender machinery*' (DPSA 2000b: 1).

These are not simply literary flourishes. Apart from the White Paper discussed above, we will find that the same images and metaphors are widespread in the reports, documents and analyses of the ANC and its alliance partners. The State, Property Relations and Social Transformation, an ANC document prepared for the 1998 Alliance Summit, says, for example, that transformation 'entails, first and foremost, extending the power of the NLM [National Liberation Movement] over all *levers of power*: the army, the police, the bureaucracy, intelligence structures, the judiciary, parastatals, and agencies such as regulatory bodies, the public broadcaster, the central bank and so on' (emphasis added) (ANC 1998). It worries, moreover, that this has not yet been achieved. There are numerous references to the 'state machinery' and to the state as an instrument. Nor is this an isolated example. The 2001 Secretarial Report to the 1st Central Committee of the Congress of South African Trade Unions (Cosatu) notes that '[t]he ANC's attainment of power in 1994 marked a qualitative leap in the National Democratic Revolution [NDR]. It signaled the end of apartheid and gave the democratic movement access to some *levers of state power*' (emphasis added) (Cosatu 2001). An indication of the pervasiveness of this thinking is the fact that the South African Communist Party (SACP) singled it out for particular attention. At a Special Strategy Conference in 1999 one of the discussion documents warned: '[W]e must avoid the idea that the state is an "instrument" available to be captured by this or that class (or other) social force, which simply has to get its hands on the "levers"' (SACP 2001).

What is at stake in these metaphors is the character of the *modern* state. If we pause for a moment to consider what for Max Weber is the essential difference between the modern as opposed to the premodern state, we find that his distinction rests on the peculiarity of the machine versus patriarchal power. In *Politics as a Vocation*, Weber argues that all states are classified according to a decisive factor: 'The question is whether or not the power-holder himself directs and organizes the administration while delegating executive power to personal servants, hired officials, or personal favourites and confidants, who are non-owners, i.e. who do not use the material means of administration in their own right but are directed by the lord' (in Gerth & Wright 1991: 81). Do the personnel of the state themselves own the administrative means, or are they separated from these means of administration? Do they supply their own moneys for the administration of the areas under their jurisdiction and/or for the equipment and provisions of war? Why is this important? When the lord is dependent on associations that are able, independently, to deploy or not the means of administration, what binds the estate to him? 'Personal faith', Weber tells us (in Gerth & Wright 1991: 81). This is the form of patriarchal power, with all its apparent weaknesses. Yet the prince also tries to take into his own charge the administration and, for this purpose, seeks the 'expropriation of the autonomous and 'private' bearers of executive power' (in Gerth & Wright 1991: 82). Under such conditions no single official personally owns the money they pay out, nor the buildings, stores, tools and war machines they control. In short, the modern state organises the total means of political organisation (in Gerth & Wright 1991: 81). This is the condition of the emergence of bureaucracy properly speaking. In *Wirtschaft und Gesellschaft*, Weber discusses this phenomenon as the emergence of the 'bureaucratic machine': '[T]he professional bureaucrat is chained to his activity by his entire material and ideal existence. In the great majority of cases, he is only a single cog in an ever moving mechanism which prescribes to him an essentially fixed route of march' (in Gerth & Wright 1991: 228).

Let us note that on these terms, the measure of the state is one of bureaucratisation and rationalisation. Bureaucracies are rationally organised. Their officials are ranked hierarchically and relate to each other and to things according to formal policies and impersonal rules. They have clearly defined duties corresponding to carefully demarcated jurisdictions. Officials are

appointed on the basis of competencies rather than for ascriptive reasons. Indeed, a bureaucracy comes to resemble its ideal type to the extent that it 'depersonalizes itself'; that is, 'the more completely it succeeds in achieving the exclusion of love, hatred, and every purely personal, especially irrational and incalculable, feeling from the execution of official tasks'. In the place of the 'old-type ruler who is moved by sympathy, favor, grace, and gratitude, modern culture' (Weber cited in Coser 2003: 230), Weber continues, the state 'requires for sustaining its external apparatus the emotionally detached, and hence rigorously "professional" expert'. The example that Weber used was that of the modern judge: this person 'is a vending machine into which the pleadings are inserted together with the fee and which then disgorges the judgment together with the reasons mechanically derived from the Code' (Weber cited in Coser 2003:232). It has been important to describe, even schematically, the features of such a state because transformation in South Africa has been associated with efforts to transcend this conception of bureaucracy. We might say that the post-apartheid *state* project has a double edge. In the first place, to change the racial profile of the public service from one that was overwhelmingly white to one more representative of the country's demography. Yet transformation has also been associated with efforts to move away from traditional notions of public administration.

THE GROWTH OF THE NEW PUBLIC MANAGEMENT

In 1991, at a conference venue in the Magaliesburg a group of public administration academics and practitioners adopted what they called the 'Mount Grace Resolution'. The participants were either anti-apartheid activists recently returned from exile or those deeply sympathetic to the democratic struggle in South Africa. With the ANC and other organisations recently unbanned and the end of apartheid in sight, what, they asked, would be the character of a post-apartheid public service?

The resolution they endorsed was more like a manifesto. It called for a break with the public administration of the apartheid era and championed the New Public Administration associated with the American 'Minnowbrook' movement (Fitzgerald 1995). At stake was a critique of the 'wholly outdated' principles and methods that made the apartheid public service a 'bureaucratic, law-driven, hierarchical, multi-layered, departmentally fragmented, inward-oriented, racial Oligarchy' (Fitzgerald 1995: 514). The starting point for a

new paradigm was an adaptation to local circumstances of Osborne and Gaebler's *Reinventing Government*. Here the emphasis was on cultivating an 'entrepreneurial spirit' to transform the public service. If the traditional public administration model was premised on the idea of a machine-like Weberian bureaucracy, Fitzgerald tells us, the corporate management approach recognised that public servants could not plausibly be conceived as obedient and neutral. It accepted, rather, that there would invariably be an important element of bureaucratic discretion in interpreting and implementing policy. What it proposed, as a result, was that 'discretion or influence [was] best safeguarded in the hands of suitably qualified personnel who possess both proven expertise and an appropriate code of professional ethics' (Fitzgerald 1995: 517).¹

One of the initiatives that came out of the Mount Grace meeting was the establishment of the Graduate School of Public and Development Management (P&DM) at the University of the Witwatersrand in Johannesburg. Its mandate was to train and form a new cadre of post-apartheid managers. The school's first director was Patrick Fitzgerald, who had convened the weekend at Mount Grace and was keenly interested in the New Public Management. P&DM has played a crucial role in training senior managers in all parts of the bureaucracy. I shall return to the significance of this in a moment, but let us note that in the DPSA, former director-general, Robinson Ramaite, and Khaya Ngema (then director of Service Delivery and Innovation) were former classmates from P&DM. So too was Salim Latib, a senior manager in the department, as well as Lawrence Tsipane, former manager of the Capacity Building division. The former head of Corporate Services, Colleen Robinson, too was a P&DM colleague. It was here that debates around the NPM exerted an influence on what were to be the senior managers of the public service.

In South Africa the partisans of the NPM sought to move away from what they considered 'polemical' debates about the appropriate role, size and operations of the 'state'. From their perspective it was unproductive to debate whether privatisation or public ownership was good (or bad) in and of themselves. More useful was an altogether different question: who was best placed to deliver services? Was it better achieved through a public body? If so, what should best be its role, its size? Could a private for-profit business provide the service more efficiently and effectively? What is important to note, though, is the shift, heavily touted by the NPM, to managerialism. The latter stressed

visible, hands-on management instead of leadership according to policy and rules. The NPM championed giving managers greater discretionary power, reducing, in particular, procedural constraints on the handling of contracts, cash and staff.

In South Africa, one of the first signs that the New Public Management was gaining in influence was the introduction in 1999 of the Public Finance Management Act. In a break with the past, the Act removed responsibility for financial accounting from cabinet ministers and gave it instead to senior officials (directors-general and other delegated officials) in their departments. Today, the chief accounting officer in any department responsible for monitoring and implementing the provisions of the National Treasury Act is not a politician but an official. According to the Treasury, the 'Act assumes that the political head of a department (cabinet minister or a provincial member of the executive committee) is responsible for policy matters and outcomes; this includes seeking parliamentary (or provincial legislature) approval and adoption of the department's budget vote. The head official (director-general of a national department or provincial head of department) is responsible for outputs and implementation, and is accountable to Parliament or provincial legislature for the management of the implementation of that budget' (National Treasury: 2006). The idea was to bring the system of public finance in line with the approach of the new public service regulations – accountability was to be secured by holding officials to measurable performance indicators determined in a performance assessment. The effect was to give to senior members of the public service a high degree of autonomy vis-à-vis their ministers. In the climate of fiscal constraint it is not difficult to see how such measures might affect relations between a minister and a director-general.

When I interviewed officials from the DPSA in 2002, several referred to the strained relationship between Robinson Ramaite and his minister, Geraldine Fraser-Moleketi. Some informants even suggested that the Act opened up the executive to a 'coup-type situation'.² Even if these accounts were exaggerated (and second-hand reports are hardly reliable), the point is that the new Act gives officials unprecedented authority vis-à-vis elected politicians. Even worse, it potentially inverts relations of accountability between these arms of the state.

The effects of the NPM are reflected, most dramatically, in the change in the structure of the public service. There has been an increase in the number of

senior posts in relation to the base. Whereas prior to the introduction of the NPM the ratio of managers to staff was 1:700, in 2007 the department had, on average, 40 managers per 200 staff.³ Affirmative action has made itself felt most strongly at this level (manager, senior manager) of the public service.

As suggested in Figure 4.2 in Chapter 4 of this book (page 110), Thompson and Woolard found a rise in the aggregate number of black public servants at management level in the period under review. Yet the number of white managers also rose during this period. Taken together, the total number of public servants at management level increased substantially between 1995 and 2001; from around 24 000 to over 70 000 (see Figure 4.1 in Chapter 4, page 109).

We should be careful before concluding that the rise of managerialism and the influence of the NPM, especially after the introduction of the Growth, Employment and Redistribution strategy in 1996, are further evidence of South Africa's slippery slide towards 'neoliberalism'. We must be careful, that is, of not reading current practices retrospectively. When the NPM was first mooted, the model was not Margaret Thatcher's Britain or the USA. The paradigm-example was probably that of France and, in particular, the thinking behind the *Ecole Nationale d'Administration* (ENA). There are two aspects of the French experience that are especially important. In the first place, the ENA model, unlike the British one, privileges the state as the dominant agent of development. In the second place, it relies on the role of an elite-educated class of senior managers. It is not difficult to understand why, in the late 1990s, this model must have appealed to those in government and in policy circles sympathetic to the democratic project.

BRINGING THE STATE BACK IN

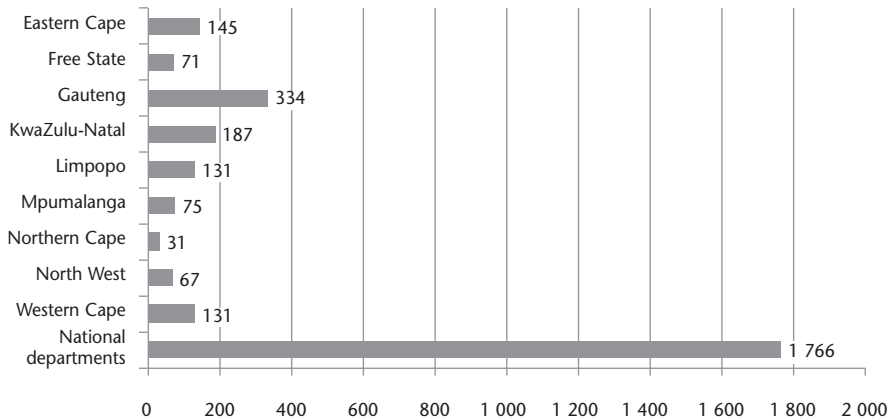
In the wake of the collapse of Soviet Communism and, more generally, the inauspicious fortunes of postcolonial African states, there was greater receptivity within the ANC and policy circles sympathetic to its project, to re-thinking the role of the state in the development process. This was accentuated by the New Right ascendancy in the USA and in Britain that spurned state intervention in the economy. The coincidence of these world historical events with South Africa's transition from apartheid, however, presented certain dilemmas to the ANC and its allies.

There was a strong instinct that in the democratic period the task of development would fall primarily to the (national democratic) state. This was not simply testament to the hold of 'naïve' ideas on the movement. There were good reasons for this inclination. At least since the 1960s the ANC had argued correctly that apartheid (as a system of racial domination) and capitalism (as a system of class exploitation) worked hand in glove. There was, in other words, justifiable suspicion of the market. The RDP, at least in its initial formulations, was certainly informed by such misgivings (Marais 1996).

Even if the idea of 'nationalisation' had disappeared from the ANC's discourse within the first year of its return from exile and even though formulations such as 'growth through redistribution' had largely evaporated by 1993 (Habib 2004), in policy terms we might characterise the period running up to the millennium as *searching for a role for the state*. In 2004, Adam Habib suggested that 'government is in reappraisal mode' (Habib 2004). There he argues that since 2003 there are compelling reasons to believe that the government has a renewed appetite for state intervention in the economy.

The impasse may have been broken by a little remarked-on phenomenon: the rise in influence of the New Public Management. In South Africa, the NPM was interpreted somewhat differently than in Britain or the USA, for example. If the state behaved less bureaucratically and more like an 'entrepreneur', the NPM seemed to be saying, one could avoid the inefficiencies and wastages of the welfare/socialist/soviet models while retaining a leading role for the state. This is where the French experience was especially informative. On its terms, what counted was the establishment of a highly qualified cadre of senior managers in the public service. This shift coincides with a growing interest in *regulation* as the primary function of the state.

Even though the French model is not mentioned, a key DPSA policy document, probably dating from 2001, outlines a public service vision drawing on vital elements of the French model. Titled Policy Statement on the Establishment of a Senior Management Service in the Public Service, the document analysed shortfalls in service delivery as a consequence of the inability of government departments to 'convert policy into practice and to utilise the resources allocated to them effectively' (DPSA 2001).

Figure 5.1 Senior managers by province and national departments

Based on an analysis of the distribution of managers throughout the state, it argued that the public service was, essentially, ‘under-managed’ (DPSA: 2001b). This was especially acute at provincial government level and, in particular, in Limpopo, North West, KwaZulu-Natal, Eastern Cape and Free State. We might observe that there was no mention of local government in this regard. For our purposes what is important to note is what the document proposed:

Senior managers and high-level professionals must concretise government’s vision of a better life for all through effective implementation strategies and the efficient utilisation of resources. In this demanding environment there can be no place for mediocrity or lack of commitment. Only the finest candidates, imbued with a spirit of selfless service to the community should be appointed. Their talents should be carefully nurtured, and once well developed, be utilised to the best advantage of the state. (DPSA 2001)

This reasoning was almost certainly behind the significant rise in managerial positions across the public service and across the state generally. In the DPSA, senior and middle managers account for more than 60 per cent of all posts in the department. Of these positions, nearly 38 per cent were filled by people designated ‘African’.

Table 5.1: Ratio of managers to other staff in DPSA

DPSA staff profile	No	%
Managers (levels 9–16)*	227	60.1
Other staff	151	39.9
Total	378	100.0
Ratio of senior managers to other staff = 0.67		

Note

* This covers senior management and middle management (highly skilled supervision).

Source: PERSAL (2006)

Where do these new managers come from? The first thing to note is that they are not, in the main, new appointees to the public service. Vinothan Naidoo, in his chapter in this book, demonstrates that between 1994 and 2001 total employment in the public service declined by 124 959 persons. More likely is that with the unification of the disparate apartheid-era administrations there was a *merging of managerial and non-managerial personnel*. As Naidoo (Chapter 4, this volume) points out, ‘the significant rise in the total number of management-level public servants would strongly suggest that a review of the rules governing qualifications for positions and salary notches did in fact take place’. Put simply, people who formerly performed administrative jobs have since been expected to function as managers. This saw marked gains for black and, in particular, African personnel.

We might nuance this argument by suggesting a periodisation: a post-RDP phase, and a period of renewed faith in the state. From 1996 to approximately 2003 there was a moratorium on recruitment to government departments. This period coincided with an emphasis on the market as the ‘engine’ of development. Following renewed confidence in the ability of the state, at least, to regulate the market in favour of the ‘national interest’, a new phase of recruitment has begun. In other words, in the current period new managers are probably the result of a combination of the re-grading of positions and new appointments.

Yet the increase in the proportion of managers across the state generally and in the DPSA in particular has been associated with another phenomenon: high vacancy rates. Naidoo reports that the 22 departments averaged a 22.3 per cent vacancy rate at senior management level, rising to 25.3 per cent in

the 2005–06 reporting period. The problem, he shows, was more pronounced among middle management (levels 9–12), which generally contains more posts than senior management and where the average vacancy rate was 32 per cent and 31 per cent for 2004–05 and 2005–06 respectively (Naidoo Chapter 4, this volume). Let us note that the consistency of vacancy rates across the state suggests that this is symptomatic of more than simply reporting idiosyncrasies in any particular government or department.

What is the relationship between these three variables: managerialism, affirmative action and vacancy rates? The most obvious explanation is the one that is frequently heard in the public domain. Given the legacy of apartheid education and the well-documented failures of the current school system, it is difficult to find suitably qualified candidates. This is frequently the lament of senior government officials too. Kenny Govender, acting deputy director-general in the DPSA, for example, observed that ‘there are serious skills constraints in the public sector’ (Govender 2006).

What vacancy rates indicate however, is that the situation is more complicated than that suggested by public opinion. Whereas it is usual to blame the non-performance of the state on un- or under-qualified personnel, it is more likely that state failure is a consequence of the lack of personnel in key senior positions. Ironically, this situation is compounded by the way that equity is measured. As long as racial redress is appraised using statistical or numerical standards, when departments cannot find suitably qualified or skilled candidates, current legislation encourages them to leave the positions vacant. Take, for example, the following scenario. It is based on the state of redress in the DPSA in 2006, though these are used simply for illustrative purposes.

Table 5.2: Ratio of African managers to other staff DPSA

DPSA staff profile	No.	%
African senior managers	93	40.9
Other senior managers	134	60.1
Total	227	100.0

Source: PERSAL (2006)

According to the acting director-general, white public servants are 'concentrated in skilled categories and are over-represented in senior management making up more than a third of it' (Govender 2006: 14). Table 5.2 gives the precise ratio of Africans relative to other staff. Imagine that a white manager resigns. Let us consider two scenarios. In the first scenario, the post is filled by an African senior manager. In the second, the post is left vacant because a suitable candidate could not be found. In the first scenario, the ratio of 'Africans' to all managers changes from 93:227 to 94:227. In other words, 'African' staff as a percentage of all the staff in the department increases marginally from 40.9 per cent to 41.4 per cent. In the second scenario, the ratio changes from 93:227 to 93:226. In statistical terms, the effect is the same. 'African' managers as a percentage of all managers increases from 40.9 per cent to 41.1 per cent. Consider now the situation where there is a vacancy rate of 23 per cent amongst senior managers in the DPSA. The situation changes dramatically depending on how you report it. We saw that in 2006 'Africans' made up 40.9 per cent of all senior managers in the DPSA. Even if this is still below the 50 per cent target stipulated by the legislation it, nonetheless, suggests some progress.

Now consider the position if we factor vacancy rates into the equation. What this means is that the 227 senior managers in the DPSA accounted for only 77 per cent of all potential posts. In other words, African managers constituted 40.9 per cent of 77 per cent of managerial positions. If the calculation is made on the basis of the total number of positions available in the department, then the percentage of African staff in the department falls dramatically to 33 per cent, representing 93 out of 279 positions. Might this be a perverse effect of current practices – that government departments are using vacancies as a way of meeting their equity targets? The effects are doubly perverse if one thinks that this means weakening state capacity to achieve a statistical average.

There are other causes of the high number of vacancies throughout the state. Between 1998 and 2002 the Public Service Commission found, for example, that 62 per cent of managers changed jobs within the public service, though this later stabilised at the very high rate of 32 per cent (see Naidoo, this volume). In other words, the number of vacant posts at any one time suggests a highly dynamic situation. There is much volatility throughout the public service. A DPSA report on managing staff retention explained such instability as follows:

Affirmative action is one of the major reasons why employees move from one organisation to another. Like in most developing countries, the South African labour force is becoming younger and more dynamic. Because both the private and public sectors have to comply with laws relating to affirmative action and employment equity, and because there are still skills shortages amongst historically disadvantaged groups, there is a lot of competition for (and poaching of) those who have acquired these skills. (DPSA 2006: 15)

Given, however, that only a small fraction of staff turnover is accounted for by people leaving the public service altogether, volatility is not explained by movement to the private sector (DPSA 2006). Between April 2001 and March 2002, the DPSA reports that the public service lost 50 919 staff members, that is, 8.5 per cent of its staff. Yet turnover was much higher in specific categories.

- Computer programmers – 33 per cent
 - Health professionals (excluding nurses) – 24.7 per cent
 - Nursing professionals – 10.7 per cent
 - Computer systems designers and analysts – 17.7 per cent
 - Mathematical, engineering and physical science professionals – 16.4 per cent
 - Physical and engineering science associate professionals – 12.4 per cent
- (DPSA 2006: 15)

Let us note that, in the main, turnover amongst professionals and those with particular technical skills is especially high (for example, information technology skills). Amongst those in senior (salary levels 13–16) and middle management (salary levels 11 and 12) the attrition rates were much lower, only 10 per cent and 11.2 per cent respectively (DPSA 2006: 9). Taken together, it means that the high levels of attrition amongst managers in the public service are not a consequence of poaching by the private sector. This seems to suggest that only in a minority of cases are those in managerial positions leaving for better salaries outside the public sector. It is more probable that state departments are competing with one another for managerial personnel. Government departments are meeting their equity targets, in other words, by poaching staff from one another.

We know that such volatility has debilitating effects on state performance, especially when the problem is as severe as it is in South Africa. The DPSA reports that there is ‘the loss of efficiency during the notice period; the cost of recruiting and selecting a new staff member; and the induction stage (when new staff members are not that efficient). ... The replacement cost can be even higher when the person has been in the service for some time. It affects morale and productivity, increases training costs and results in a substantial loss of organisational memory’ (DPSA 2006: 16). It is likely that such volatility is the single greatest cause of the failures in state performance.

Let me conclude with the following question: why are managers in the public service so ready to change jobs? It is doubtful that these moves are driven, primarily, by salary concerns. It is likely that some volatility is caused by people shifting from job to job because they are un- or under-qualified to perform them satisfactorily (though it is equally possible that such a situation results in arrogance). More often, though, vacancies and high staff turnover are symptomatic of a seldom-acknowledged factor: positions are often badly defined and require unlikely combinations of skills. Let us recall that a managerial post is not a professional position. It is not, for example, an engineering or a teaching post – tasks for which there are specialised education programmes resulting in specific qualifications. The substance of a managerial position will change depending on the circumstances. Consider, for example, a typical managerial post at a senior level. In his address to the 4th Gauteng Management Development Programme in 2006, Paul Mashatile, the member of the executive committee for Finance in the Gauteng Provincial Government, outlined the following competencies:

- *Set, execute and monitor* key development priorities for the country regarding the creation of work, fighting poverty and reinforcing national pride given the relative autonomy of provincial and local government in key areas of social delivery.
- *Consult* other spheres of government on policy and actions we must implement or that affect them before a decision is taken that gives due regard to their views and circumstances.
- *Manage* service delivery in ways that are efficient, accessible to beneficiaries, responsive to the needs of our communities, and that result in integrated and sustainable service provision despite jurisdictional boundaries and with due regard to unequal capacities.

- *Forge* strong, flexible, goal-directed partnerships that can unlock the creativity and energy of collaboration and partnership without weakening performance and accountability.
 - *Empower* communities to participate in processes of governance whilst inspiring and supporting communities to become self-reliant.
 - *Plan* and *act* within the framework of domestic and global conditions and within available budgetary constraints.
 - *Account* for performance in terms of existing legislation and resolve disputes without recourse to court action.
- (emphasis added) (Mashatile 2006)

More important than the substance of each challenge is the peculiar combination of skills required: develop, execute, monitor policy, consult (with other spheres of government, communities), manage staff, network with other government agencies and the private sector, administer processes and account for expenditure and in terms of key performance indicators. Whereas the bureaucratic model delineated clearly between analytical, managerial, administrative and financial skills, the imprecise job descriptions associated with the NPM often require these skills to be found in one and the same person. In 1999, for example, as part of efforts to move away from public administration the DPSA dispensed with its former, highly codified system of policies and procedures. These covered everything from appointments to rules on filing documents to the format of memoranda. Instead, these several volumes of regulations and codes were replaced by a single booklet that devolved responsibility for working rules to senior departmental managers. In short, there is no longer a single standard for basic administrative systems. At the same time there was a reworking of job descriptions in accordance with the new developmental paradigm. What has happened, in effect, is that middle and senior managers are expected to operate in a complex legal, policy and administrative environment usually without clearly defined roles and tasks.

Is this not the substance of Kenny Govender's lament? At the same event that Paul Mashatile addressed the acting deputy director-general in the DPSA expressed concern that officials are often having to perform a host of demanding tasks – any one of which, taken on its own, would be enough to constitute a post on its own (Govender 2006). Using the example of local government officials to make a more general argument, he reported on the findings of research commissioned by the DPSA.

The study found that implementing integrated programmes places many demands on municipalities and that they are expected to implement new programmes and projects without the requisite funding. As a result they have to borrow, and the capacity to manage this also becomes an issue. Organisational structures do not reflect the additional work and in some cases a single official is managing contracts worth millions of rands. Policies were often seen as complicated and sometimes conflicting. Reporting requirements for cross cutting projects are bureaucratic and time consuming. (Govender 2006: 14)

When viewed from the perspective of the combination of skills expected of managers, is there any wonder that there are 'skills shortages'? More surprising is that there are rare individuals with such protean competencies. Listen to Edgar Pieterse, the former advisor to the premier of the Western Cape, discussing staff volatility there. It is worth quoting him at length:

Firstly, it's very difficult to get people with the right combination of skills. The administrative requirements of the managerial positions (ED, executive director) in government are quite frightening. Just in terms of not getting things wrong on the procurement stuff. And the administrative rules are complex and daunting. *Most of the black appointees who are bright, have the qualifications, come in quite young and that's their downfall.* And that's the main lever of lower administrators and middle management to make black appointees fail. They basically just don't tell you what the rules are and they let you fail. And *people who are young, black and bright, they don't want to admit that they don't know this stuff, they don't ask either.* That's a huge issue which is under-explored. It's a very mundane thing but quite *fundamental to why a lot of people leave quickly or mess up quite badly.*⁴ (emphasis added)

TRANSFORMING THE SOUTH AFRICAN STATE

There are two dominant projects related to the transformation of the state in South Africa. The first concerns the desire to achieve representation within the public service. The second concerns changing the way the public

service functions – moving away from public administration to public management. Although the relationship between race and redress is frequently debated in public and academic forums, the effects of the NPM are barely raised. Yet I have argued in this chapter that the weakening of the state in the current situation is an effect of the unwitting consequences of their simultaneous pursuit.

The move away from public administration to the new managerialism has created the following untenable situation: leadership positions in government departments are frequently poorly defined and/or require a combination of skills that are difficult to find in any single individual. This makes it difficult to find suitably qualified candidates. In turn, departments sometimes hire un- or under-qualified persons. We have to wonder, in this regard, whether the current system of public management is not setting up young black recruits for failure.

The advantage of a public service modelled on a machine is that each post is carefully crafted with a view to performing discrete tasks. It means appointing people, and measuring their appropriateness, on the basis of specific, distinct competencies. Vague job descriptions which expect unlikely combinations of skills usually mean that even excellent candidates are deficient in some or other area. This is probably the chief cause of the high rate of staff turnover in government. More frequently, departments make no appointments at all. Hence the high vacancy rates in middle and senior management in government departments. This situation is compounded by the incentives created by the current equity legislation to leave vacant posts unfilled.

What this analysis suggests is that affirmative action in itself is not the major obstacle to state performance. Nor, however, will service delivery and other tasks be improved through 'skills development' or the better remuneration of officials. What is required is re-thinking the form of the state. While there are undeniable advantages to having a senior cadre of public service managers, experience from France to India to Mauritius shows the importance of strictly meritocratic recruitment for such public servants.⁵ No such school currently exists in South Africa. Meanwhile, there is much that can be done in returning to the state some of its machine-like qualities by better refining job descriptions and the skills required for them, and by distinguishing between administrative, managerial and analytical competencies.

Notes

- 1 Allied to this new emphasis on management was an interest in 'commercial contracting'. Profoundly suspicious of the quality, quantity and manner in which the public service allocated public goods, 'consumer power' and 'citizen control' were deemed best guaranteed when line departments and the administration were organised into competing delivery units. The idea was that divisions operate as stand-alone businesses that compete for market share both internally (with each other) and externally (with other private businesses) (Fitzgerald 1995: 517).
- 2 Interviewee known to the author, October 2002, DPSA.
- 3 Interview with HJ van Dyk Robinson, October 2002, DPSA.
- 4 Interview with Edgar Pieterse, July 2007.
- 5 See Sandbrook *et al.* (2007) *Social democracy in the global periphery. Origins, challenges, prospects*. Cambridge: Cambridge University Press

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6 AFFIRMATIVE ACTION AND COSMOPOLITAN CITIZENSHIP IN SOUTH AFRICA

Geoffrey Modisha

The main objective of the Constitution of the Republic of South Africa (Act No. 108 of 1996) is to promote national unity based on the principles of a cosmopolitan citizenship. Nonetheless, one of the questions often asked is whether the implementation of affirmative action measures fairly contributes to this objective. Indeed, the implementation of affirmative action in post-apartheid South Africa has been criticised for not being able to achieve its purported goals of redressing the historical injustices done towards the previously disadvantaged groups. These policies, it is argued, are instead creating a small group of the black elite and the black middle class, while white people and the majority of black people are increasingly being marginalised (Terreblanche 2002). Critics of these policies argue that such policies have the potential to increase tensions between designated and undesignated groups, while simultaneously widening the gap between the rich and the poor (Alexander 2006). This, in return, undermines an attempt to systematically redress the racial imbalances created by policies of job reservation (or Afrikaner affirmative action) in the labour market and also undermines the creation of a cosmopolitan citizenship.

In this chapter I look at the impact of these policies and assess the views, as expressed by key stakeholders, on the impact of the Employment Equity Act (EEA) (No. 55 of 1998), within the labour market. The chapter shows that, first, there is little evidence to suggest that the impact of EEA undermines the inclusion of the white minority in a creation of cosmopolitan citizenship in South Africa. This is particularly the case when one considers the emphasis the policy puts on the acquisition of skills, which is one of the core elements of broad-based black economic empowerment (BEE). Second, the chapter shows that there is an emergence of racial politics within the new South

African work-place regime. Third, it argues that there is a need to create space for engagement with such politics in the country so that a cosmopolitan citizenship can be created and consolidated. This chapter draws mainly from the existing literature and official statistical data and is supplemented by interviews conducted with representatives of Business Unity South Africa (Busa), the Black Management Forum (BMF), the Congress of South African Trade Unions (Cosatu), the Employment Equity Commission (EEC) and the trade union Solidarity. These organisations were selected because they are key stakeholders and interest groups affected by the EEA.¹

EMPLOYMENT EQUITY IN CONTEXT

A discussion of the implementation of the EEA requires that it be situated within the discourse on affirmative action. Being an import from the USA (Nzimande & Sikhosana 1996), affirmative action debates that were central in the early 1990s inform today's broad-based BEE initiatives. This is more specifically so when one considers the debates around the minimalist and maximalist versions of affirmative action (Singh in Nzimande & Sikhosana 1996). On the one hand, the *minimalist* version of affirmative action emphasises the representation of black, female and disabled employees in order to achieve equity in the workforce, but without considering the embedded nature of the inequalities in the social, economic and political system of the country. This interpretation of affirmative action is concerned with opening opportunities for the assimilation of designated groups in the workforce without changing the character of the economy. On the other hand, the *maximalist* version is concerned with transforming the economic system of society so that every racial group of the population is represented in all levels of the economic activities of the country (Singh in Nzimande & Sikhosana 1996).

Accordingly, the metamorphosis of affirmative action measures in the USA is more aligned to the former, while in the South African context affirmative action is more aligned to the latter (Singh in Nzimande & Sikhosana 1996).² This is precisely because the democratic dispensation in South Africa necessitated concomitant economic transformation to allow those previously disenfranchised, who constitute the majority of the population, to have an equitable share in the economy as a way to move forward from the

apartheid social structure. This explains why the impact of the EEA should be understood within the framework of broad-based BEE,³ which regards employment equity as one of its seven key elements.

The aim of this policy is to facilitate the representation of black people (Africans, coloureds and Indians), women and disabled persons in all levels of occupation (EEA).⁴ It also aims to facilitate equal opportunity and fair treatment in employment by eliminating unfair discrimination and redressing the labour market disadvantages experienced by historically disadvantaged groups in employment. The government requires designated employers to submit their employment equity reports to the Department of Labour's (DoL's) director-general. The DoL, in return, through the EEC, collates the data and examines the trends of employment in the labour market annually.⁵ More specifically, the EEC reports on the improvements in workforce transformation and the challenges faced by employers in implementing the EEA.

This is in addition to the management element of broad-based BEE, which aims to ensure that 'Black people are in charge of and drive the implementation of operational and strategic decisions of their enterprises' (DTI 2005: 32). A code for management and control is intended to improve the representation of black people at ownership and executive levels, to involve black people in daily operations and strategic decision-making at the most senior level, and in the development of key financial and management policies. The involvement in financial management policies is meant to counter the tendency to put black people in human relations positions such as human resources, industrial relations and marketing (DTI 2005).

Nonetheless, it is also important to note that affirmative action policies in South Africa have benefited much from the experiences of Africanisation or indigenisation programmes implemented in other post-colonial countries such as Nigeria, Ghana and Uganda. In these countries, affirmative action had been associated with 'an active policy instrument designed both to discipline recalcitrant former white colonists and to speed up the process whereby Africans assumed power and responsibility in both the public and private sectors' (Mandaza in Nzimande & Sikhosana 1996: 27). These policies were sometimes implemented even at the expense of efficiency and productivity in the economy. They were adamantly implemented to maintain African

power even if expatriates could be employed to fill key occupation positions in both the public and the private sector (Mandaza in Nzimande & Sikhosana 1996: 27).

The EEA in South Africa clearly emphasises the acquisition of skills as a prerequisite for employment of affirmative action candidates. Section 6(2) (b) states that 'it is not unfair discrimination to...distinguish, exclude or prefer any person on the basis of inherent requirement of a job'. Section 15(1) asserts that 'affirmative action measures are measures designed to ensure that suitably qualified people⁶ from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce of a designated employer'. The connection can be seen when one considers the importance of skills within the broad-based BEE framework, which regards skills development as another of its seven key elements.

Indeed, the broad-based BEE framework document recognises the importance of accelerating advanced professional skills development so as to address the legacy of job reservation (or labour colour bar) and inferior education of the previously disadvantaged groups (DTI 2005). The main focus of this element is the development of the employees of an enterprise in line with the Skills Development Act (SDA) (No. 97 of 1998). This Act provides an institutional framework for devising and implementing national, sector and work-place strategies to develop and improve the skills of the South African workforce. Two important institutional structures are provided for by this Act for various sectors in the economy – the National Skills Authority (NSA) and the Sector Education and Training Authorities (SETAs).

Among other functions, the NSA advises the minister of Labour on national skills policy, strategy and guidelines on the implementation of the strategy, and liaises with the SETAs to oversee the implementation of the national skills strategy. With the help of the NSA, the minister of Labour launched the National Skills Development Strategy⁷ (NSDS) so as to 'radically transform education and training in South Africa by improving both the quality and quantity of training to support increased competitiveness of industry and improved quality of life for all South Africans' (DoL 2004: 2). More specifically, it seeks to address the problem of systematic labour market discrimination by imparting high skills and a commitment to lifelong learning to previously disadvantaged people (DoL 2004).

The recognition of the skills requirement also serves to keep the skills already garnered within the economy so as to limit the disruption in the running of the economic machinery and advance the objective of creating a non-racial and non-sexist society. In other words, EEA not only attempts to facilitate representation of all racial, gender and (dis)ability groups in the workforce, but also seeks to promote the functioning of skills and qualifications (or *achieved* status) as criteria for employment. It simultaneously aims to minimise the deployment of race, gender, ethnicity or (dis)ability (or *ascribed* status) as determinants of inclusion or exclusion in the labour market.⁸ The unanswered question is whether the policy manages to deal with the workplace practices mirrored by the racial structure of South African society during the apartheid era.

According to Von Holdt, the South African 'workplace regime' traces its roots 'in the evolution of the labour regimes, work practices and the racial structures of power...[and it is]...underpinned by the educational and labour market policies of apartheid' (Von Holdt in Webster & Von Holdt 2005: 18). In particular, three characteristics of this workplace culture are worth looking at for an analysis of the impact of the EEA in South African labour markets: namely, the racial segregation of facilities; the racial division of labour and the racial structure of power (job reservation) (Von Holdt in Webster & Von Holdt 2005); and bifurcated locations of workplaces (Bezuidenhout 2004).

The creation of non-racial and non-sexist labour markets also advances the objectives of creating a cosmopolitan citizenship as enshrined in Chapter 2 of the South African Constitution. Regarded as the result of a compromise fashioned on the Convention for a Democratic South Africa negotiations in the early 1990s, the interim Constitution stipulates that the implementation of redress policies should not exclude other racial groups, the white minority in particular, in an attempt to create a cosmopolitan citizenship.

It is important to note that citizenship does not only involve formal elements such as guaranteed constitutional rights, political decision-making mechanisms and social institutions. It also implies the involvement of social capital or civil virtues and practices characteristic of a democratic country (Kymlicka & Norman 2000). The latter entails people's ability to trust, their willingness to participate, and their sense of belonging or justice. Good citizens, therefore, must be active rather than passive; critical as opposed to deferential or apathetic in the face of injustice; responsible and not greedy

or short-sighted; tolerant rather than prejudiced or xenophobic; and must experience a sense of membership, identification and solidarity with fellow citizens rather than alienation, disaffection or indifference (Kymlicka & Norman 2000). According to Kymlicka and Norman, the achievement of this depends on a shift from *procedural* to *participatory* democracy. While the former entails a system of fixed, pre-existing preferences and interests competing through fair majority vote, the latter requires the elevation of what Macedo calls 'public reasonableness' (Macedo cited in Kymlicka & Norman 2000). For this to be achieved there is a need to engage in public discourse, which means that decisions made must stand public scrutiny through free and open discussions. It means not only one's willingness to participate or make one's views known, but also a willingness to listen to a range of views, which, given the diversity of society, will include ideas that may be regarded as strange or 'different' (Macedo cited in Kymlicka & Norman 2000).

The generation of affirmative action policies in South Africa is different from those implemented in the USA. This is because the South African context necessitated a total overhaul of the economic structure so as to allow full participation of the previously disadvantaged groups. The EEA benefited from the experiences of other post-independent African countries and thus emphasises the acquisition of skills in the employment of affirmative action candidates. Indeed, the skills development strategy aims not only to redress the skills imbalances of the past, but also to utilise critical skills possessed by white people for the smooth running of the economy. The ultimate goal is to minimise the functioning of ascribed status while promoting merit in employment.

The major question, however, is whether this policy makes a fair contribution in dealing with the racial character of the South African workplace. Furthermore, what impact does this have on the goal of creating a cosmopolitan citizenship? As is shown above, a cosmopolitan citizenship depends on people's ability to participate actively in the democratic process of the country. Therefore, this chapter attempts to answer this question by interrogating the impact of these policies on the South African labour market and on different racial groups in particular. To put the question differently, does the transformation process in the labour market have the potential to hamper the creation of a cosmopolitan citizenship? The following section investigates the theoretical underpinnings of affirmative action policies, and is followed by a discussion of how the implementation of these policies can be understood in South Africa.

CONCEPTUAL FOUNDATIONS OF THE EEA

The necessity of locating analysis in a specific context should not dissuade one from trying to learn the lessons of other comparative experiences. As a result, it is worth noting that a conceptual understanding of affirmative action measures developed elsewhere is relevant to South Africa. In this literature, the definition of affirmative action is based on three principles:

- redressing historical injustices (redistributive justice);
- rooting out present discriminatory practices; and
- preventative measures for future employment practices.

Thus, affirmative action may be regarded as a set of preventive mechanisms designed to minimise the probability of discrimination in the labour market in an attempt to address the historical injustices suffered by specific groups so as to create diversity in the workforce. The main objective of these measures is to allow every ethnic or racial group to have an opportunity to be represented in the economic activities of the country (Tierney 1997).

The arguments justifying affirmative action can therefore be grouped into three broad perspectives: *compensatory* (past oriented), *corrective* (present oriented) and *diversity focused* (future oriented) (Tierney 1997). The compensation argument claims that these policies are justified because of a need to address labour market inequalities that have resulted from a history of race, gender and (dis)ability discrimination. This perspective holds that the historical injustices that resulted in unequal representation in the labour market should be redressed by compensating members of the disadvantaged groups (Tierney 1997). The corrective perspective, on the other hand, argues that the existence of current injustices, if any, within the organisations should be corrected (Tierney 1997). This can be achieved through an enactment of policies that prohibit unjust practices and by setting specific representation targets to be met by employers within a specified period. This perspective is criticised on the grounds that companies' chasing of targets fails to deal with corporate culture that finds its origin in the ideology of white supremacy and patriarchy. This encourages fronting and/or an upward-floating colour bar in companies.⁹

Finally, the diversity perspective emphasises a creation of a multicultural work place. It looks at the subtlety of discrimination, expressing itself through the development of such phenomena as fronting or an upward-floating colour

bar, and argues for the necessity of creating a diverse work place (Tierney 1997). The purpose of this is to create an organisation that is adaptable to the market and which is rapidly changing to include previously disadvantaged individuals (Human 2005). For a company to be able to be competitive in a globalising market, it needs to garner as diverse talents and ideas as possible. Therefore, it also becomes imperative that both the dominant group and the non-dominant groups see the importance of this and are committed to the ideal of work-place diversity (Human 2005).

One major critique of all the perspectives comes from classical liberal scholarship, which often emphasises deregulation of the labour markets for the spirit of fair competition to prevail. If left alone, the argument proceeds, the markets will correct the impurities of discriminatory labour market segmentation in society. This argument is expressed by Sowell, who, studying affirmative action in countries as diverse as the USA, India, New Zealand, Nigeria, Malaysia, Sri Lanka and some parts of southern Africa, concludes that 'the even representation of groups that is taken as a norm is difficult or impossible to find anywhere, while the uneven representation that is regarded as special deviation to be corrected is pervasive across the most disparate societies' (Sowell 2004: 7). This is mainly because different racial and ethnic groups have preferences for specific occupations, determined by their environment, historical context or civilisation thrusts.

For Sowell, the ability of markets to deal with inequality can be seen from the fact that those who advanced in the period immediately preceding the promulgation of affirmative action policies are the very beneficiaries of these policies. In Mumbai (then Bombay), for example, 'a market advancement of the Maharashtrians occurred prior to the stringent policy measures adopted by the state to promote preferential hiring of indigenous Maharashtrians' (Sowell 2004: 19). A similar trend can be identified in Malaysia, the USA, Sri Lanka, Poland, and what was then Czechoslovakia. In effect, the policies are meant to benefit the newly educated and upwardly mobile groups. This happens at the expense of not only the undesignated groups, but also those at the lower levels of the class hierarchy within the designated groups.

In what may be regarded as a direct critique of the compensation perspective, another school of thought argues that not everyone within the designated groups was wronged. These policies should recognise that there are class

differences within both the designated and the undesignated groups (Sowell 2004; Tierney 1997). Based on one's racial, gender, and (dis)ability status, these policies are likely not only to benefit the elite classes within the designated groups, but simultaneously feed the social inequalities by excluding those who did not benefit from the unjust regime but are not regarded as the designated beneficiaries. As a result, such policies have the potential to impose extensive burdens on individuals who are not actual perpetrators of the injustices.

This school of thought further asks often-ignored questions about the boundaries of the designated groups: Who is black in a diverse society like South Africa? Or what criteria does one use to determine racial classification of one's designated status?¹⁰ The proponents of this view argue that affirmative action policies should have a limited lifespan so as not to perpetually punish those who are not the perpetrators of historical injustices and inequalities.¹¹ Moreover, they suggest that these policies should be based on class differences, as opposed to racial, gender or (dis)ability criteria to address inequalities left by the previous regime (Tierney 1997).¹² This promotes the transformation of historical injustices without creating new and unnecessary inequalities, as the majority of those who are disadvantaged by the previous regime will be found within the designated groups.

But are these criticisms legitimate? Are new inequalities being generated in South Africa? And are the elites within the disadvantaged group benefiting? To answer this, one has to investigate the implementation of the EEA in South Africa.

THE IMPLEMENTATION OF THE EEA IN SOUTH AFRICA

How successful has the EEA been in South Africa? Has the demographic profile of the workforce dramatically changed through the transition? Although the EEC faces some challenges in reporting accurately on the demographics of the workforce,¹³ the 2006–07 Employment Equity Report gives us some indication of the level and pace of transformation in the South African work place. However, I start by looking at the levels of racial and gender representation of the economically active population in the South African workforce. Table 6.1 shows that African people constitute the largest number of employees at 61.1 per cent, followed by white people at 21.2 per cent,

coloured people at 13.1 per cent and Indian people at 4.5 per cent. Men comprise a bigger proportion of the formally employed at 62.3 per cent.

Table 6.1: Profile of the formally employed by race and gender, 2006

Group	Formally employed					
	Male		Female		Total	
	No.	%	No.	%	No.	%
African	3 607 000	40.3	1 863 000	20.8	5 470 000	61.1
Coloured	641 000	7.2	531 000	6.0	1 172 000	13.1
Indian	249 000	2.8	154 000	1.7	404 000	4.5
White	1 075 000	12.0	826 000	9.2	1 902 000	21.2
Total	5 572 000	62.3	3 374 000	37.7	8 946 000	100.0

Source: Stats SA (2006)

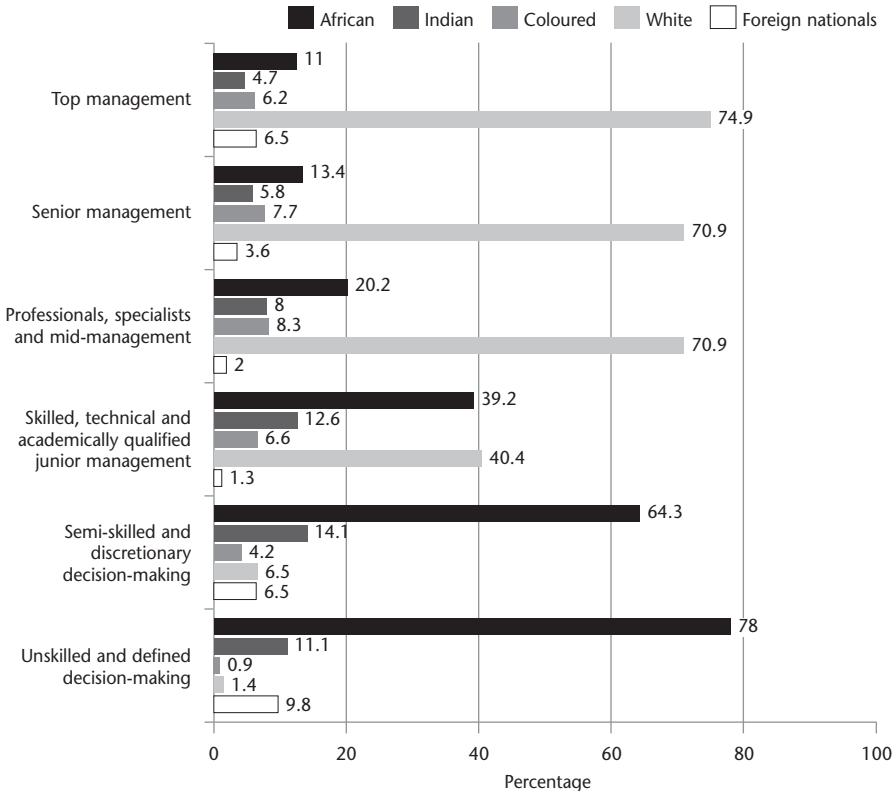
Although they are not representative, these numbers correspond to the ones for the economically active population of the country.¹⁴ Table 6.2 indicates that African people account for 72 per cent of the economically active population, followed by white people at 11.8 per cent, coloured people at 9.8 per cent and Indian people at 2.8 per cent. This is also the case for gender distribution in the workforce as – similar to the proportion of the formally employed population – males constitute the majority of the workforce.

Table 6.2: The profile of economically active population by race and gender, 2006

Group	Economically active population					
	Male		Female		Total	
	No.	%	No.	%	No.	%
African	6 833 000	38.5	5 948 000	33.5	12 782 000	72.0
Coloured	923 000	5.2	830 000	4.6	1 753 000	9.8
Indian	303 000	1.7	197 000	1.1	500 000	2.8
White	1 193 000	6.72	908 000	5.1	2 102 000	11.8
Total	9 252 000	52.1	7 883 000	44.3	17 737 000	100.0

Source: Stats SA (2006)

Figure 6.1: Percentage of employed workers by occupational category and race, 2006



Source: Adapted from EEC (2006)

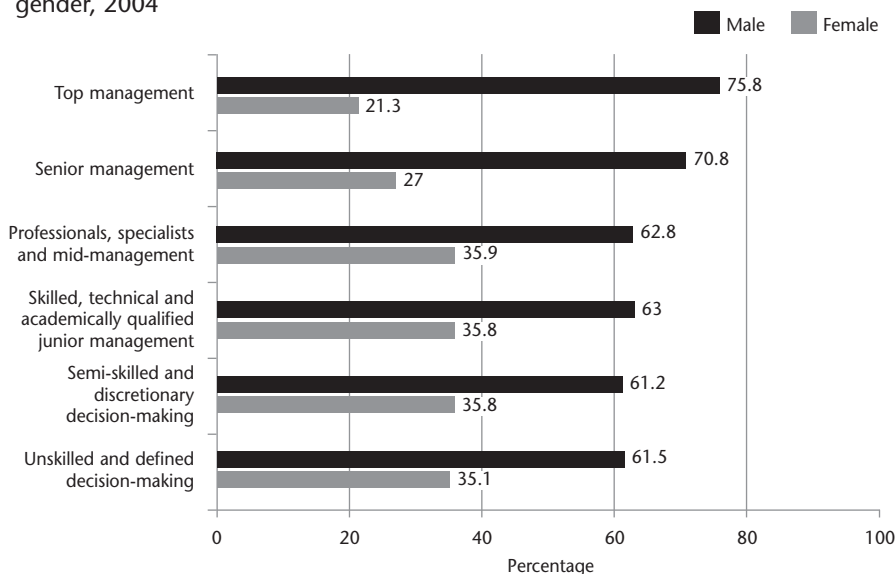
This picture, however, changes dramatically when one looks at the distribution of different racial groups across occupational categories in the workplace using the EEC data. Figure 6.1 shows us that the majority of black people are concentrated at the lower levels of occupational categories and that the black representation decreases as one goes up the occupational categories. Indeed, while the proportion of Africans is 78 per cent at the unskilled and defined decision-making level, it is only 11 per cent at the top management level. Conversely, while the proportion of white employees is highest (74 per cent) at the top management level, it is very low (1.4 per cent) at the unskilled and defined decision-making level. It is interesting, however, to note that the

proportion of foreign nationals in top management positions (6.5 per cent), who are not counted for employment equity purposes, exceeds that of both coloureds (4.7 per cent) and Indians (6.2 per cent). Furthermore, the EEC Report shows that the proportion of foreign males (6.2 per cent) is 'tracking' that of Africans, who account for 7.8 per cent at the top management level.

Similar observations can be made when one performs the analysis by gender. Figure 6.2 indicates that employed males dominate all the occupational categories. It can be seen that employed females are particularly under-represented in the (traditionally male) occupational categories of top management (21.3 per cent) and senior management (27 per cent).¹⁵

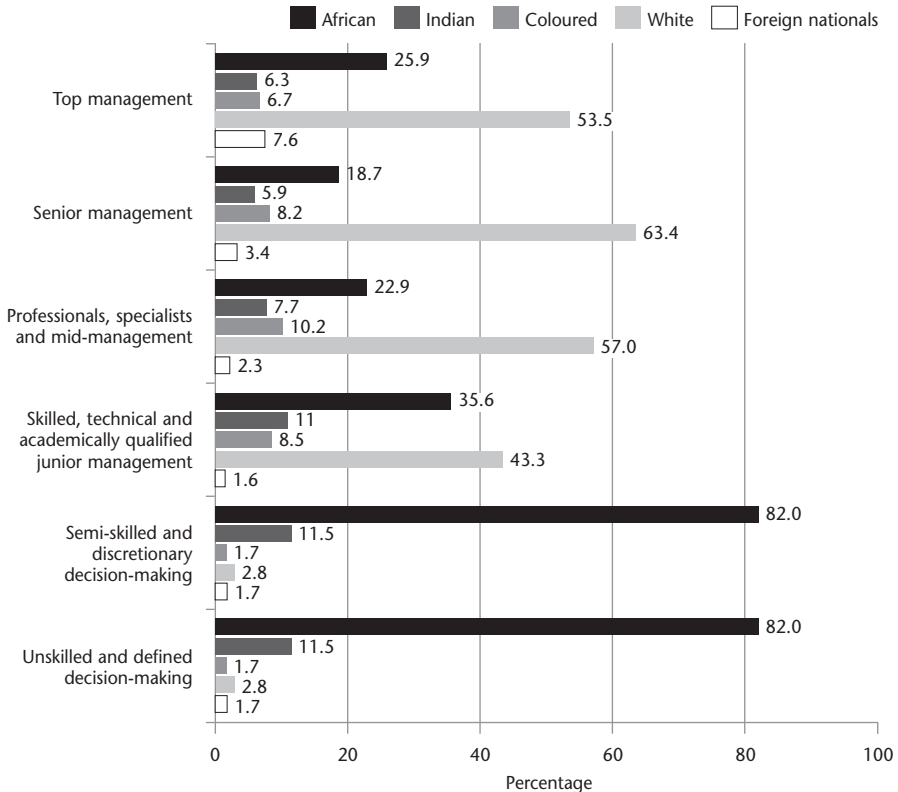
The pace of transformation can furthermore be seen when one looks at the percentage of people recruited by race and gender in 2006. Figure 6.3 reflects similar trend as with the racial composition of employed workers per occupation, although there is a slight difference at the top management level. The figure shows us that the proportion of Africans recruited at this

Figure 6.2: Percentage of employed workers by occupational category and gender, 2004



Source: Adapted from EEC (2004)

Figure 6.3: Proportion of recruited workers by occupational category and race, 2006

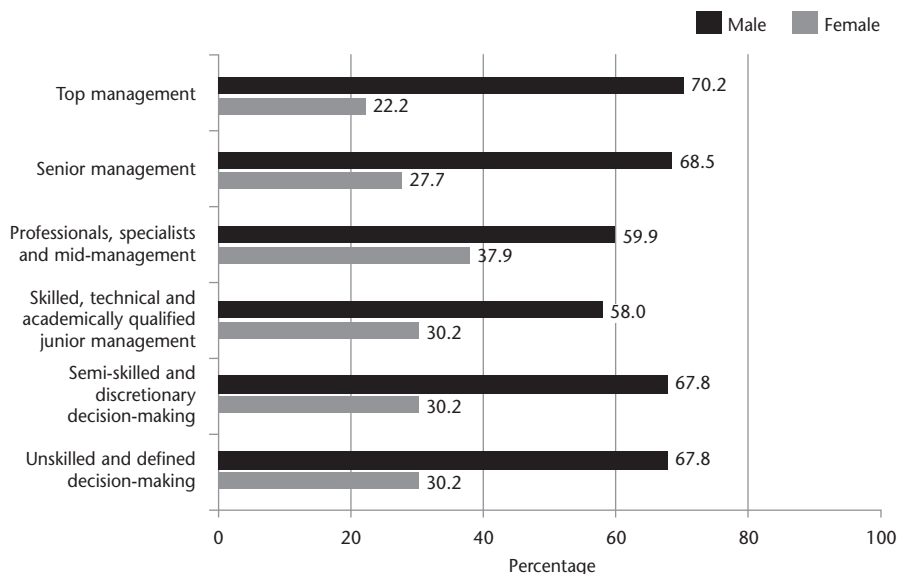


Source: EEC (2006)

level is 25.9 per cent, which may indicate a commitment to deracialising the top management level. However, it is interesting to note that the proportion of Africans recruited immediately below that occupation (that of senior management level) falls to 18.7 per cent. The proportion for whites at this level is 63.4 per cent. It is from this position downwards that the recruitment of whites decreases, while recruitment for Africans increases.

Similar to the proportions of employed workers by gender, Figure 6.4 shows us that the recruitment of males dominates all occupational categories. It further indicates that recruitment of females is lesser in the (traditionally male) occupational categories of top management (22.2 per cent) and

Figure 6.4: Proportion of recruited workers by occupational category and gender, 2006



Source: EEC (2006)

senior management (27.7 per cent). Once again, the percentage of recruited foreign nationals (7.6 per cent) exceeds that of coloureds (6.3 per cent) and Indians (6.7 per cent).

The correspondence of the proportion of recruited workers by both race and gender to that of employed workers may be attributed to the availability of skilled workers in the South African labour market. According to the EEC, there is an indication that companies do very little to link skills development to employment equity. Looking at top management alone, the proportion of Africans who received training in 2006 is 11 per cent, while that for whites is 57.3 per cent. It is interesting to note that the proportion for foreign nationals is 18.2 per cent, which exceeds the individual proportions of all black groups. However, argues the EEC Report, this may as well be an indication of racial and gender preference in employment and the fact that foreign nationals are preferred to local workers.

Nonetheless, the 2006–07 EEC Report further indicates that there has been an acceleration in the transformation of the South African workforce. More

black people and women are employed in higher positions in the workplace. The data presented in Table 6.3 shows that the proportion of black people in top management positions increased by 9.5 per cent from 12.7 per cent in 2000 to 22.5 per cent in 2006. The proportion of Africans increased by 5.1 per cent from 6.2 per cent in 2000 to 11.3 per cent in 2004, the highest proportional change when compared to coloureds (2 per cent) and Indians (2.4 per cent). The proportion of women increased by 9.2 per cent from 12.4 per cent in 2000 to 21.6 per cent in 2006.

It is interesting to note that the proportional increase in white females is high at 4.5 percentage points, followed by African men at 3.4 percentage points, African and Indian females at 1.7 percentage points, coloured females at 1.3 percentage points, Indian men at 1.2 percentage points and coloured men at 0.7 percentage points. The numbers indicate that white women have benefited

Table 6.3: Changes at top management level, 2000–04

Group	2000 (%)	2004 (%)	Change (%)
Black*	12.7	22.2	9.5
White	87.5	74.9	-12.6
African	6.2	11.3	5.1
Coloured	2.7	4.7	2.0
Indian	3.8	6.2	2.4
Female	12.4	21.6	9.2
Male	87.6	78.4	-9.2
African female	1.2	2.9	1.7
Coloured female	0.7	2.0	1.3
Indian female	0.5	1.7	1.2
White female	10.2	14.7	4.5
African male	5.0	8.4	3.4
Coloured male	2.0	2.7	0.7
Indian male	3.3	4.5	1.2
White male	77.3	60.2	-17.1

Note

* This is the inclusive definition of the term black and includes African, coloured and Indian employees

Source: EEC (2004)

most from the EEA. Although there is unevenness in growth, this trend can also be identified in other occupational levels such as senior management and professional positions (EEC 2006).

Nonetheless, the EEC is quick to point out that, just as in 2004 (EEC 2004), the pace of change has been too slow and lower than expected. This is most visible in the case of the individuals with disabilities, who not only continue to be clustered at the lower levels, but whose representation seems to be declining. Indeed, the report shows that the proportion of people with disabilities who are employed declined by 0.3 per cent from 1 per cent in 2000 to 0.7 per cent in 2006.

The challenges to fast-tracking transformation identified by the EEC include high staff turnover among younger people of the designated groups and a lack of relevant skills (EEC 2006). Other barriers include inadequate succession planning, recruitment and selection procedures, and deficient training and development planning. The EEC further shows that there is an insufficient link between skills development and employment equity, as employers do not initiate skills development plans with a view to achieving their employment equity targets. Ultimately, the commission recommends strengthening the monitoring and enforcement mechanisms for better implementation of the policy in the work place.

The discussion above demonstrates that although there is progress in workplace transformation, there is still a long way to go to achieve equitable representation of South Africa's economically active population. Indeed, the previously advantaged groups, notably white males, still hold the major share of higher occupational positions in the work place. The fact that white women are the ones who benefit most from the EEA may imply that there is still racial preference in employment in the South African labour market. It is further indicated that foreign nationals make inroads into high occupational categories in the workplace. It becomes interesting to note that their proportion even exceeds coloureds and Indians and seems to be catching up with Africans.

The EEC Report, however, does not tell us about the impact of the EEA on South African society. Does the policy have an impact on the corporate culture in the work place? What is the implication of the decline of white employees and the increase of foreign nationals in the workplace? Do these

policies serve to polarise society along racial or class lines? And, ultimately, what is the implication of implementing the policy for the construction of a cosmopolitan South African citizenship? These questions are at the heart of debate on affirmative action.

THE CASES FOR AND AGAINST THE EEA

The social partners at Nedlac – Busa, Cosatu, the Black Management Forum, and the EEC – who were extensively involved in the drafting of the EEA, see the policy as a positive piece of legislation which reflects a good compromise on the part of the Government of National Unity. According to Jimmy Manyi, the president of the BMF and chairperson of the EEC:

These policies are the result of peaceful negotiation in the early 1990s. Therefore, their implementation serves to continue a culture of good governance enshrined in the Constitution of the country. The policies should be analysed in reference to section 9(2) of the Constitution which emphasises a need to have mechanisms to redress the imbalances of the past so as to achieve equality in the country. Thus, the EEA puts an emphasis on representation of different racial groups in the workforce. We don't want Black people, women and persons with disabilities to be spectators in economic activities of the country. We want them to play a significant role in decision-making.¹⁶

A similar sentiment is expressed by the representative of Busa, Vic van Vuuren, who argues that these policies are 'imperative' not only to redressing the imbalances of the past in South African society, but also to make South African companies competitive in the global market. It is important, for instance, that companies have networks and diverse thinking to adapt to the global markets. For him, it is myopic to think that these policies should not be implemented because of economic globalisation.¹⁷

Furthermore, the implementation of these policies has a positive impact on the economic growth of South Africa. Affirmative action policies are a catalyst for the growth of the black middle class, which has a direct impact on the economic growth of the country and on the increased productivity of South African companies. Moreover, according to Manyi, South African companies' penetration of other African countries may, in part, be attributed

to their legitimacy in the eyes of clients in these countries. In particular, he maintains, this can be seen in the expansion of such companies as Mobile Telephone Networks (MTN), the largest black-owned company in South Africa. Similarly, Rudy Dicks,¹⁸ policy co-ordinator of Cosatu, suggests that affirmative action policies are justified in South Africa as long as we can still identify the mentality of white preference in employment. He argues that 'there is a need to change the mentality that white people are better than black people in employment. The policies are about changing the social consequences of the apartheid regime.'

There is a consensus amongst the above organisations that the major challenge to these policies is in their implementation. For Manyi, the major challenge is not only with the lack of relevant skills, planning, and so forth, but also with monitoring and enforcement of the policy. This is particularly pertinent in two areas. First, according to Manyi, employers find it relatively easy to pay a fine, the maximum of which is R900 000 depending on the number of contraventions (see Schedule 1 of the EEA), instead of implementing the policy. Second, companies tend to concentrate on two criteria in their employment practices – formal qualifications and experience – at the expense of prior learning and capacity to acquire, within a reasonable time, the ability to do the job. As such, he argues, it is now necessary for the South African government to amend the EEA and make it more effective. The recommendation he puts forward is that the fine for non-compliance should not be a set fee but a deduction of a specific percentage from the implicated employer's annual turnover.

In addition, Van Vuuren identifies two possible challenges to the policy: limited knowledge about the policy and about broad-based BEE in general, and lack of leadership in taking transformation issues seriously. He recommends that all available resources be committed to educating both employers and employees about the importance and implementation of the policy. Further, he argues that there is a need for leadership, white business leaders in particular, to 'preach the gospel' of transformation to their constituencies. It would be difficult, he maintains, for white employees to understand the argument for employment equity coming from a black person. Black leaders, for instance, should ensure that black people understand that the implementation of this policy depends on one's abilities to perform in the workplace rather than solely on skin colour. The role of leadership is also echoed by Rudy Dicks, who argues that it is important for trade unions to accelerate the empowerment of

leadership at all levels to engage with the implementation of the policy. For instance, shop stewards, who are the first reference for workers' grievances in the workplace, would play a critical role in monitoring and enforcing the implementation of this policy in the work place.

It is worth noting that when interviewees were asked how the implementation of EEA could be improved in South Africa, all mentioned skills development, policy mainstreaming and the improvement of monitoring and enforcement strategies. The latter can be done both through statutory processes and by the collective action of the social partners at Nedlac. This means that there may have to be some policy amendments or the creation of more watchdog bodies and the mobilisation of all stakeholders if a more effective broad-based BEE programme is to be realised.

The converse view is articulated by Dirk Herman, a representative of the trade union Solidarity, who argues that affirmative action in South Africa can never be justified.²¹ While he agrees that the EEA and related policies were the result of a compromise in the early 1990s, he asserts that they are not justified, in retrospect, because they do not have the interests of the white minority in mind. For him, these policies were the result of what Von Holdt calls a 'policy juggernaut' in the early 1990s (Webster & Von Holdt 2005). They came into being because they were necessary given the political and ideological context of the time.

Herman (following Sowell 2004) argues that the ideal of demographic representation is wrong because it is unachievable. Rather, he argues that it only serves to create new imbalances and marginalises the most vulnerable sectors of white communities, that is, the blue collar workers, the unemployed and labour market entrants in South Africa. The new racial imbalances, he maintains, are created mostly at the middle and lower occupational levels. For him, this is not easily realised because the EEC does not look at the impact of the EEA at these occupational levels. Instead, it emphasises representation at the higher occupational levels such as middle and top management in a context where there is an increasing gap between the elites (both white and black) and the working class. He further argues that transformation has been occurring rapidly at the bottom levels of the occupational categories, and there is very little information on who the beneficiaries and victims are. Finally, Herman argues that deracialisation at skilled and craft occupational levels means not only the attrition of white employees, but also the blockage

of new white entrants to these occupations. Thus he concludes that the EEA is bound to cause tensions between the black and white middle class, on the one hand, and the working class, on the other, since that is where the major competition for positions is concentrated.

The statistical evidence, however, seems not to corroborate Herman's conclusion that there is an attrition and blockage of white workers in employment. Table 6.4 indicates that although there was an increase in general unemployment from February 2001 to March 2004, white unemployment declined by 2.1 per cent from 10.1 per cent in 2001 to 8 per cent in 2004.²² The 2006–07 EEC Report also shows that white people constitute the majority of the recruited employees at the categories of top management (42.9 per cent); senior management (44.9 per cent); professionals, specialists and middle management (34.9 per cent); and skilled technical and academically qualified workers, junior management and supervisors. It further shows that the majority of white employees enjoy promotion and skills development at higher occupational levels than black employees.

For Herman, the major challenge in implementing affirmative action and the EEA is not only the shortage of skills, lack of succession planning or lack of training and development, but also resistance among some white people.

Table 6.4: Unemployment trends among the economically active by population group and sex (expanded definition of unemployment²³), 2001 and 2004

Labour Force Survey	Population group	Male (%)	Female (%)	Total (%)
February 2001	All population groups	33.1	41.0	37.0
March 2004		34.4	48.2	41.2
February 2001	African	39.3	46.3	42.9
March 2004		40.9	55.5	48.3
February 2001	Coloured	27.6	33.0	30.3
March 2004		22.6	28.8	25.6
February 2001	Indian	18.0	28.8	22.5
March 2004		17.8	27.0	21.2
February 2001	White	7.7	13.1	10.1
March 2004		6.1	10.4	8.0

Source: Stats SA (2001; 2004)

This is the result of their alienation and feelings of insecurity in the face of the implementation of the EEA. The result is that white employees are reluctant to transfer the skills they possess, through training, to black people, which ultimately undermines productivity. But it is important to note that labour market transformation is not a result of affirmative action policies. According to Van der Berg and Borhat (1999), it has resulted as much from transformation policies as from the economic structural changes, which have accelerated since the 1970s (see also Crankshaw 1997).

Finally, Herman does acknowledge that affirmative action policies have had a positive impact. He notes that they have a major symbolic role to play in the psyche of the previously disadvantaged groups. They serve to acknowledge the oppression of black people as a group under the apartheid regime: 'I tell you, it is because of this that broad-based BEE-related policies are untouchable. An attempt to repeal these policies will trigger the wrath of black people, most notably the black poor, who unfortunately are not going to benefit from these policies.'

Nevertheless, despite recognising this, Herman concludes that the overall impact of affirmative action policies is negative for the majority of people in the country. In addition to increasing inequalities, they also fuel tensions between the black and white middle and working classes, because of fierce competition for scarce opportunities. Herman therefore recommends a cut-off date for race-based affirmative action and the implementation of class-based affirmative action. This, he argues, will not only ameliorate the inequality gap between the rich and the poor, but it will also benefit the previously disadvantaged groups, as they are the majority of the lower classes in society.

AFFIRMATIVE ACTION POLICIES IN THE FUTURE

Although there has been significant progress in the transformation of the labour market, affirmative action policies nevertheless remain controversial in South Africa. One major area of concern is that these policies disadvantage minority racial groups. However, as has been argued, there is little evidence, at least in economic terms, to suggest that white people's participation in economic activities of the country is under threat. The EEA's expressed emphasis on skills development as a key criterion for economic participation applies equally to both the designated and the undesignated groups. This implies that every

South African citizen is entitled to the economic benefits of the country, provided they possess the relevant skills. However, there may be a need to review the representation element of the policy in future. This becomes more urgent in view of International Labour Organisation Convention 111, which stipulates that affirmative action policies should have a limited lifespan.

Nevertheless, the discussion also suggests that there is a need to pay attention to some aspects of the implementation of this policy for the long-term interests of creating a cosmopolitan citizenship. It is argued that this is the basis of 'public reasonableness', which is an important ingredient of a cosmopolitan citizenship. This is particularly important given the political contestations over the implementation of the policy. On the one hand, as Herman argues, the critics of the policy argue that there are indications of alienation and insecurity among white employees, which poses challenges to the implementation of the policy. On the other hand, research on the post-apartheid work place indicates that some elements of the apartheid work place regime or corporate culture are being replicated in post-apartheid South Africa (Modisha 2006; Von Holdt 2003). These include an upward-floating colour bar or fronting, an informal wage colour bar, and limited intermingling between white and black employees. As a result, there has been growing alienation among black employees as well, reflected in an increase in economic struggles and in the phenomenon of job hopping.

The chapter has furthermore shown that there is a need to consider the 'racial/ethnic others' in the discussion of this policy in South Africa. While coloured and Indian groups are included as the designated groups in the implementation of the EEA there is very little discussion of the implication of this policy for these groups. There is a tendency for the EEC to discuss these racial groups under the rubric of 'black people', and quickly shift focus to the discussion of Africans versus whites. What is the implication of this for the implementation of the policy? Does this mean that the implementation of the policy is insignificant for the socio-economic and political well-being of coloured and Indian groups? Most recently, there had been a call that South Africans of Chinese descent should be included in the definition of the designated individuals.²⁴ The main question is what the implication of this for the EEA is. Also, it is commendable that the EEC includes foreign nationals in its data collection. In some cases, the proportion of foreign nationals in employment even exceeds that of the designated groups. It would be

interesting to disaggregate foreign nationals by their nationality and race. One may ask the question, for instance, whether the EEA should include foreign Africans as part of the previously disadvantaged groups.

Notes

- 1 For instance, Business Unity South Africa (Busa) and Cosatu are social partners of the National Economic Development and Labour Council (Nedlac). With the Black Management Forum (BMF), these organisations were in the drafting of the EEA from the beginning. While it was not directly involved, Solidarity is one of the organisations that have strong views on the EEA.
- 2 For instance, while affirmative action applies only to contractors and subcontractors who are federally funded or assisted in the USA, it applies to all employers employing more than 50 employees in South Africa (EEC 2004).
- 3 According to the Broad-based Black Economic Empowerment Act (No. 53 of 2003), broad-based BEE is defined as an integrated and coherent socio-economic process that directly contributes to the economic transformation of South Africa and brings about significant increases in the number of black people who manage, own and control the country's economy, as well as significant decreases in income inequalities. The policy aims to redress racial inequalities created by the systematic exclusion of the black majority from meaningful participation in the economy during the colonial and apartheid era through three core components covering seven elements, namely: direct empowerment (which includes ownership and management), human resource development (including employment equity and skills development) and indirect empowerment (comprising preferential procurement, enterprise development and residual element).
- 4 Designated employers are those who have 50 or more employees or those who employ fewer than 50 employees, but have a total annual turnover that is equal to or more than the applicable turnover of a small business. The annual turnover threshold ranges from R200–500 million depending on the sector of the economy (see Schedule 4 of the EEA).
- 5 Designated employers with 150 or more employees must submit employment equity reports every year, while those with fewer than 150 employees submit theirs once every two years.
- 6 Section 20(3) defines suitably qualified people as constituted by any one or combination of the following: formal qualifications, prior learning, relevant experience or capacity to acquire, within a reasonable time, the ability to do the job.

- 7 The implementation of the strategy is the responsibility of the National Skills Fund, which receives a portion of levies paid by employers, who, according to the Skills Development Levies Act (No. 9 of 1999), are required to pay 1 per cent of their payroll for skills development in the country. Eighty per cent of the money collected is transferred to SETAs, which place people, whether unemployed or employed, in learnerships to acquire skills and work experience.
- 8 See Peck J (1996) for a detailed discussion on how the achieved and ascribed status function in the labour market.
- 9 This refers to a practice by which companies employ black people in junior managerial or supervisory levels while promoting white employees previously occupying these positions (Bezuidenhout in Webster & Von Holdt 2005). Alternatively, black and white employees are given different job titles while they are doing more or less the same work. In effect, the positions occupied by black employees do not have equal authority to those occupied by white people (Modisha 2006).
- 10 See *Sunday Times*, 28 September 2003, A Habib, Race policies will haunt black elite; *Cape Times*, 11 August 2004, A Holiday, Different approach needed to address employment equity: Death of race classification overdue; *The Star*, 28 June 2004, R Tren, Still a nation obsessed with race.
- 11 The limited lifespan view is also advanced by the International Labour Organisation's Convention No. 111.
- 12 See Sikhosana (in Nzimande & Sikhosana 1996) for this argument in the South African context.
- 13 The major challenges in reporting include inconsistencies between the employment equity reports submitted to the DoL and the reality in the workplace, the decline in reporting since 2000 and the inability to analyse all the reports submitted to the DoL. The commission managed to analyse only 5 554 of the 9 389 reports received in 2004 because of major errors, such as the use of wrong forms, missing pages, omission of signatures, etc., in the remaining 3 835 reports (DoL 2004).
- 14 The economically active population consists of both employed and unemployed people between the ages of 15 and 65.
- 15 These are positions in which women's representation is below 30 per cent.
- 16 Interview with Jimmy Manyi (chairperson, EEC; president, BMF), 19 February 2007.
- 17 Interview with Vic van Vuuren (chief operations officer, Policy and Advocacy, Busa), 21 February 2007.
- 18 Interview with Rudy Dicks (policy analysis co-ordinator), 5 March 2007.

- 21 Interview with Dirk Herman (deputy president, Solidarity Union), 22 February 2007. See also Alexander (2006).
- 22 The 2004 statistical data of expanded definition of employment are used here because the latest ones are not broken down by race.
- 23 The extended definition of unemployment includes those who are discouraged from looking for a job.
- 24 *Mail & Guardian*, 1 to 7 December 2006, B Terreblanche, Chinese fight to be black.

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7 NEW PATTERNS OF EXCLUSION IN THE SOUTH AFRICAN MINING INDUSTRY

Andries Bezuidenhout

The intention of policies that encourage black economic empowerment (BEE) is to bring about structural changes to the economy. These changes do not only relate to issues of ownership and management, but also to the redress of racial inequality *within* the state and corporations. The assumption is that the deracialisation of ownership and management would lead to positive changes in the conditions of the work of employees, especially those who were formerly excluded from decent employment and benefits that were the preserve of white workers under colonialism and apartheid.

Nevertheless, policy outcomes are often not what policy makers intend them to be. The realisation that BEE often boils down to changes in ownership without real changes on the shop floor has led to a new emphasis on BEE having to be 'broad based'. In spite of this new emphasis on broad-based BEE, this chapter shows how policies intended to bring about empowerment are paradoxically contributing to and legitimising the creation of new layers of exclusion. Furthermore, the facilitation of BEE through the subcontracting out of certain functions is contributing to a structural shift in the mining labour market, illustrating that the deracialisation of ownership and management can happen at the cost of labour rights.

UNDERSTANDING THE LABOUR MARKET

South Africa's transition from apartheid has been described as a triple transition, which involves three overlapping processes – political democratisation, economic liberalisation, and the need to bring about the deracialisation of society – that often stand in contradiction. The contradictions of the triple transition become visible in the work place more so than any other social

realm, since this is where the apartheid labour market was formed. This is also where this legacy has to be unmade (Von Holdt 2003). A number of targeted interventions have been designed to unmake the apartheid work place regime. These include the Employment Equity Act (EEA) (No. 55 of 1998) and a number of policy interventions to bring about broad-based BEE. However, success in terms of a number of objective measures of employment equity remains lacklustre.¹

Equity in the labour market is not only dependent on policies and laws that have been developed to target the area specifically, such as the EEA. It is an outcome of the aggregated effects of a range of social and economic policies. Some policies prominently impact on the demand side (economic structure and dominant industries) of the labour market, such as macroeconomic and industrial policies. Other policies impact on the supply side (the quantity and quality of labour) of the labour market, such as social welfare, health, housing, education, and transport policies.

Indeed, inequity in the labour market under colonialism and apartheid was a result of policy interventions in all these policy realms. Unmaking this legacy thus requires a range of concerted policy interventions that are sensitive to the interplay between the role and functions of various government departments, the private sector and civil society formations.

Since labour is not a commodity, its reproduction is social and relatively autonomous, and labour markets do not operate like typical commodity markets as a simple process of matching supply and demand. Labour markets involve a number of social processes which could be categorised as processes of incorporation, allocation, control and reproduction (Peck 1996).

Incorporation describes the processes by which individuals become wage earners in the labour market or self-employed, and that determine their labour market choices, and their potential to do certain jobs. Some individuals may decide not to seek employment. This depends on the availability of employment opportunities or alternatives, such as subsistence farming or living on social welfare. The migrant labour system defined the incorporation of labour in South Africa and remains an important feature of the labour market. Gender plays a significant role here as it impacts on decisions about the education and socialisation of children, and whether or not children are burdened with household chores. *Allocation* describes the matching of workers

to jobs. In the real world, workers are often allocated to certain jobs because of ideology and social prejudice as much as skill and proven qualifications. Moreover, the lower segment of a labour market is drawn from vulnerable social categories that frequently are not empowered to make political claims.² Labour market policies that impact on this process in South Africa are shaped by the provisions of the EEA, and parts of the Labour Relations Act (LRA) (No. 66 of 1995), which regulate the rights of job applicants.

Whereas the processes of incorporation and allocation have to do with entry into the labour market, *control* has to do with how the employment relationship is structured, and the power relations that determine these structures. It also has to do with productivity and the determination of remuneration levels.

Reproduction relates to the way in which labour is incorporated, allocated, and the way in which the nature of labour control feeds back to the realm of labour supply. Labour reproduction refers to biological procreation, education and training, clothing and caring, and the like. It is anchored not only in the labour market, but in the household, the community and the state. It is important to note that the cost of labour reproduction is generally not carried in full by wages, since it is subsidised by domestic labour, as Peck argues, 'The production of men as wage-labourers depends on the unpaid domestic labour of women and the wider systems of social reproduction through family, community and state' (Peck 1996: 39).

The success of South Africa's EEA and its related institutions can thus not be understood in isolation from these broader social processes. The aim of this chapter is to highlight some of the continuities in the labour market of one specific sector of the economy – the mining industry.

CLASS, RACE AND THE MINING INDUSTRY

An examination of the role and structure of the South African mining industry has been central to analyses of the relationship between capitalism and apartheid. The system of labour control, which included migrant labour, contract labour, racial despotism and single-sex hostels, is seen as one of the cornerstones of race and gender relations – as well as spatial engineering – under apartheid. In essence, the system externalised the cost of social

reproduction on to the rural households where migrant mineworkers came from and had to return to at the end of their contracts (Crush, Jeeves & Yudelman 1991; James 1992; Jeeves 1985; Johnstone 1976; Moodie 1994; Wolpe 1972; Yudelman 1983).

The growth of the National Union of Mineworkers (NUM) from 1982 onwards was a significant challenge to despotism in the industry, and many of the union's successes in the 1980s were consolidated in the 1990s when a new industrial relations dispensation and reformed health and safety legislation were introduced. Campaigns to convert single-sex hostels into family units were also partially successful and at some mines living-out allowances are now the norm rather than the exception (Allen 2003; Bezuidenhout & Buhlungu 2006).

Following the transition to democracy in the early 1990s, many scholars directed their attention elsewhere. An argument that the protection of the manufacturing industry was to blame for South Africa's economic decline contributed to this shift in focus (Joffe et al 1995). With the decline in the gold price, the mining industry was increasingly seen as a 'sunset industry'. The share of mining exports as a percentage of South Africa's total exports shrunk from over 70 per cent in 1983 to 35 per cent in 1999. In 1983, gold accounted for over 50 per cent of all mining exports, but this declined to 15 per cent in 1998. Mining's contribution to the country's gross domestic product declined from 15.6 per cent in 1986 to 6.5 per cent in 1999 (Minnett 2002). In the 1980s the mining sector employed almost 800 000 employees. As the gold price declined, this number was slashed in half, to just more than 400 000 at the beginning of the 2000s.³ The social impact of this decline in employment in mining towns and labour supplying areas was devastating (Ngonini 2002; Seidmann 1993).

However, to dismiss the South African mining industry as a 'sunset industry' ignores a number of key points. First, whilst there has been a decline in gold mining, the industry has seen a substantial expansion in platinum mining. This is partly driven by the demand for minerals from China and the expanding global manufacturing industry. Since the early 2000s, employment in the mining industry has increased to 444 362 employees. Of these 155 769 are employed on platinum mines, almost equal to the 160 620 gold mining employees.⁴ Nevertheless, the crisis in the Middle East has led to a re-appreciation of the gold price, which breathed new life into the industry.

Second, many South African mining firms have become significant global players, especially in other parts of Africa. They globalised their operations and ownership structures when several firms shifted their primary listings from Johannesburg to London and New York. Third, the mining industry was one of the first sectors in which black empowerment deals were struck, creating billionaires such as Cyril Ramaphosa, Patrice Motsepe and Tokyo Sexwale. This industry is thus seen as one of the key drivers of BEE (Bezuidenhout & Buhlungu 2006; Southall 2006).

For these reasons, and in the light of the renewed interest in the relationship between race and class in South Africa (see MacDonald 2006; Seekings & Nattrass 2006), it would be ill-considered not to re-examine the sustained impact of the mining industry on South Africa's post-apartheid order. An often overlooked structural shift in the industry is the fact that of every three mineworkers, one is now employed by one of many outside contractors. The argument here is that new forms of externalisation – in the case of the mining industry, the re-emergence of various forms of non-standard employment – is reintroducing a key aspect of the apartheid labour regime, that of externalising the burden of social reproduction onto households (see Bezuidenhout & Fakier 2006; Burawoy 2006; Peck 1996). Irrespective of whether redress refers to a narrow focus on ownership or a broader one (that includes changing patterns of ownership, changes in employment equity, skills development and issues of health and safety), any attempt to consider redress in the industry would be incomplete without an in-depth consideration of the impact of this structural shift in the mining labour market. This chapter describes the form and extent of the re-emergence of forms of externalisation in the mining industry and explores its longer term consequences for post-apartheid South Africa.

CASUALISATION, EXTERNALISATION AND INFORMALISATION

Emerging forms of non-standard employment in the mining and other industries are often designed to undermine contracts of employment in order to make regulations that are premised on standard employment contracts obsolete. In order to make sense of how some of these arrangements work, and to clarify terminology, the discussion here begins with a case study of one of South Africa's oldest mines, East Rand Proprietary Mines (ERPM). It illustrates some of the contradictions that underlie competing notions of

BEE, as well as how triangular employment relationships complicate attempts to enforce the regulation of working conditions.

In 1999, Khumo Bathong Holdings was formed as a black empowerment company by Paseka Ncholo, a former public services director in the South African government. Khumo Bathong Holdings took over the loss-making ERPM after it had filed for bankruptcy. Towards the end of 2001, the mine employed about 4 500 people and produced 150 000 ounces of gold per year. By then mine management had intended to increase output by 50 per cent. In December 2001 the mine made its first profit after the acquisition.⁵ In February the next year, Khumo Bathong was in the news again, when the company bought a 3 per cent stake in Durban Roodepoort Deep (DRD) for R68 million. The deal was financed by the Industrial Development Corporation. In early 2002, Ncholo was appointed as a non-executive director on the board of DRD.⁶ In March 2002, he announced that the company was negotiating a profit sharing scheme with employees: 'We are asking our employees to take joint ownership of the mine by growing the mine's production through productivity levels at the stope face.'⁷ All profits made above a certain target would be split between the mine's shareholders, management and the mineworkers. By that time German venture capitalist, Claus Daun, owned 70 per cent of the shares, with Khumo Bathong owning the rest.⁸

However, while on the surface it looked as though the ERPM story was a successful story of black economic empowerment in the making, the NUM was already protesting in April against the hiring of employees at the mine by a labour broker. Protesters gathered to hand over a memorandum to Khumo Bathong. The union held that these workers were paid much less than the industry average – indeed, some workers allegedly received a salary of as little as R700 a month. The union also alleged that the labour brokers sometimes took a cut of half the daily wages of some workers. A spokesperson from the union said at the time:

In our view, if Khumo Bathong is concerned and interested in the welfare and prosperity of ordinary black mineworkers, it would desist from using this contractor who continues to brutalise workers... It is a known fact that contractors take short cuts in the rush for profit... The union will continue engaging the company on this matter and will not stop until the brutalising contractor is out, who in our view is given licence by management to perpetuate atrocities.⁹

In August 2002 contracts at the mine were in the news again when it was reported that Ncholo had stepped down as chairperson and director of ERPM after Daun initiated a forensic audit into the mine's relationship with contractors and suppliers. The audit focused on reported 'irregular payment practices and monthly payments to a senior manager by a supplier'. Three senior managers were suspended pending the outcome of further investigations. During this time, Ncholo entered into negotiations with Daun to buy out the 70 per cent of ERPM he owned.¹⁰ Subsequently, in September, DRD acquired ERPM with Khumo Bathong as a joint venture.¹¹

However, days before the takeover deal was sealed, Ncholo threatened to dismiss 'every one' of the mine's workforce of 4 000 employees for taking part in a two-day anti-privatisation strike. According to NUM, the strike was extended to ERPM because employees 'were being underpaid by the labour broker contracted to the mine'.¹² The labour contractor involved, Circle Labour and Accommodation, was warned by mine management that the workers would be fired if they didn't return to work. Technically, this could be done by cancelling the contract between the mine and the labour broker. A statement released by management read: 'A consequence of the termination of the contract would be that Circle must immediately remove its workers from ERPM's property'.¹³ After losing five days of production, management acted on this ultimatum and terminated its contract with Circle. Two former employees were killed and 14 were injured by security personnel when striking workers were reportedly prevented from 'vandalising the 109-year-old Boksburg mine' when management enforced a lockout. The NUM threatened to 'finger other mines using labour brokers if the situation at ERPM was not resolved'. After the mass dismissal, the company immediately started to directly hire employees formerly engaged indirectly as contract workers. According to reports, '2 800 employees would get their jobs back'.¹⁴ Ncholo said: 'We intend to double the pay of our lowest paid worker from R700, bringing our salaries in line with that of the industry'.¹⁵

Following the incident, the government got involved by appointing the Commission for Conciliation, Mediation and Arbitration to ensure that the employment contracts and conditions of those workers appointed by the company complied with national legislation and minimum standards. Minister of Labour Membathisi Mdladlana, reportedly 'expressed concern that some mine officials were using labour brokers to avoid paying the

minimum wage agreed to by the Chamber of Mines'.¹⁶ A spokesperson for the Department of Labour said that the ministry had found that wages paid to workers by the labour broker involved were 'well below the market norm and workers had accepted these out of desperation'. The human resources manager of Circle Labour responded: 'We supply the labour and the mine manages it. We therefore do not decide on wages.'¹⁷

This case study is an extreme example of externalisation, as the mine employed nearly all its labour through a labour broker. In many other mines only a proportion of workers are employed by labour brokers or through other subcontracting arrangements. It nevertheless illustrates the tensions between two contesting notions of BEE. One notion primarily focuses on black ownership and the creation of a black bourgeoisie. The other argues for a more holistic approach, viewing issues such as decent employment standards, skills development and employment equity as ways to overcome the legacy of the apartheid work place regime (Von Holdt 2003). In this case, a marginal mine was taken over by a black empowerment firm. Often such mines can only be profitable if they take a ruthless approach to cutting costs. It demonstrates the predicament quite graphically: the empowerment of some is often built on the disempowerment of others.

In this case, the firm used a form of non-standard employment to subvert existing labour regulations. A standard contract of employment refers to: a *full-time* contract of employment of *indefinite duration*, and for work that is performed at the *premises of the employer*. Current global trends in employment are challenging this notion and are eroding the regulation of employment relationships by the state or by collective agreements that are premised on the predominance of standard contracts of employment. New patterns of employment often evade regulation by disguising employment contracts as commercial contracts or by merely informalising them. This has led to the International Labour Organisation setting up a formal process to study these trends globally and to find solutions to the negative social consequences of the rise of non-standard employment (Theron 2005; Bezuidenhout et al. 2004).

Three analytically distinct processes that erode standard contracts of employment can be identified: casualisation, externalisation and informalisation. While analytically distinct, in practice these processes often overlap and are mutually reinforcing. Casualisation implies a deviation from full-time contracts

of employment. This may imply part-time work, fixed-term contracts, casual work or piece work. In any of these cases, the employment contract deviates from either being full-time or indefinite, or both. Externalisation implies that a third (and in some cases, fourth, or even fifth) party enters the employment relationship, leading to triangular contracts of employment. The three parties to a triangular contract of employment are the *user firm* (that is, the firm that requires the labour), the *intermediary* (a labour broker, temporary employment agency or a subcontractor), and the *employee* (who actually performs the work).

In the above case study, ERPM is the user firm, Circle Labour and Accommodation is the intermediary, and the mineworkers who were employed by Circle are the employees. This is but one example, but there are myriad triangular arrangements possible. In some cases, the intermediary merely acts as a labour broker and supplies workers to perform work at the premises of the user firm, who also supervises the work and provides the tools for the work to be performed. In other cases, the intermediary has its own premises and supervises work there, as in the case of some homework and sweatshop arrangements. Casualisation is often used along with triangular contracts of employment. This is when the contract between the intermediary and the employee is of a casual nature.

The result of processes of casualisation and externalisation is often an informalisation of employment relationships, implying that the relationship is no longer subject to regulation by the state or other agencies. Informalisation may imply clandestine employment – when workers are employed illegally and do not have the power to challenge their working conditions – but it may also mean that the relationship is so complex that it is almost impossible to enforce regulations designed for standard employment relationships (Bezuidenhout et al 2004; Kenny & Bezuidenhout 1999; Theron 2005).

THE HISTORY OF EXTERNALISATION THROUGH SUBCONTRACTING

For the majority of workers in the South African mining industry a standard contract of employment is a recent phenomenon, but it is something that was fought for over decades. It should also be noted that triangular employment relations are not new to the industry. During the early phases of mining the practice was quite common. For instance, surface construction work was

already subcontracted at the turn of the 19th century. Moroney mentions that in 1902, 'workers on the Consolidated Main Reef Mine went on strike because they discovered that their wages were well below those being earned by a contractor's work force engaged in surface construction on the mine'. A mine manager complained about the destabilising effect this had: '[T]he contractors, if allowed to go on, will obtain all the best boys [sic], any of which are as good at certain work as White men, and at the same time unsettle the Company's boys [sic]' (Moroney 1978: 43).

Before the mid-1920s, the subcontracting of 'core' mining work also occurred on a relatively widespread basis. It seemed to take on a form of 'gang' subcontracting, with a specific racial character built into the arrangement. Underground mining work was organised in teams (or gangs) of African workers who were supervised by white miners. White gangers took responsibility for supervising work, paying wages to the gang members and even providing explosives needed to perform the work. Remuneration was linked to performance only, without a basic salary built into the arrangement. In an attempt to reduce the number of white miners during the profitability crisis in the gold mining industry in 1922, mine managers started to end contracts with these white gangers. Yudelman argues: 'The issue of contract work subsequently became a very important cause of the 1922 strike, when the mining employers sought to abolish [the system]' (Johnstone 1976: 123, 159; Yudelman 1984: 105).

The instability brought about by the strike in 1922 led to mines increasingly taking on workers directly. Black workers, however, were employed on the basis of the contract labour system, where their employment was never indefinite and had to be renewed at the discretion of mines annually. It was also illegal for African workers to break their contracts. It was this system that the NUM successfully challenged from the 1980s onwards. As the union increased its bargaining power, the cost of gold also decreased during the 1980s and 1990s. This placed considerable pressure on mines to reduce costs. The pressure heightened at a time when there were pressures from the labour movement and the government to improve the industry's dismal health and safety record. In many instances, mines moved towards the utilisation of smaller teams of mineworkers linked to production bonuses to reward increases in productivity (Bezuidenhout 1999).

But the industry also took another approach to reducing costs. It started to introduce subcontracting arrangements which in effect started to undermine the rights of those in the core of the mining labour market (Crush et al 2001). Traditionally mines contracted out specialised functions, like construction, shaft sinking, and access development. In fact, the largest firm involved in the sinking of shafts was founded in 1964. By the 1980s and the early 1990s mines began subcontracting 'non-core' functions, like cleaning, catering and security. Subcontracting has taken place both on the surface and underground. On the surface, as mentioned, typical 'non-core' functions such as catering, cleaning, security, and maintenance of hostels have been subcontracted. Construction work on the surface has also been subcontracted. Often such intermediaries perform specialised functions, but in other cases they merely recruit and supply labour – that is, the function of a typical 'labour broker', as in the case study above. This arrangement is often used to evade employing workers directly and having to take on the responsibilities associated with a contract of employment; the contract between a mine and a contractor is usually a commercial contract. The 1990s have also seen the increased subcontracting of 'core' mining activities. This happened in a number of ways. One strategy would be for mines to contract out the mining of certain shafts, or sections of certain shafts, to subcontractors to mine on their behalf. Another strategy is for mines to engage a proportion of their workforce through labour brokers. Often these strategies are used in combination, creating a complex set of contractual arrangements (Bezuidenhout & Kenny 1999; Sikakane 2003).

As a result of this growing trend, as well as the subcontracting arrangements that have historically existed in the mining industry, different categories of subcontractors that are operational in the mining industry can be identified. First, there are the larger, more established contractors (some are subsidiaries of larger companies) employing over 1 000 workers on a variety of mines. RUC Mining (owned by Murray and Roberts) is a typical example of this group. It works on most kinds of mine, including gold, coal, nickel and platinum. Core activities include sinking shafts, blasting tunnels, stoping, underground excavation and ground stabilisation. Other contractors include Shaft Sinkers, Samat Mining, Cementation Africa and Grinaker. Second, there are mid-range contractors (with a workforce of 500 to 1 000) offering more specialised services. Many are expanding in size. Welkom Mining Supplies is typical of this group. It comprises three separate companies, employing

a total of 700 people, and specialises in underground construction, haulage and maintenance. Third, there are smaller firms (with 100 to 500 employees) either attached to a single mine or offering mobile services across the industry. Finally, there are microenterprises and 'fly-by-nights' (with less than 100 workers). In 1996 there were close to 200 such operations (nearly 50 per cent had 10 or fewer employees) but the number fluctuates constantly. Most are single-service operators. The group can be divided into legitimate start-up firms and fly-by-night opportunists. These companies are often formed by white ex-miners, and a much smaller number of contractors are black (Bezuidenhout et al 2004; Crush et al 1999: 13–14).

Strategies adopted by mines are not uniform. Some mines have historically had a policy of subcontracting far more than others. Mines operating on a full calendar basis tend to subcontract more than others.¹⁸ Overall employment by 'outside contractors' in mining has increased from 46 355 in January 2000 to 90 231 in November 2003. Gold mining accounted for 27 717 of these workers and platinum for 31 833. Mining and quarrying employed a total of 438 000 formal sector employees in December 2003, so subcontracting accounted for roughly 20 per cent of all employment in the sector.¹⁹ Since then, the actual number of workers employed by outside contractors has increased even further. In 2005, the Department of Minerals and Energy reported that an average of 122 536 workers was employed on this basis. This represents almost 28 per cent of all employment if one considers that the industry employed 444 362 workers in 2005. This means that for every three workers employed directly by mining firms, one works for an outside contractor. If current trends continue, a third of all mineworkers will be employed by subcontractors in the near future.

Table 7.1 draws on data supplied by the Department of Minerals and Energy, and breaks down reported employment statistics of directly employed employees and those employed by outside contractors by sector and sex. The table shows that platinum, South Africa's growth sector in the mining industry, accounts for by far the most subcontracted workers, where the latter account for a staggering 36 per cent of employment in the sector. In coal mining, workers employed through subcontractors account for 37 per cent of the employment in the sector, and in gold mining, while large in absolute numbers, for 15 per cent of total employment in the sector.

Table 7.1: Externalisation in the South African mining industry by sector, 2005

Mining sector	Establishment employees		Outside contractors' employees	
	Male	Female	Male	Female
Gold	133 569	3 665	23 373	13
Platinum group metals	96 734	3 402	54 667	966
Iron ore	4 452	415	2 424	201
Copper	1 894	110	1 710	32
Manganese	1 645	221	1 414	56
Chrome	4 731	176	2 880	52
Diamonds	14 339	1 469	5 860	300
Coal	33 582	2 261	20 809	207
Brickmaking materials	333	33	129	1
Special clays	294	66	25	9
Dimension stone	1 802	177	758	2
Limestone	1 874	127	341	41
Other minerals	9 119	720	5 501	130
Salt	575	137	34	0
Aggregate and sand	3 839	302	630	24

Note

Figures represent the averages for 2005.

Source: Department of Minerals and Energy

Table 7.2 breaks the same numbers down by province. Here we can see that the provinces where platinum mining is concentrated – Limpopo, Mpumalanga and North West – account for high numbers of externalised workers. Mpumalanga's high numbers are also contributed to by the centrality of coal mining in the province.

Most (93 per cent) of the NUM's members in a 2005 SWOP Survey (on servicing) were employed on permanent contracts of employment (Bezuidenhout et al 2005). A further 6 per cent were employed on fixed-term (temporary) contracts. Of the men, 94 per cent were employed permanently, with 86 per cent of women employed as such. Members were also asked whether they were employed by contractors or labour brokers. Of the respondents, 10 per cent indicated that they were employed as such. The majority (61 per cent)

indicated that they worked underground. Interestingly, women in our sample tended to be employed by mines directly, rather than through contractors or labour brokers. This shows that the NUM has succeeded in organising a small part of the more stable layers of subcontracted workers – those who were employed permanently by their intermediaries (see Bezuidenhout et al 2005).

Evidence suggests that subcontracted mine employees receive wages considerably lower than permanent employees, are often housed in separate hostels (frequently under appalling conditions), that they are sometimes used in areas that are considered to be too dangerous for permanent employees to mine, and that health and safety regulations are sometimes not adhered to because of the informal nature of some of the employment arrangements (Bezuidenhout & Kenny 1999; Crush et al 2001).

THE IMPACT OF SUBCONTRACTING ON WORKING CONDITIONS

The data in the previous section suggests that subcontracted labour is fast becoming a significant feature of the mining labour market. In this section the

Table 7.2: Externalisation in the South African mining industry by province, 2005

Province	Establishment employees		Outside contractors' employees	
	Male	Female	Male	Female
Eastern Cape	735	119	53	0
Gauteng	64 954	2 194	14 594	120
Limpopo	40 154	2 012	20 309	760
Northern Cape	16 363	1 763	7 814	405
Western Cape	1 882	186	986	6
Free State	41 960	1 281	4 580	10
KwaZulu–Natal	4 751	353	3 461	56
Mpumalanga	38 455	2 332	23 321	373
North West	99 288	3 044	45 384	304
South Africa total	308 542	13 284	120 502	2 034

Note

Figures represent the averages for 2005.

Source: Department of Minerals and Energy

impact of this quantitative trend is explored qualitatively, drawing on both the existing literature and SWOP's surveys in the industry.

There are a number of features that need to be noted in this regard. First, the process of replacing permanent workers with subcontracted labour has been under way for some years. Mineworkers were acutely aware of this feature. To be sure, workers employed by the smaller contracting companies are often mineworkers who were retrenched from their jobs in the past. Given the large-scale retrenchments in the industry, a pool of experienced mineworkers can be hired. However, these workers do not become part of training programmes, and over a longer period their skills base becomes depleted.

At Consolidated Mines in Phalaborwa members were very concerned about the increase in contract workers. One member pointed out: 'When a person goes, a contract worker is appointed.' Here union members had the impression that at least half the workforce was contracted out.²⁰

At Kumba Resources in Thabazimbi members said: 'Subcontractors are doing almost everything full-time workers are doing...When we went on strike, people from these companies did all our jobs!' When asked what should be done about subcontracting, there was disagreement in the focus group. Some said the union must organise subcontractors, while others felt that they must leave them.²¹

At St Helena Mine, members were concerned about their job security. According to them, the company had a strategy of retrenching permanent workers and then hiring contractors. A member remarked:

We're scared of contracted workers because they do take our jobs...Therefore, our jobs are threatened. They're also allowed to join the union'. Another said: 'They are a threat to us, as permanents. It is scary that they can take our jobs. They work underground and operate drilling machines.'²²

At Harmony-ARM in Klerksdorp, a member from a different focus group also remarked: 'Contractors work in the same gangs as permanent workers. They are disciplined by the subcontractors'. They mentioned some of the subcontractors: JDW Contractors and Engineering Labour Hire. A member explained: 'Mine management is cutting costs by employing contractors. We fear that the mine may eliminate permanent workers.' Some contract workers

lived in hostels and some in townships. Some get a living-out allowance, they get a smaller allowance than permanent workers.²³

Also at Klerksdorp Harmony-ARM, members expressed deep concern about the issue:

There is a need for NUM to attend to the changes in employment. Every time workers are retrenched, contract workers are brought in. Employers are fighting the government by employing non-unionised contractors. They say there is no work, but they bring in contractors. JIC Contractors, Congo Contractors, Buntu Contractors. This is weakening the union. We would rather have shafts closed down than bring in contractors. We are not against contract workers, but they must be paid the same.²⁴

A second issue, related to the first, is the fact that subcontracted workers are often prevented from participating in union activities in order to assert their rights. The impact on conditions of employment tended to vary from contractor to contractor. Generally, however, evidence suggests that employees of contractors are paid lower wages than regular employees. Crush et al (2001) found that 64 per cent of subcontracted mineworkers in their database earned less than R800 a month, compared to 48 per cent of regular miners who fell in the same category. However, in the higher income brackets, some subcontracted workers outstripped regular mines. This means that some subcontractors, most probably those who specialise in shaft sinking, tend to pay their employees decent wages, but they also tend not to have access to similar benefits. As Ulicki found in research conducted by the Southern African Migration Project: 'The vast majority of subcontracted workers do not receive membership in a medical aid scheme, sick leave or injury compensation, a pension, severance pay, free safety equipment, or death benefits' (Ulicki 1999: 62).²⁵

As with all subcontracting arrangements, a segmented mining labour market is created. Often the employees of subcontractors are housed in separate hostels, and are discouraged from joining trade unions. As one subcontract worker said in an interview: 'Subcontractors don't allow workers to join unions. That's how they can make employees work no matter what. If you want to be fired, be big-headed and complain. They will kick you the hell out of work and you're going to starve' (Ulicki 1999: 64–65). Apart from causing

tension, and potentially violence, the system obviously impacts negatively on the union's bargaining strength. The issue has therefore become a contentious point in the negotiations between the NUM and the Chamber of Mines.

At Eastern Transvaal Consolidated in Barberton, members pointed out that there were contract workers underground and on the surface. Some were union members, but management was against it. In another focus group at this mine, members referred to 'temps' who were 'not part of union because they have no employment contracts'.²⁶ Union members at Richards Bay Minerals held strong views about the subcontracting of jobs:

Contract workers take our jobs, they are not registered, they have no say and no benefits. They are not under the union. They are not allowed to join a union! They work the same jobs as permanents. If two permanent workers leave, their jobs are taken by two contract workers. Management doesn't say anything to inform us about these contract workers. The union doesn't have power to fight management on contract workers. If it was up to us we would throw out contract workers and put permanents in their place!²⁷

At the same mine, a member remarked: 'Contract workers are kids who should be at school, not at the mines. They take whatever job is available. They have no right to strike'.²⁸

At Impala Platinum workers who work for subcontractors are not members of unions and have no rights. According to one member, 'if you work for a subcontractor you cannot get sick and bring a sick note'. Here members supported the idea of organising subcontractors. At Harmony Masimong members said that the union welcomed subcontracted workers, but that their managers did not allow them to join the union. And at Harmony-ARM in Klerksdorp, a member remarked: 'Contractors do not allow them to join NUM. They don't get severance pay when retrenched'. At Vaal Reefs Shaft 8, subcontractors were also doing the same jobs as permanents. A member remarked: 'People in subcontracting are members of other unions. It is difficult to organise them, because they are scared and intimidated by their managers'.²⁹

At President Steyn the union has successfully challenged the use of subcontractors. A member said: 'We work the same jobs as subcontractors, but

they don't take our jobs. But we are scared this may happen. They want to join unions, but it is not allowed. They attend meetings, but can't join'. Another pointed out: 'There are contractors and we feel threatened because they do the same jobs. Management wanted to take them on permanently, but the union stopped this'. Yet another member mentioned that the NUM 'encourages contractors to join the union, but management discourages them'.³⁰

At De Beers Kleinsee there are no less than five companies doing contract work. Outsourcing began at the mine in 1992. Unlike other companies where subcontractors do the same job as permanent workers, at De Beers subcontractors do different work. Except for employees of Kagiso, none of the other subcontractors are members of NUM. The union at De Beers holds joint meetings between mining workers and Kagiso members. The focus group emphasised that wage negotiations were separate.³¹

At Karee Mine the experience has not all been negative. Here subcontractors do the same jobs, but for lower wages. However, some subcontract workers were NUM members, even though the majority were not. Nevertheless, when the NUM went on strike, the subcontractors participated. 'There has been an experience of solidarity,' mentioned a member.³²

A third important theme is the fact that subcontracted workers tended to do more dangerous work. According to the Mine Health and Safety Act (No. 29 of 1996), the mine, and not the subcontractor, is primarily responsible for enforcing health and safety regulations. This is partially due to the experience at Vaal Reefs and the recommendations from the Leon Commission of Inquiry. However, this is sometimes difficult to enforce, especially when mining is done by 'fly-by-night' contractors. Mineworkers have told researchers about instances where subcontracted workers are fired when they get injured. Some went so far as to say that there were some cases where underground fatalities are not reported, and bodies are thrown down shafts (Bezuidenhout and Kenny 1999). As Ulicki argues:

Some subcontractors ignore aspects of the *Mine Health and Safety Act*. According to the Act, an employee must report any situation which may present a risk to the health and safety of employees to the supervisor. Furthermore, an employee has the right to leave a dangerous work place. However, many mineworkers report being forced to work overtime, thereby creating a dangerous work

environment. If they express concern over the risk of working under such conditions, they are fired. The Act stipulates the employees must be trained and competent to safely perform any task given to them; with contractors this is always the case. (Ulicki 1999: 64)

At Harmony-ARM in Klerksdorp members felt very concerned about subcontracting. They explained: 'Contractors are a major issue. There were several injuries, but not compensation...Contractors tend to work more in dangerous places. Permanents and contractors get exactly the same jobs, and don't even work in separate gangs! The only distinction is overalls'. Concern was expressed about the fact that health and safety regulations do not protect these workers. A worker remarked: 'When they fall ill, they are just sent back to the village!'³³

A final theme is the link between BEE and subcontracting arrangements. This issue is extremely sensitive and complex, as illustrated by the ERPM case. Often subcontracting arrangements are justified as BEE. But it raises the now familiar issue of who exactly is empowered. When such actions lead to the reduction of wages and conditions, as well as relaxed health and safety standards, the unions argue that BEE is simply used as a smokescreen to hide the evasion of labour standards.

At Harmony-ARM in Klerksdorp a mineworker was concerned about fronting and subcontracting: 'The issue of subcontractors, they are owned by white mines, but they put a black face and a black name.' At Vaal Reefs Shaft 8, another remarked in disgust: 'Contractors are taking our work, even black contractors just treat people the same'. Finally, at President Steyn a gender dimension to this kind of exploitation was mentioned: 'Contractors use women as cheap labour and in strenuous jobs.'³⁴

It is clear that subcontracting remains a serious issue and that it is one of the major reasons why members think the NUM has lost some of its power. The increase in the number of subcontracted workers takes place despite a range of agreements between the NUM and the Chamber of Mines (see the Appendix to this chapter). A part of the problem is that the Chamber consistently refuses NUM's attempts to set up a body for contractors to register with. Another problem is that many mines, particularly the emerging platinum mines, do not fall under the Chamber's agreements.

The NUM has recognised that the continued trend towards subcontracting of labour is undermining the union's gains. The union's 2004 Secretariat Report points out:

Outsourcing and contracting out continues to be the biggest enemy of the working people. It is central to a capital accumulation strategy. It is based on super exploitation, intense utilisation of labour and profit maximisation. It is a strategy that will not disappear in the short term. Hence the need for a short term programme and long term strategy.
(NUM 2004 Secretariat Report)³⁵

The union's approach in dealing with this matter is described as a 'two-pronged approach' that includes 'defending existing jobs and organising the vulnerable workers into the NUM'. However, the Secretariat Report points out that 'very few regions have taken serious campaigns against outsourcing'. It commended the Free State 'for having engaged in running battles and scored visible victories in this area of work'. It mentions President Steyn and Target as 'visible examples of successful campaigns that translated into contract workers being employed as permanent workers'. Referring to the case study described above, the Report points out that the Pretoria Witwatersrand Vereeniging (PWV) region 'has engaged the hostile ERPM consistently, where workers who worked for a labour broker were given short-term contracts and ultimately fought for permanent employment'. Nevertheless, argues the Report: 'The majority of our regions see outsourcing as God-given'.

The Report points to some of the contradictions:

Many of our campaigns focused on using these vulnerable workers as the first victims in case of retrenchment. They are used as an 'avoidance measure.' This is dangerous in that it does not, of necessity, save jobs. It gives our branches short-term satisfaction, because in most cases permanent workers get retrenched.

It is then acknowledged that, in the case of the above, union structures 'end up helping management in victimising the vulnerable section of the workforce'. Indeed, argues the Report, '[t]his must change decisively'. It proposes:

Regions must be more hands on. The rule that no retrenchment agreement should be signed without the region's approval has

been systematically put aside by many of our branches. Only the regions themselves can recapture this space. It is dangerous for the structures of the union to have so serious a suspicious (sic) of trust, that they will hide what they are doing from each other and seek a second opinion from another structure.

The increase in subcontracting arrangements in the mining industry, especially in platinum, shows that the union has up to now been unable to prevent this system from becoming the norm, rather than the exception. The Rustenburg region is now the NUM's largest region in terms of membership. However, this region is also seen as one of the weakest and is plagued by corruption scandals and infighting. These weaknesses should be seen in the light of NUM's historical strength in the gold industry in regions such as Carletonville, the Free State and PWV. A major challenge for the union is the emerging mines and the broader social consequences of the changing labour market in this sector.

THE FUTURE OF THE MINING INDUSTRY

The mining industry remains a central part of South Africa's economy, and hence its social formations. Indeed, the fragility of the manufacturing industry was highlighted by the decline in import-sensitive sectors brought about by trade liberalisation and currency fluctuations. Recent concerns about import parity pricing by the steel and petrochemical industries highlight the fact that South Africa remains locked into what Fine and Rustonjee (1996) described as a 'minerals-energy complex'.

While the mining industry has been a fulcrum of black empowerment when one considers the fortunes of members of the new elite (such as Cyril Ramaphosa, Patrice Motsepe and Tokyo Sexwale), as well as the working conditions and wages of its core of full-time employees (relative to the past, at least), the emerging segment of externalised employees erodes the potential gains. Subcontracting arrangements are often justified as being about black empowerment. However, research findings show that these gains are often at the expense of the rights and working conditions of the 28 per cent of mining employees who are excluded from the new labour regime that accords workers certain rights. In the emerging sector of the industry (platinum) this proportion is even higher. Too often BEE is seen as being about issues of 'ownership' and

employment equity as being about 'labour'. The case of mining highlights the need for an approach to redress that recognises and takes seriously the often contradictory outcomes of various realms of policy intervention.

But the emergence of a new layer of vulnerable workers in mining has far greater social significance than merely a labour market trend that may impact on the ability to bring about a more equitable economy. The shift from gold to platinum mining is creating new communities, especially in the North West and Mpumalanga provinces. Towns such as Rustenburg, Polokwane and Burgersfort are becoming typical mining boom towns. However, if the segment of 'outsider' subcontracted employees continues to increase in size and proportion, as it has in the past few years, the longer term social consequences would resemble the logic of the mining industry under colonialism and apartheid – one where the industry externalises the cost of social reproduction on to households and communities.

Only now the ideology that underpins this does not rest on white racism, but a dynamic and changing combination of neo-liberalism and nationalism.

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Appendix: Agreements on subcontracting between the Chamber of Mines and NUM

1995 Agreement

4. Sub-contracting
 - 4.1 The parties acknowledge that it is custom and practice in the mining industry throughout the world that aspects of the mining process and other matters associated with the operating of mines are sourced out or contracted out by mining companies to other persons. Whilst this practice of outsourcing or sub-contracting offers various advantages to mining companies and supports the development of small business enterprise, it might contain threats for employees and members of trade unions operating in the mining industry.
 - 4.2 Therefore, the parties agree that when considering sub-contracting, the company shall adhere to the following principles and procedures and have due regard to the factors contained in this agreement. The provisions of this agreement shall not apply to tasks which require special skills, equipment and/or resources and for which tasks mines do not ordinarily employ category 1 to 8 employees, provided that from time to time, the NUM will be informed of the type of tasks which are outsourced on this basis.
 - 4.2.1 Within thirty days of signing this agreement, the NUM shall be advised of existing subcontracting agreements.
 - 4.2.2 Mines undertake:
 - 4.2.2.1 to advise the NUM's mine levels structures of new sub-contracting plans;
 - 4.2.2.2 to disclose to the NUM on a regular basis information relevant to sub-contracting, subject to the law and applicable agreements; and
 - 4.2.2.3 where the employment of sub-contractors might lead to the retrenchment or downgrading of an existing employee, the NUM's representatives will be involved in discussions in respect of such retrenchment or downgrading.
 - 4.3 To facilitate the implementation of this agreement the question of contracting out will be a subject for discussion in management/NUM meetings.
 - 4.4 The parties agree that the purpose of this agreement is to promote harmonious relationships and in this regard commit themselves that where incidents of conflict arise between mine employees and employees of contractors, all parties will become involved to defuse the situation.
 - 4.5 A sub-contractor is required to comply with applicable legislation, including the Aliens Act, Labour Relations Act, Basic Conditions of Employment Act, Minerals Act, Unemployment Insurance Act and the Compensation for Occupational Injuries and Diseases Act.

- 4.6 It is acknowledged that mine management cannot interfere with the contractual relationship between the contractor and his employees, but good practice dictates that there should be sound employment practices.³⁶

1996 Agreement

9. Sub-contracting
- 9.1 The parties agree upon the need for effective implementation of the 1995 agreement on sub-contracting regarding, amongst other matters, advice to the NUM's mine level structures of new sub-contracting plans and disclosure to the NUM on a regular basis of information relevant to sub-contracting.
- 9.2 The Chamber undertakes to bring to the attention of its gold and coal members which recognise the NUM the need to fulfil their obligations under the terms of the 1995 sub-contracting agreement.³⁷

1999 Agreement

5.1 Sub-contracting

The parties to this agreement are opposed to employees of sub-contractors being exploited for economic gain. It is therefore the intention of the parties to this agreement to regulate the use of contractors in the core business of gold mines. Core business includes all tasks save for tasks which require special skills, equipment and/or resources and for which tasks the Mines do not ordinarily employ category 3 to 8 employees.

In this regard the objective would be to ensure that contractors are monitored against minimum conditions of employment legislation and that their employees are adequately covered against unemployment and work-related injury and illness.

Therefore the parties agree that:

- 5.1.1 Sub-contracting shall be a standard item on regular management/union meetings, or shall be dealt with in subcontracting committees involving the Union.
- 5.1.2 All information relevant to sub-contracting shall be disclosed to the Union, subject to the law and applicable agreements.
- 5.1.3 Sub-contractors shall be monitored against the following:
- 5.1.3.1 Compliance with all health, safety and labour legislation or such exemptions that may have been granted.
- 5.1.3.2 Their registration in terms of the Unemployment Insurance Act 30 of 1966 (the UIA Act).
- 5.1.3.3 Their registration in terms of the COIDA and/or the ODMWA.
- 5.1.3.4 Provision of proof that they are paying the required assessments and levies in terms of the COIDA and/or the ODMWA.

5.1.3.5 Compliance with the Mine Health and Safety Act No. 29 of 1996.

5.1.4 The Mines undertake to include in tender documents for contracting work the relevant provisions of this agreement.³⁸

2003 Agreement

8. Outsourcing

The parties agree that:

- 8.1 The main employer will take responsibility for the actions of their contractors in the area of Health and Safety standards, training and enforcement.
- 8.2 Sub-contractors would be expected to register in terms of COIDA and for the ODMWA, and must provide proof that they are paying the required assessments and levies in terms of these Acts.
- 8.3 Tenders will require that contractors give undertakings that they will provide health care, death and retirement benefits, which are similar to those provided by the gold mining industry.³⁹

Notes

- 1 See CCE 2005: 10. Neva Makgetla, a member of the Commission, summarised the situation as follows: 'In 1995, white men made up 59% of all senior managers and professionals. Ten years later, they were still 52%. African participation in this top group had risen from 29% to 33%; hardly an earth-shattering improvement. Whites made up just under two-thirds of senior managers and professionals in private companies, and 40% in the public sector.' *Business Day*, 9 March 2007, N Makgetla, Affirmative action and how little has changed in SA. Available at: <http://www.businessday.co.za/articles/article.aspx?ID=BD4A407150>
- 2 Labour markets tend to be segmented, because labour market disadvantage is usually about 'ascribed status' based on characteristics such as gender, ethnicity, race, and the like. Ascribed status is contrasted with 'achieved status' such as qualifications and skill. Ascribed status is not created by employers, but is often exploited by them.
- 3 The decline was from 792 742 employees in 1980 to 411 653 in December 2001 (Stats SA 2001).
- 4 These figures are the averages for 2005 supplied by the Department of Minerals and Energy.
- 5 *Business Report*, 16 October 2001; *Business Report*, 4 March 2002.
- 6 *Business Report*, 14 February 2002.

- 7 *Business Report*, 4 March 2002.
- 8 *Business Report*, 4 March 2002.
- 9 *Business Day*, 11 April 2002; *Business Day*, 10 October 2003.
- 10 *Business Report*, 21 August 2002.
- 11 *Business Report*, 10 September 2002.
- 12 *Business Report*, 6 October 2002.
- 13 *Business Report*, 6 October 2002.
- 14 *Business Report*, 8 October 2002; *Sunday Times*, 13 October 2002.
- 15 *Business Report*, 10 October 2002.
- 16 *Business Report*, 18 October 2002.
- 17 *Business Report*, 18 October 2002.
- 18 In 1995, for instance, 17.5 % of the workers of full calendar basis (FULCO) mines were appointed by subcontractors, while 7.4 % of those at non-FULCO mines were appointed by subcontractors (Crush et al 2001: 8; Lewis 2001).
- 19 Data from the Department of Minerals and Energy.
- 20 Focus group conducted at Consolidated Mines (2005).
- 21 Focus group conducted at Kumba Resources, Thabazimbi (2005).
- 22 Focus group conducted at St Helena Mine (2005).
- 23 Focus group conducted at Harmony–African Rainbow Minerals (ARM), Klerksdorp (2005).
- 24 Focus group conducted at Harmony–African Rainbow Minerals (ARM), Klerksdorp (2005).
- 25 Ulicki also points out that ‘[i]n the Vaal Reefs disaster of 1995, the mineworkers employed by subcontractors were not covered by death benefits and their families received very little compensation. A special disaster fund was established and through this each family was given R5 000. The families of regular mineworkers received R60 000 each’ (Ulicki 1999: 63).
- 26 Focus group conducted at Eastern Transvaal Consolidated Mine (2005).
- 27 Focus group conducted at Richards Bay Minerals (2005).
- 28 Focus group conducted at Richards Bay Minerals (2005).
- 29 Focus groups conducted at Impala Platinum, Harmony Masimong, Harmony–ARM in Klerksdorp, and Vaal Reefs Shaft 8 (2005).
- 30 Focus group conducted at President Steyn Mine (2005).

- 31 Focus group conducted at De Beers in Kleinsee (2005).
- 32 Focus group conducted at Karee Mine (2005).
- 33 Focus group conducted at Harmony–ARM in Klerksdorp (2005).
- 34 Focus groups conducted at Harmony–ARM in Klerksdorp, at Vaal Reefs Shaft 8, and President Steyn Mine (2005).
- 35 See section 2.7 of the Report.
- 36 Agreement between the NUM and Chamber of Mines of South Africa on the 1995 Review of Wages and other Conditions of Employment and Restructuring the Mining Industry Towards Productivity Improvements.
- 37 Agreement between the NUM and Chamber of Mines of South Africa on the 1996 Review of Wages and other Conditions of Employment.
- 38 Agreement between the NUM and the Chamber of Mines of South Africa regarding the 1999/2000 and 2000/2001 Review of Wages and Other Conditions of Employment.
- 39 Agreement between the NUM and the Chamber of Mines of South Africa regarding the 2003/2004 and 2004/5 Review of Wages and Other Conditions of Employment on Gold Mines.

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8 TRANSFORMATION IN SMALL, MEDIUM AND MICRO ENTERPRISES

Diana Sanchez

Since 1994, when the first democratic regime was elected, different initiatives were initiated by the ANC government to overcome the legacy of discrimination within the economy. The central aims of the transformation process were the deracialisation of the economy by means of transferring ownership and its sustainable transformation through the empowerment of the previously marginalised. The redress of previous injustices has been set as a constitutional obligation and interventions to achieve racial transformation of the economy have been pursued with determination since the first democratic elections. Socio-economic change has been pursued through the establishment of specific legal and policy frameworks.

Although the frameworks have been adapted over the years and guidelines and regulations are still being adjusted in 2008, the government has remained committed to the process. Initiatives have moved from a largely persuasive approach to a more assertive one where the black economic empowerment (BEE) strategy became the cornerstone of transformation. Specific aims of the strategy include the development of a visible black middle class, the improvement of skills within the black population, and increasing black ownership and management in the economy.

The economic transformation fostered by these strategies has led to some changes, particularly the emergence of a new black middle class. However, transformation has proved to be limited as the great majority of black South Africans still remain marginalised. Major improvements need to be made if significant transformation is to be achieved. A broader approach, in which small, medium and micro enterprises (SMMEs) play an important role, will greatly contribute to overcoming the economic and racial legacy

of the past. Indeed, the critical importance of SMMEs to economic growth and development is widely recognised. These enterprises now play a major role in the South African economy, providing the majority of jobs. Their development is now considered as instrumental to the alleviation of poverty, fighting unemployment and, more recently, the facilitation of transformation and the attainment of broad-based BEE.

According to Mandisi Mpahlwa, the minister of Trade and Industry in 2006, the small business sector was then composed of approximately 2 million small businesses in South Africa, representing 98 per cent of the total number of firms. Collectively, small enterprises employed 55 per cent of the country's labour force and contribute approximately 42 per cent of the country's total wage bill. However, 87 per cent of small enterprises were survivalist, and the great majority owned by black people. Of the latter, 41 per cent were owned by women. These trends are very significant, as they starkly illustrate both the potential and the challenges for small business growth (Mpahlwa 2006).

A look at the economic transformation process illustrates an increasing interest in the SMME sector. In his 2003 State of the Nation address – a year in which substantial adjustments were made to the transformation policy framework—President Mbeki underlined the need to achieve broad-based empowerment and the importance of smaller businesses within the process. Three years later, in his 2006 address, the president once again made particular reference to the importance of the small business sector and its inevitable link with growth and the transformation process in the country. As he noted, the Accelerated and Shared Growth Initiative of South Africa, which is to fast-track economic development, confirmed the need to expand the SMME sector, paying particular attention in this regard to the development of women and youth, and broad-based BEE.

But even if the ANC government has demonstrated an increasing interest in fostering this sector as part of a broader economic empowerment strategy, the role of SMMEs in this process and the impact of transformation strategies on economic efficiency remain unclear. Considering that an informed debate on the opportunities and challenges faced by these enterprises emerged only around 2006–07, this chapter reflects on the existing redress strategies that affect the SMME sector and the positive and negative impacts of these strategies.

THE LEGACY OF APARTHEID

South African SMMEs have benefited from the economic growth that the country experienced since 1994, but have also been constrained by a range of challenges. Although many of these are typical of any economy, the range of obstacles facing small enterprises in South Africa is to a great extent grounded in the legacy of apartheid. Deliberately discriminatory policies combined with limited access to capital and education restricted basic social and economic rights, creating a situation where the majority of black South Africans were prevented from owning and running a business. These factors have been widely acknowledged by the democratic government and, as will be discussed, several policies and institutions have been created to address the imbalances inherited from the previous regime.

As the minister of Trade and Industry explained in 2004, several specific obstacles can be identified when analysing the legacy of the former government in the sector. First, 'Bantu education' restricted opportunities for the acquisition of technical and professional skills by black people; and entrepreneurial education, which could have encouraged young people to enter business and acquire a culture of entrepreneurship, was never provided. Second, the majority of African people were confined to homeland areas, which were the poorest in terms of living standards and business opportunities. The racially segregated residential areas enforced through the Group Areas Act led to large capital losses, destroying the fabric of small enterprises established by black people; segregation increased the distance between black residential and working areas, increasing the cost and risk of conducting business. Outside the homelands it was impossible for black would-be entrepreneurs to participate in business apprenticeships and partnerships with more established (and not black-owned) enterprises (DTI 2004).

Similarly, the curtailment of property ownership rights of black people made it impossible to acquire assets that could serve as collateral for financing loans. The situation was even more severe for black women, as under apartheid there was no space for them to be involved in business, and discriminatory marriage laws removed their contractual capacity. Even if the South African SMME sector in 2008 operates within a modern capitalist economy, the business scene for both large and small businesses is still highly influenced

by the legacy of apartheid and by the demands placed by the transformation strategy. Ownership and control patterns in the economy illustrate that, in spite of several transformation success stories, the economy is still controlled by the white minority. The legacy of these restrictions affected not only the growth of the sector, but, the impact of the support strategies implemented by government.

THE SMME SECTOR SINCE 1996

Notwithstanding the social and economic importance of the sector, there seems to be no universally applicable definition of SMMEs. For the purposes of this chapter the definition provided in the National Small Business Act (NSBA) (No. 102 of 1996) will be used. The Act provides for five categories of business:

- 1 The *survivalist enterprises* category is considered pre-entrepreneurial and includes hawkers, vendors and subsistence farmers. Their income is less than the minimum income standard or below the poverty line.
- 2 *Microenterprises* usually lack formality in terms of registration. They include, for example, spaza shops, minibus taxis and household industries that employ no more than 5 people. Their turnover is less than the value added tax (VAT) registration limit (that is, R150 000 per year).
- 3 A *very small enterprise* employs fewer than 10 paid employees, except the mining, electricity, manufacturing and construction sectors, in which the figure is 20 employees. These enterprises operate in the formal market and have access to technology.
- 4 The *small enterprise* has an upper limit of 50 employees. Small enterprises are generally more established than very small enterprises and exhibit more complex business practices.
- 5 At the top end are the *medium enterprises*, which have a maximum number of employees of 100, or 200 for the mining, electricity, manufacturing and construction sectors. These enterprises are often characterised by the decentralisation of power to an additional management layer.

An overview of the sector in the country and of the institutional framework illustrates that the sector is as varied and divided as South African society itself, and that institutions have evolved to meet the diversity of needs. SMMEs range from survivalist initiatives to highly organised enterprises that have access to different resources and opportunities, serve different sectors,

and operate separately under two different economic contexts which have been described as the first and second economies.

According to the Registrar of Companies 1990–2000 statistics, small and medium enterprises (SMEs) represented 97.5 per cent of the number of registered businesses in South Africa. While 44 per cent of people in the private sector were employed by SMMEs in 1995, this number rose to 52 per cent in 2000 and 68 per cent in 2002 (Crankshaw 2004: 52).¹ Small and medium enterprises are numerically most prevalent in five sectors: agriculture, retail, trade, manufacturing, and community, social and personal services. The construction sector is the sixth-largest field of activity for small and medium enterprises (Treasury 2001). More than three-quarters of small businesses are involved in services (including trade) rather than the production of goods. Among the producers of services, a large proportion of formal firms are involved in financial, business and professional services (including engineering and information technology), while the majority of informal businesses are involved in trade, including accommodation and restaurants. As the DTI's Review of Ten Years of Small Business Support in South Africa explains, these are sectors with relatively low entry barriers but intense competition and mediocre survival rates (DTI 2004: 48).

In terms of spatial presence, the geographical distribution of SMEs is in line with the national distribution of GDP in the country – the larger the GDP of a province, the higher the number of SMEs. This supports the notion that SMEs require collective efficiency, external economies and the benefit of economic agglomeration (Treasury 2001). Not surprisingly, therefore, Gauteng is the leading province for both informal and formal businesses. However, while it accommodates 46 per cent of companies, it accounts for only a quarter of informal enterprises. The Western Cape, the second-biggest province where formal corporations are concerned, is the second-smallest province for informal businesses, accommodating only 5 per cent of such businesses. The DTI's Review explains how provinces with large rural populations, such as the Eastern Cape, KwaZulu-Natal, North West, Mpumalanga and Limpopo, accommodate higher proportions of informal businesses (DTI 2004: 49).

Estimates for 2004 suggested that there were in excess of 2 million SMMEs in the country and about 60 per cent of them were survivalist. Of a total of 906 700 firms operating in South Africa large enterprises constituted only 6 000; that is, 7 per cent of the total. The remainder is made up of SMEs,

including survivalist and microenterprises. According to the 2005 South African Global Entrepreneurship Monitor (GEM), South Africa has the lowest entrepreneurial activity rate of all the developing countries participating in the survey (GEM 2005: 7).

Not surprisingly and given the legacy of apartheid, in terms of racial composition, SMEs are largely dominated by white ownership, while in contrast micro- and survivalist enterprises are mainly characterised by black ownership. Although previously disadvantaged individuals (PDIs) now start many enterprises, most of them are survivalist. According to Ntsika's State of Small Business Development in SA Annual Review 2001, black entrepreneurs set up more smaller than larger SMMEs – 88 per cent of new microenterprises and 63 per cent of survivalist enterprises are set up by black people.²

Overall, two key developments in South Africa's small enterprise sector stand out. First, the sector has grown steadily since 1994; and second, small enterprises have become increasingly sector-differentiated, calling for a potential need for support programmes that recognise or are sensitive to specific sectoral needs. Given the social and economic dynamics that have emerged in the country, the sector has been growing and is expected to grow even more as the economy grows and as black South Africans, who are in the public and corporate arenas and who have benefited from affirmative action, switch to self-employment during the next decade to take advantage of contacts they've made and experienced they've gained. As the minister of Trade and Industry in 2005 put it, 'the rapid expansion of black consumer spending and the black middle class create incentives for business start-ups, and the unfolding process of black economic empowerment is triggering new black owned and managed SMMEs'.³

SUPPORT FRAMEWORKS FOR SMALL BUSINESSES

Within the government's commitment to transforming the economy and society, a clearer policy framework for SMMEs was first established in 1996 and different instruments and mechanisms have been put in place to develop the sector. However, several challenges have had an impact on the outcomes and the overall strategy has been in a constant process of adjustment.

Since 1994, overall responsibility for the support of small enterprises and South Africa's economic development, BEE and job creation/poverty

alleviation strategies, has fallen under the DTI. According to Hudson, three objectives have guided the SMME strategy in South Africa. First, the economic objective of small business promotion; second, the welfare objective of supporting income generation in the survivalist sector; and, finally, the socio-political objective of empowerment.⁴ These goals have had an impact on the development of the SMME sector with important consequences for the overall redress initiative.

The 1995 White Paper on Small Business, together with the NSBA, represents the country's first policy framework for SMMEs. The main institutional pillars created around this legislative framework were:

- Ntsika Enterprise Promotion Agency, which was set to provide non-financial or business development services.
- Khula Enterprise Finance, established as a finance institution supporting retail finance intermediaries dealing with the SMME entrepreneurs.
- Local Service Centres, later known as Local Business Service Centres, which were decentralised vehicles for small business support.
- Tender Advice Centres, created to give advice for public procurement contracts.
- Manufacturing Advice Centres established to improve competitiveness in local, national and international markets.
- The Community Public Private Partnership Programme, established in 1999 to facilitate the entrepreneurial base in rural and peri-urban South Africa.

Although these structures survived for a few years and there were several success stories, the overall impact was negligible because their efforts were unco-ordinated and they lacked the effectiveness necessary to properly support the sector. In 2004, the Integrated Small Enterprise Development Strategy presented a way forward for small enterprise development in South Africa for the 10-year-period between 2005 and 2014. According to the DTI, this strategy took into account the changing economic context and was the result of a process of review, consultation and research. The strategy applies the experiences and lessons of the last 10 years relating to the promotion of small enterprises and responds to the concerns raised by stakeholders within the government, the private sector, organised labour and civil society. Overall, the strategy aims to address the government's special development goals to improve equity in terms of race, gender and geographical location (DTI 2005).

Consequently, the NSBA was designed to provide a more integrated range of services for small business. Ntsika, NAMAC and the CPPP (see Table 8.1 for full names) were merged into the Small Enterprise Development Agency (SEDA), development agencies were realigned and the framework was adapted to provide a broad range of services mainly through 5 institutions, outlined in Table 8.1.

Table 8.1: State-owned development agencies

Institution	Services
SEDA (the only non-financial institution)	Its mandate is to implement the national SMME strategy. The agency is the amalgamation of 3 agencies: Ntsika Enterprise Promotion, Community Public Private Partnership Programme (CPPP) and the National Manufacturing Advice Centres (NAMAC). It provides non-financial support and has the mandate to integrate support agencies across the country. This is being established in 9 provincial offices, 53 district branches and 284 Enterprise Information Centres in municipalities.
Khula	Khula's mandate is to facilitate loan and equity capital to small, medium and micro enterprises through the medium of retail financial intermediaries by offering a range of financial resources and information to the public. Khula's operations are divided into 2 divisions: loans, and credit guarantees. ⁵
National Empowerment Fund (NEF)	The NEF promotes investment and transformation solutions to advance black economic participation. It promotes and supports business ventures pioneered and run by PDIs. Through its subsidiary the NEF Ventures, it disburses for start-up capital with allocation to be biased in favour of investments where PDIs, women in particular, are actively involved.
Industrial Development Corporation (IDC)	Its immediate objectives are to create employment, to develop SMEs and to accelerate BEE. Part of its strategy is to promote entrepreneurship through the development of competitive industries and to identify unrecognised business opportunities.
The SA Microfinance Apex Fund (SAMAF)	SAMAF has been established as a company to address poverty and unemployment and to provide affordable access to financial services for the poor. Its vision is to become an effective facilitator of micro financial services and to build a vibrant micro finance industry in South Africa. It now has pro-poor finance institutions in all 9 provinces. SAMAF is to provide small loans of up to R100 000.

Although most of the support for SMMEs is provided by the government, private enterprises, interest groups and business development service suppliers also played an important role in the overall development of the sector. In this regard, the DTI's Review on SMMEs highlights how support through private and non-profit organisations has been expanding, with larger enterprises providing development services or outreach programmes for small enterprises – be it their clients, their suppliers or some other target group(s). This can be in the sphere of procurement, in training programmes or in the sponsoring of vouchers for discounts on service charges.

Private initiatives to support SMMEs seem to be the result of corporate strategies, social responsibility efforts and a response to the demands of BEE, particularly the sector charters (discussed below). But the interactions between private and public initiatives aimed at developing the sector have been mainly informal and unco-ordinated. Therefore, fostering the positive interactions and complementarities of private and public support efforts stands out as one of the main goals in the small enterprise strategy for the years ahead, and as a potential way to make redress policies more effective.

SMALL BUSINESS AND REDRESS

If economic transformation is to be achieved, it will be the result of a broad range of interventions at different levels of the economy and society. Small businesses are necessary for black people to be economically empowered and integrated into the mainstream economy. An effective way to broaden the participation of PDIs in the economy is to increase the number of black businesses that will in turn employ other black individuals. For this to happen not only must the economic context be facilitative, but the institutions and policies guiding the sector also need to be properly geared. Although the initial empowerment strategy made few direct references to SMEs and small businesses were not initially part of the preferential procurement framework, this has changed over time.

The ANC government initiated its interventions to develop the SMME sector in a policy environment cluttered with racially based institutions and policies. Initially the DTI tended to draw a line between the empowerment strategy and SMMEs' development policies, the latter being dealt with in a separate framework. However, SMMEs have increasingly come to be seen as part of the empowerment equation. Public statements and SMME policy guidelines

demonstrate that policy evolution of SMMEs has been increasingly shaped by the prioritisation of BEE and affirmative action, job creation and poverty alleviation. This is how the policies and institutions for BEE and for SMME development are interrelated in different ways. Several mechanisms serve the purposes of both empowerment and SMME development.

The strategy for broad-based BEE has highlighted the importance of SMMEs in the transformation process and the National Strategy for the Development and Promotion of Small Business has identified the creation of new black-owned and black-controlled enterprises as a key priority. It has become clear that the growth of the sector is closely related to the transformation policies and broad transformation is more likely to occur through adequately supporting SMMEs within the BEE framework.

Since 2006 interactions between the two frameworks have become clearer and redress initiatives such as BEE have been aligned to better serve the needs of SMMEs within the transformation process. Institutions such as the NEF and the IDC serve both empowerment and SMME initiatives and several SMMEs programmes (such as the DTI's Small and Medium Sized Enterprise Development Programme and the Black Business Supplier Development Programme) aim at fast-tracking the implementation of the BEE strategy.

THE BEE GENERIC SCORECARD

Creating an adequate framework has not been easy and the initial BEE generic scorecard had an impact on SMMEs in different and sometimes contradictory ways. On the one hand, it stimulated the transfer of ownership to black entrepreneurs, opening new opportunities for black investors. Furthermore, it provided opportunities for subcontracting, for the development and transfer of managerial and technical skills and for procurement-created business opportunities for many SMMEs that did not exist before. Also, through the enterprise development element and the Corporate Social Investment initiatives stimulated by the scorecard, the government and private companies have been encouraged to develop the sector.

On the other hand, implementation has proven difficult and the system has not been fair in its demands on different types of business. Overall, the smallest businesses struggled the most since the system put a lot of pressure on them to become compliant since the same scorecard applied to both big

and small companies. Although many instruments were conceived to foster and support SMMEs, the requirements set by the scorecard and the industry charters posed a major challenge for medium and small enterprises. Across the spectrum, companies have struggled with the economic and administrative costs of complying with the transformation demands, and have not always been able to make use of the opportunities created by the charters.

Overall, SMMEs have become both beneficiaries and victims of the transformation process. On the one hand, they were fostered by the government's institutional framework and by some BEE initiatives; but, on the other, compliance with the generic scorecard translated into administrative and economic costs that affected their performance. Finding skilled black managers and a suitable black partner to fulfil the ownership target proved to be the biggest challenge, while many business owners were also confused about how to empower their enterprises and be accredited as such. The lack of information and understanding of the BEE demands became an obstacle for businesses. Although skills development and job creation were the main contributions of SMMEs to transformation, this was not always easy and did not seem to be happening in a broad way. Overall, businesses were incurring undesirable costs and risks in their rush to comply with the new regulations.

THE SCORECARD FOR QUALIFYING SMALL ENTERPRISES

New rules for small firms were set with the first release of the Codes of Good Practice on BEE for Qualifying Small Enterprises (QSEs) by the DTI in late 2005. The codes demonstrated that the government had a better understanding of the particular challenges faced by small businesses within the transformation framework, and although SMMEs are still expected to contribute to empowerment, the framework has been adapted to better serve their needs.

Qualifying small enterprises are classified according to the NSBA, based on turnover and number of employees. Therefore the codes affect mostly those businesses with 50 or fewer employees and which, according to their sector, have turnovers below a specific amount (see Table 8.2). Microenterprises with annual revenue below VAT registration (which was R300 000 in 2006) were exempted from the code and became automatically classified as empowered businesses.

Table 8.2: Qualification levels for small enterprises

Industry	Maximum turnover (million R)	Maximum employees
Agriculture	2	50
Mining	7.5	50
Manufacturing	10	50
Energy (electricity, gas and oil)	10	50
Construction	5	50
Retail and motor	15	50
Wholesale and allied sectors	5	50
Catering and accommodation	10	100
Transport, storage and communications	10	50
Finance and business services	10	50
Community, social and personal services	10	100

Source: SA Department of Labour (2006)

Under the scorecard for QSEs, indicators have been adapted and all elements weigh 20 per cent. The scorecard allows companies to choose 5 out of 7 BEE factors for scoring purposes and bonus points are granted for QSEs where black ownership exceeds 20 points and where QSEs use all 7 elements of the scorecard. Businesses owned by black women and those with employee share plans can score further bonus points.

Table 8.3: Scorecard for qualifying small enterprises

Elements	Weight (%)
Ownership	20
Management control	20
Employment equity	20
Skills development	20
Preferential procurement	20
Enterprise development	20
Social development/Industry specific	20

The release of the codes eased the burden for qualifying small white-owned businesses. They are no longer required to bring in black partners or even black managers in order to get a good empowerment score and are expected instead to concentrate their efforts on scoring on the other elements. Although this places black businesses at a disadvantage by expecting them to compete on the same ground as white businesses, black enterprises still have a greater chance of scoring higher since businesses can choose to score on more than five elements and therefore meet higher targets of black ownership and management. This effectively means that black businesses retain a competitive advantage and will be preferred for preferential procurement purposes.

Overall, under the QSE scorecard, small businesses owned by both black and white people are expected to contribute to empowerment but in a broader and more flexible way. The focus on ownership and management has been shifted to a broader approach in which the development of skills, procurement and enterprise, and social development play equal roles. Enterprises owned by white people are still encouraged to promote black ownership and management within their businesses and small black-owned and/or managed firms, which are not automatically considered as empowered, are encouraged to contribute actively to transformation by working on the broad range of elements of the scorecard.

On its own this is a positive development. It lightens the burden on existing white-owned firms which struggle in a competitive environment and gives certain preference to black-owned firms while simultaneously encouraging them to contribute to broad empowerment. With this new adapted framework, the hope is that a more meaningful transformation could be achieved by encouraging contributions to all the transformation elements of the scorecards and not concentrating only on the ownership factor. This broader approach and better understanding of the particular needs of SMMEs within the transformation process could bear more sustainable results. Nevertheless, although the new scorecard provides a better framework for SMMEs in general, it would be inaccurate to say that the playing field is completely fair: Black firms who have been historically disadvantaged and which in most cases did not exist before 1994 will still struggle more for finance, appropriate skills and success than their white counterparts.

TRANSFORMATION AT A COST? EVALUATING THE BENEFICIARIES

The strategy to transform the economy and develop SMMEs in particular has had both positive and negative outcomes. Given the paucity of data, it is difficult to clearly identify beneficiaries and losers and to assess the impact on transformation and economic efficiency; yet certain preliminary comments can be made on how redress initiatives have affected enterprises. Redress within the SMME sector is taking shape through both the BEE and the SMME institutional development framework. As a result, and broadly speaking, beneficiaries have been those enterprises which and individuals who have been in a better position to access support mechanisms (the larger enterprises or the better qualified individuals) and those who have benefited least, have been those that have difficulty accessing information.

When looking at the SMME institutional support framework, it seems that the ability of public institutions and mechanisms to efficiently address the needs of the sector and implementation of policies has been far from satisfactory. More importantly, for the purposes of evaluating redress, it seems that national support programmes have offered little support for survivalist enterprises, women entrepreneurs and rural SMMEs.

Beneficiaries of support mechanisms have varied according to race, type of business and sector in which the business is located. According to the available research, support programmes seem to respond better to the needs of certain sectors than others.⁶ Programmes have been biased towards the medium and small-sized enterprises, bypassing to a large extent microenterprises and the informal economy (Rogerson 2004a). Although some of the delivery data show that black entrepreneurs utilised SMME support programmes more than their white counterparts, this seems to be the case only in sectors such as retailing, but not in others, such as tourism.

In 2003 the Retail Financial Intermediaries Programme's loans had reached 165 880 clients, of whom 30 per cent were male, 70 per cent female, 96 per cent were black and 4 per cent white, 70 per cent were urban and 30 per cent rural. In contrast, the data disclosed within the Small Medium Enterprise Development Programme for the tourism industry show that only 4.6 per cent of funds have been allocated to PDI-owned SMMEs and 95 per cent in this particular programme has gone to support the further development of white-owned enterprises (Rogerson 2004a).

Data on the delivery patterns from public institutions have shown that the uptake of support programmes for microenterprises is very low – only 6 per cent of microenterprises seemed to be using SMME support programmes in 2004 – and that SMME programmes have a poor reach and have been inadequate in supporting emerging SMMEs.⁷ Although, as Rogerson explains, there is a general belief that support schemes are mainly reaching SMMEs that are small and are run by black people, overall the usage of SMME programmes is very low for SMMEs of all sizes (Rogerson 2004a).

Not surprisingly, the same research done by Rogerson illustrates that larger and exporting SMMEs or high growth ones make more use of government programmes and are more likely to receive assistance; and that urban-based SMMEs have had better access to and awareness of the support programmes compared to rural entrepreneurs. Notwithstanding the beneficiaries that have been reached throughout the country, the impact has clearly been most limited in the rural areas where appropriate information and advice is most urgently needed, and in the informal sector, where the need for support is probably the greatest. Nevertheless, even if the number of beneficiaries is low, some businesses and individuals have received financial and non-financial support and the dynamics created by the BEE frameworks have resulted in new opportunities for subcontracting and for the development and transfer of managerial and technical skills. Although the extent of this cannot be measured, anecdotal information suggests that several small businesses have been strengthened or created because of the empowerment strategy.

While progress in establishing new black-owned and managed enterprises and in the transformation of existing ones has been slow, it should be stressed that there are two factors that could help to change the situation: first, the formation of a black middle class with resources to start new ventures; and, second, procurement opportunities for existing SMMEs within the transformation strategy. Although there is not enough available data to support broad generalisations, it seems clear that small enterprise start-up initiatives, growth, diversification and transformation are being encouraged through preferential procurement and the new dynamics stimulated by the existence of a new black middle class. And both of these are the result of redress strategies.

The absorption of the black labour force in the public sector and in larger enterprises has been rapid during the early phases of transition. As the DTI's

Review of Ten Years suggests, the wide-spread income increases and the rapid expansion of the black middle class over a decade is likely to stimulate the formation of new black-owned enterprises in the years ahead (DTI 2004: 19). The new supply and demand pressure from this emerging middle class will serve as an engine for the new SMME sector. Already some of this has become evident. The rapid expansion of black consumer spending has resulted in an increasing demand for new goods and services, which is opening new markets. In addition there is a growing group of black individuals who have benefited from affirmative action and who are keen to take advantage of the experience gained and resources accumulated to start up new businesses.

In line with this, steps to improve corporate and public sector procurement from small enterprises (in particular from those owned and/or managed by black entrepreneurs) have increased rapidly in the country over the past decade. These 'affirmative procurement' policies have created new opportunities for small businesses to participate in both public and private sector procurement. Since preferential procurement is being used as leverage for BEE, it could then be expected that the trickle-down impact will benefit SMMEs as new business opportunities aimed at the small enterprises come available. Although the real impact of procurement on SMMEs needs further study and several conditions need to be in place for this tool to be effective, changes are happening. Large companies are already making use of procurement to fulfil transformation requirements, while public budgets have emphasised the role of procurement as a tool to promote empowerment, including the specific empowerment of SMMEs.⁸

But redress strategies within the SMME sector have also had a cost for the broader economy and society. The primary focus of procurement has been shifted from competitiveness to compliance with the transformation demands. Moreover, despite positive spin-offs, the general lack of clarity of the transformation process, and of the role of SMMEs within the transformation drive in particular, has affected the growth of businesses and inhibited their potential.

As explained above, the implementation of the BEE scorecard became a challenge for many small businesses and the financial, human and transaction costs of compliance had an impact on efficiencies within the sector. The red tape that affects SMMEs around the world is even more extensive in South Africa

since companies are expected to comply with transformation requirements and government institutions are expected to invest in information and monitoring mechanisms. Even if the policies have been adapted to facilitate compliance, the bigger companies, which play an important role in economic growth and employment, are still spending valuable resources to fulfil compliance requirements and verify compliance from suppliers.

Rogerson concludes that the government's use of SMME policy as a way of also achieving the economic and political objectives of BEE has hindered the achievement of the broad objectives of the policy and has had a negative effect on the SMME framework (Rogerson 2004a). It is also important to emphasise that the lack of skills and proper capacity within the public sector will remain an obstacle to implementation. Although capacity shortages exist at all levels of the state, local structures have been identified as the most inefficient, and need to operate better if any redress policy is to be effectively implemented. Since municipalities are in most direct contact with small enterprises (including informal sector operators), they play a central role in achieving broad transformation in their respective areas. As the DTI's ten-year review explains, given that the functions of municipalities have been clarified only in the post-apartheid years, there is currently little certainty about the primary and secondary responsibilities of local authorities regarding small enterprise needs and support and this has an impact on service delivery (DTI 2004: 29).

In this regard, the support mechanisms, including finance and skills, have usually been provided through a strategy driven by the state, rather than a demand-driven strategy in partnership with the private sector. This has resulted in unnecessary and ineffective bureaucracy. It has been recommended that the government should assign a high priority to the promotion of entrepreneurship and make a decisive shift from state delivery to facilitation as a policy principle and deliver through smart partnerships between the public and the private sectors.⁹ Given that the business scene for both large and small businesses is still highly influenced by the legacy of apartheid and by the demands of the transformation strategy, it is necessary to strengthen these partnerships and keep adjusting the support framework, always acknowledging the big gap between the characteristics of smaller and larger enterprises and the differences between their needs and challenges.

IMPROVING REDRESS IN THE SMME SECTOR

The support provided to SMMEs has enabled some PDIs to be empowered. However, those enterprises that and individuals who have been in a better position to access support mechanisms (the larger enterprises or the better qualified individuals) have been the primary beneficiaries, while the most marginalised within the black community have not yet been able to capitalise on these opportunities. Notwithstanding the numerous achievements on the transformation front, the South African government still needs to work out ways in which the benefits will reach not just those who have been historically disadvantaged, but particularly those who are now marginalised.

There is a combination of factors that seemed to have prevented better results in achieving redress within the SMME sector. These include a lack of understanding of the characteristics and needs of SMMEs, deficiencies in service delivery and problems in the SMME support approach followed by government. The very first step to make redress mechanisms more effective is to begin to understand the sector and improve service delivery by appropriately marketing these services. It is necessary to overcome the lack of knowledge about SMMEs, which derives from the lack of data on the sector, and to strengthen the communication channels between small entrepreneurs and government institutions. Government has failed, and is still failing, to bring its message across in order to empower people with information. No redress strategy will succeed if those who are the intended beneficiaries are not aware of the services provided and of the new rights and possibilities offered by the post-apartheid South Africa.

Service delivery failures also seem to be the result of a problematic approach to small businesses support. As was discussed in this chapter, the government's support to enterprises has had to serve many purposes and a diverse range of businesses were included under the same framework. Support for entrepreneurs has often been used as a vehicle for poverty relief and more recently as an instrument of racial transformation rather than as an incentive for entrepreneurial activity. This has been problematic. According to Berry and others (cited in Rogerson 2004a), it is necessary to determine clear priority groups, 'be it targeting of more efficient promotion activities towards the more productive SMMEs, or to better assist survivalist, mainly Black-run endeavors' in order to have more impact. One of the first options to improve

the delivery of support services is to acknowledge the differences within the sector and place survivalist operations in a separate development category. Their needs will then be addressed in co-operation with the Department of Social Development. The argument being mooted here is that SMME development must be seen as an important economic objective in its own right and not simply as a means to the achievement of other socially and politically desirable goals (such as poverty relief and empowerment).

The range of obstacles facing small enterprises is to a great extent grounded in the legacy of apartheid. Meaningful redress and economic transformation will be the result of a broad range of interventions at different levels of the economy and affecting all levels of the society. The success of small business will depend not only on the specific elements already discussed but also to a great extent on broader issues such as the social networks built on a day-to-day basis in South African communities. Communities are still marked by the legacy of the past and remain highly fragmented. A broad inter-institutional approach is needed not just to improve the delivery of existing services for SMMEs, but to establish safe public spaces, reliable transport systems and linkages between rural and urban communities. Overall, a more integrated approach that provides elements to strengthen social integration and nation building needs to be developed for achieving meaningful racial and economic transformation.

Notes

- 1 *Financial Mail special report: Small business regulation*, 14 May 2004, P Crankshaw, Reliable data to be collected.
- 2 *Mail & Guardian*, September 7 to 13, M Pingo, Enrichment of the few.
- 3 *Daily Dispatch*, 20 September 2005, P Macanda, Khula funds get 30% more small businesses.
- 4 *Enterprise*, 31 May 2003, J Hudson, Finance isn't the only factor.
- 5 According to Khula's 2005 *Annual report*, during that year 51 per cent of beneficiaries were black-owned and -managed businesses, 49 per cent were women-owned and -managed businesses and 38 per cent were businesses located in rural areas outside Gauteng, Western Cape and KwaZulu-Natal.
- 6 For example, the clothing industry is a big user, while tourism and IT are low users.
- 7 *Financial Mail*, 14 May 2004, Agency overhaul.

- 8 For instance, the provincial government of the KwaZulu-Natal, which is the biggest single procurer of goods and services in the province, has its own procurement legislation which is fully compliant with the aims and objectives of the national Preferential Procurement Policy Framework Act. Suppliers from a disadvantaged background who are part of the database can apply for preference points when submitting tenders to the provincial government for the provision of goods and services.
- 9 *Business Day*, 12 July 2004, A Bernstein & S Johnston, State fails enterprise challenge.

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9 THE MEANING OF RACIAL REDRESS IN SOUTH AFRICAN SCHOOLS, 1994 TO 2006

Linda Chisholm

To what extent has racial redress occurred since the advent of democracy in South Africa? Asked another way: To what extent have racial and social inequalities in South Africa been overcome? This chapter seeks to examine the role of schools in achieving these objectives. What have the policies been to achieve it and who have been the victims and beneficiaries? What is the relationship between redress and efficiency?

At one level the answer to this question is straightforward. Few analysts and commentators would dispute the fact that things have not turned out as intended. If one examines outcomes in 2008 against the expectations and intentions articulated in the transition years of 1990–94, it is clear that redress in the form of a major turnaround of the education system has not been achieved. Redress of the disadvantaged position of black people and the poor was a priority in 1994. And in the first few years after 1994, legislative and policy reform did achieve an overhaul of the system. But the integration of education and training has been fraught with tension and unresolved dilemmas. School integration has occurred, but incompletely. The right to basic education is not yet fully enjoyed by all. Students still drop out of the system; performance is low and school outcomes are poor. Furthermore, language policy and practice pose wrenching but seemingly intractable and insoluble challenges.

In part, what is being witnessed is the failure of marketisation and the introduction of user fees as a strategy for desegregation and redress (see Spreen & Vally 2006; Tikly & Mabogoane 1997; Woolman & Fleisch 2006). Far from a revolutionary redistribution of resources having occurred from white, private and privileged schools to those schools which the majority attend (as anticipated in school financing and governance policy following 1994), most researchers would agree with Anthony Lemon that ‘for the poor

majority, the system offers neither equality of opportunity nor significant redress to compensate for the injustices of apartheid education' (Lemon 2004: 269). Equally, far from a non-racial nirvana having been created by the new democracy committed to non-racialism enshrined in the Constitution of the Republic of South Africa (Act No. 108 of 1996), race continues to be firmly embedded in policy and politics in South Africa (Mare 2001; Posel 2001; Posel et al 2001). Even as race continues to shape inequality and experiences of exclusion and marginality, hegemonic ways of dealing with race underscore the centrality of race in South African public life and its educational institutions (Erasmus 2005: 19; see also Chisholm & Sujee 2006; Dolby 1999; Jansen 2004; Vally and Dalamba 1999; Soudien 2004; Soudien & Sayed 2003; Vandeyar & Killen 2006). And it is not difficult to concur with McKinney (2007), grappling with how new generations are dealing with race and identity in post-apartheid South Africa, that deep apartheid scripts of race as culture persist in discourse, and in self-identification, but that there is also an ongoing conflict within individuals between the construction of 'the other' (in terms of race and culture) and the desired perception of self (as race-less and universal).

Methodologies have varied, but the big picture is consistent and overwhelming. Research demonstrating South Africa's harsh inequalities in the educational environment and its continuing raced, gendered and classed character, all show limited redress in the form of redistribution of wealth and educational outcomes, despite explicit policies to achieve it. Enough has been written on this subject not to be repeated here. However, this finding begs the question of history. If history is about change over time, then time should have changed something. The question arises as to what has changed for whom and how? It also begs the question of meaning – what have the changes meant for different social actors who are caught up in a process of social change, universally seen as momentous, and are embedded in institutions that, once closed, are now open.

This chapter attempts to give local and specific content to the question of redress through case studies of particular schools in the urban province of Gauteng.¹ The meaning of racial redress is derived from the changing histories of schools in this region. The chapter shows that, at the local level, racial redress have meant very different things for different schools and different people in them. The chapter focuses on schools in Gauteng as this was and

remains one of the most dynamic and rapidly changing areas in South Africa. It is a province where poverty and wealth are deeply inscribed and racial violence and identity have been and remain closely intertwined. Since the end of apartheid, recognition of the vast wells of poverty in rural South Africa and the need to redress poverty there has directed research attention towards rural education and away from educational change in inner cities and urban metropolises. Counterposing research in South Africa's urban and rural areas would, however, be to create a false, binary opposition. Circular migration patterns have woven a lattice of relationships across the spatial and social landscape in South Africa that are hard to disentangle and require research and analysis that explore and highlight their implications for education. For inasmuch as there is migration across borders and through toll plazas, there is migration within provinces and localities and across boundaries of wealth and poverty. Taking its cue from these patterns of migration, this chapter argues that the meaning of racial redress is itself, at the local level, influenced by these fluid and complex patterns of migration.

BACKGROUND TO THE CASE STUDIES

The meaning of racial redress in specific schools is drawn from a study of seven schools conducted over three years from 1994 to 1996 and again in 2006. As South Africa went to its first democratic elections in 1994, it stood poised on the brink of a major turning point in its history: the transition from more than 40 years of racist, authoritarian rule to a democratic state founded on respect for human rights and committed to redressing the social and economic inequalities of the past. But how were schools positioned for change in 1994? What were the configurations of race, class and gender at both a material and a symbolic level? How were they manifested in the financing, governance and curricula of schools? How were principals and teachers across different black and white, public and private, mixed and single-sex schools, responding as the system began to change in ways which meant not only a great deal for them, but also expected much from them? What were their hopes and fears, their daily realities and concerns?

In order to answer these questions, six public schools and one private, 'alternative' school were studied between 1994 and 1996. The majority population and teaching staff of these schools were in each case determined by the apartheid past of the particular school. In addition, each school

was situated in the working class or poorer communities of their racially constituted suburbs and townships. In early 1994 they were still administered by the race-based departments of education that were due to be phased out in the course of 1995 and 1996. They included two schools administered by the white Transvaal Education Department, one by the Indian House of Delegates, one by the coloured House of Representatives, two by the African Department of Education and Training and one private, multiracial school registered with the coloured House of Representatives. Already, however, desegregation patterns had begun to be influenced by the so-called Clase models introduced in 1990. These schools were all influenced by the financing regime brought into being by the Clase models. In the context of dwindling enrolments, white schools were given the option of privatising (Model A), becoming a state school (Model B), a semi-private school in which the state paid teacher salaries and school communities the other costs (Model C), or to remain as they were and continue as state-aided schools (Model D). Whatever the model chosen, schools had to remain 51 per cent white and the 'cultural ethos' of the school needed to remain intact. The South African Schools Act (No. 84 of 1996) swept these models away, but the 'Model C' financing and governance model established precedents. The funding model reinforced privilege, albeit on the basis not of race but of class. The shadow of privilege is reflected in the fact that former white schools are still euphemistically called 'Model C schools', the option that the majority of school governing bodies chose in 1990 (Christie 1995; Fiske & Ladd 2005; Metcalfe 1991).

It was evident from the work conducted in the selected schools between 1994 and 1996 (published in Chisholm 1999) that the impact of new transitional policy for the restructuring of education and redress of racial and social inequalities was mediated by deeply embedded, historically engendered organisational practices and approaches developed over time, and situated in and conditioned by local contexts and wider political and economic developments. Each school's organisational and institutional character was moreover marked by a specific school culture and ethos rooted in its racially constituted past, corresponding inequality of resource provision, relationship to power, and the struggles that had developed in and around it. As a result, restructuring and redress meant different things and was recast and re-contextualised in each school in ways that were particular to its organisational and socio-economic and political history and context.

The organisational cultures of schools were deeply structured by four main features. First, whether they were public or private schools. Second, whether their relationships with their respective education departments were either conflictual or consensual – this relationship also affected the physical condition of schools, the quality of schooling, governance and accountability systems and social relationships within them. Third, the local markets created by new financing models promoting choice. And fourth, the official ideology and meaning attached to race and racial equality. School organisational cultures were also affected by such issues as whether the principal was permanent, acting or about to resign, their leadership and management styles and approach to change. Principals were playing an important role in charting the direction of schools and managing the changes.

Freedom of movement, new fee structures and the introduction of choice in selecting schools had an impact on all parts of the system. As parents had the opportunity to move children from one school to another, limited only by what they could afford, considerable movement and flux characterised the educational landscape. In this shifting scenario, school-based actors themselves were shaping the contours of change. Even as local educational markets were opened, so they closed and reopened. At first, as white, Indian and coloured schools opened to African children in limited numbers, children were transported from far afield at considerable cost to families. A pattern emerged of African children commuting to coloured and Indian schools, Indian and coloured children to white schools and white children to private schools. This movement of children was complemented by the movement of teachers and principals, processes propelled by the opening of promotion positions in the newly formed Gauteng Department of Education, the possibility of applying for positions in schools previously closed on the basis of race, and the national department's teacher redeployment exercise in 1996. This was explicitly aimed at redistributing teachers from rich to poor and urban to rural areas in order to effect greater efficiencies in the system. If educational efficiency is measured in terms of improved throughput in the system, and improved use of resources, then this was not immediately apparent in the 1994–96 period.

The study argued that, in 1994–96, race, racial equality and redress meant different things to different actors (Chisholm 1999). These meanings were shaped by the social histories of schools and communities. Principals and

teachers' discourse articulated one of three approaches to race: cultural difference, liberal humanism and equality of opportunity or radical egalitarianism.² There were overlaps between the different approaches, and different approaches coexisted in the same school. But all three saw 'non-racialism' as entailing 'colour-blindness'. All principals refused, when asked, to differentiate the number of students in the school by colour and, in one case, gender. All schools espoused a commitment to 'equal treatment'. But it also meant different things in different schools. Acknowledgment of difference was seen as an undesirable racial practice. Nonetheless, racially based practices and strategies did exist to deal with students identified as belonging to particular racial groups. Although efforts to transcend the racial and ethnic structuring of the society were common in efforts to achieve 'colour-blindness', in fact race recognition was central to how school-based actors were reshaping school environments.

How had schools changed by 2006? And how did they see racial redress now? The case studies below draw on previously unpublished data on schools gathered between 1994 and 1996, consisting of archival material as well as interviews, and subsequent work done in 2006.

In 2006, principals were interviewed and schools observed, and student interactions were observed in one of the former white schools.³ Each case study abstracts and interprets evidence from archival material, interviews and observations over both periods. In 2006 it was not possible to conduct work in one of the schools, an African school in Soweto. The study could be considered less representative because it has fewer African and no rural schools in its sample. However, this would be a mistake, as the significance of the story lies in the historically specific, local tales. The argument of this chapter is that, wherever it is located, each school will have a different story. Together, the individual stories tell a story of historical change and shifting meanings of race and redress across time and space.

RACIAL REDRESS IN URBAN WORKING CLASS INDIAN AND COLOURED SCHOOLS

Marina and Sweet Waters High have their foundations in the apartheid years and removals of coloured and Indian people from inner-city areas. Both were located in townships founded in the 1960s. Each is divided into a number of

extensions, the extensions themselves corresponding to class divisions within these communities. The coloured township is clearly divided into more well-to-do and extremely impoverished areas characterised by urban squalor, poverty and gangsterism. The Indian township is marked by its considerable distance from the urban centre and a population that is differentiated by class and religion. In both, most employed people are working as clerks, salespeople, artisans and apprentices or in related occupations and, in 1994, earned between R10 000 and R30 000 per annum. The coloured township, however, had more unemployed than employed people, and a substantial number of people earning only between R1 000 and R3 000 per annum. The Indian township was also much larger, having twice the population as the much smaller coloured area. Whereas English and Afrikaans are spoken in roughly equal numbers in the latter, the former also has Gujarati, Urdu, Hindi and a number of other Indian languages. In the early 1990s, as the Group Areas Act (No. 41 of 1950) segregating residential areas was lifted, many families who had been forced to move here moved back into the city centre.

MARINA HIGH

In 1994, Marina High was a highly politicised school administered by the Indian House of Delegates. The previous principal had been active in oppositional teacher politics in the area, and the teacher union, the South African Democratic Teachers' Union (SADTU), also had a strong presence there. The appointment of a new principal from KwaZulu-Natal who did not identify with ANC politics as strongly as his staff signalled major changes in the atmosphere of the school. His uncompromising emphasis on education rather than politics, professional expertise rather than political loyalty and experience rather than commitment associated him with Indian teacher organisations within the umbrella body of the National Association of Professional Teachers Associations (NAPTOSA). NAPTOSA combined older, non-ANC teacher organisations across the white, Indian, coloured and African departments of education.

Even though the erstwhile anti-apartheid unity in the school between management and staff was eroding and coincided with the arrival of the new principal in 1994, individual teachers retained strong links through their Site Committee with the regional and national structures of the SADTU and colleagues appointed to the new Gauteng Department of Education. The Site

Committee held regular forum meetings at the school. Although erratically attended, these were used to communicate information and discuss new policies affecting teachers. Close contact was maintained with NGOs and local universities. Staff in the school thus appeared to be exceptionally well informed about developments in policy.

The school included learners from rich and poor families, and conflicts between Muslim and Hindu were manifested in local school issues. As schools overall began to open up, and as the traditional community-base of the school moved back to Johannesburg with the lifting of the Group Areas Act, many of its students from better-off families moved to former white or private schools. The area was also not far from Soweto and had a mushrooming informal settlement on its borders. When schools began desegregating, this school welcomed children from the informal settlement. Fees were low, at R50, and the principal was finding sponsors for the improvement of sporting facilities. The Parent Teacher Student Association (PTSA), despite support from the staff, did not have much muscle. The school was under-enrolled, and learner:teacher ratios low. Whereas some teachers were actively engaged in drawing in new ideas to assist teaching diverse children, others were prone to making racist remarks. There was considerable fear and anxiety just before the election, manifested in rumours about what was likely to happen. As one teacher described it, there was ‘hype about “civil war may break out” and people scuttling to fill up their pantries and what-have-you’.

Between 1994 and 1996 Marina High changed in unexpected ways. The school was more comfortable with the process of desegregation, but less so with the new Department of Education. Teachers reported a decided loss of morale linked to expectations of the new department, new policies and procedures. There was a wealth of information in the school about new policies, at least partly a result of an active union Site Committee, which made it its business to keep itself and the school informed of issues that might affect it. The principal attributed the problems in the department to the appointment of unqualified, inexperienced people lacking in expertise; many teachers attributed it to a lack of democracy and communication. Although teachers identified with the process of change, they had differences with the policies being implemented to redistribute teachers across schools.

In 2006, the school, like many others in Gauteng, was fortified against vandals and gangsterism by barbed wire and walls. Vending outside the school was

prohibited in order to curb drug dealing. By 2006, about three-quarters of Marina High's enrolments were African, coming mainly from the townships and a neighbouring informal settlement. The principal estimated that about 35, or the majority of teachers who had been at Marina High in 1994, had gone to private schools, positions in NGOs, directorships in the Department of Education, and former white schools. Approximately 60 per cent of the school's teachers were now African. And the school governing body (SGB) consisted of both Indians and Africans, who were beginning to take 'a more active part' in the SGB than before. The principal considered the school's poverty quintile positioning inadequate for his needs, given the large number of poor students in the school. How a school was ranked made them more or less eligible for departmental subsidy. This school was being ranked in terms not of the poverty of its enrollees, but on the basis of income of the area. This was clearly disadvantaging the school.

Redress, for the principal of Marina High, was understood as 'integration' and 'deracialisation' or 'desegregation'. Equality of opportunity was provided through granting access to previously excluded children. In practice, the approach was *assimilationist* rather than *integrationist*, as described by Soudien (2004). The principal equated deracialisation and integration with Africanisation, the inclusion of more African learners and teachers. Looking at his neighbouring, middle-class schools, he saw a re-racialisation taking place there, insofar as these schools were enrolling more Indian than African students. In terms of cultural adaptations, the school took a strong assimilationist stance towards new African enrollees, expecting that they should adjust to the ethos of the school rather than the other way around. He said:

We gave them no chance. We told them: you are coming into the school situation and you will not bring anything else. Your religious affairs don't come here. Your culture doesn't come in here. Your difference in politics doesn't come in here. We are very vigilant in terms of violence.⁴

Thus would equal opportunities be secured for all.

Marina's matric examination results had dropped from 99 per cent in 1994 to around 70 per cent in 2005. The principal attributed this to language and the fact that the school was not attracting 'the better class of student' any more.

Students on the whole did not proceed to university. 'Many of them will move into unemployment', said the principal (see Note 3).

SWEET WATERS HIGH

In 1994, Sweet Waters High was riven with conflict. The acting principal exercised little authority, and feuding between rival groups of teachers characterised relations in the staff room, and on the nascent and as-yet-illegitimate PTSA. Conflictual relationships inside the school reflected the ongoing contest in the wider education arena between state and opposition groups, and between different teacher unions and associations. What the one side proposed, the other defied in a vicious circle of recrimination and bitterness.

A visitor to Sweet Waters will swing off a trunk road passing through industrial Johannesburg and be surprised by the apparently removed aspect of the school. Geographically it is situated in a hollow which faces mine-dumps. A sense of a distinct community is created not only by its geography, but also by its history in resistance to apartheid. Situated in a predominantly Afrikaans-speaking coloured working-class area, the school in 1994 drew on children from both an older community of impoverished, welfare-reliant families and marginally better-off employed workers. Students at the school were involved outside it, in the words of one of the teachers, in 'stealing, gangsterism, violence, stabbing people, rape'. The school itself was regularly burgled. Already by this stage, many of the more middle-class coloured parents in Sweet Waters were sending their children to schools in white or coloured middle-class areas; the school was desegregating rapidly, drawing in children from Soweto at all levels of education. Here teachers were beginning to confront difficulties, as children arrived with widely different educational backgrounds from those expected of children in coloured schools. But so caught up were teachers with their differences, they seemed to focus less on the classroom than on the staffroom.

Between 1994 and 1996 Sweet Waters High was debilitated by neglect, internal wrangling and inadequate external support for the difficulties encountered in its desegregation process. It was faced with large classes of children who had been badly prepared in primary school and with whom teachers found it difficult to communicate; teachers who were unsure of new departmental

directions and felt victimised by rival factions in the school; and a new principal who had not yet managed to assert his authority. But it had a principal, and a legitimate PTSA. Its tuck shop was successful, and so the fact that half the children at school had not paid fees was not that important at this stage. It was also desegregating rapidly, a fact of which all staff members were proud.

In 2006 Sweet Waters' white principal, appointed in 1996 to restore order, was due to retire at the end of the year. He, like most of the other teachers at the school, did not live at the school. School enrolments were 75 per cent African and 25 per cent coloured, with about 60 per cent of the teachers being coloured and 40 per cent African. Unlike the other principals, he confessed to racial conflict at the school. His hope, he said, had been that redress would mean that 'people would become more united in their thinking, they will become more equal, they will be more tolerant of each other'. The opposite, he felt, had however occurred at Sweet Waters, which is 'far more conscious of race at the moment'. He attributed this to the fact that the Afrikaans-speaking coloured community and children had had to give way to English as it was spoken by the majority of Africans: 'The coloureds are now aggressive because their territory is being invaded...So there is perhaps bitterness because the language of instruction has changed to an English one.' The SGB changed its racial composition from year to year. Socio-economically, the school was worse off than in 1994. Since 1994, class sizes had increased as there were fewer teachers and higher enrolments. The school charged R600 per annum in school fees, but many parents simply could not afford them. The school tuck shop was still doing 'good business'. But matric results had also dropped to 70 per cent in 2005 from a high in 1994 of 77 per cent.

Many benefited from the changes: African enrolees and teachers have moved into schools previously closed to them, and Indian and coloured students and teachers have likewise moved to schools that they preferred (these results are echoed in Soudien 2004). In terms of throughput, these schools are perhaps no less efficient than they had been; matric results have dropped, despite national improvements, and so fewer of the school-leavers are likely to find jobs. And yet the schools have arguably improved the opportunities for children previously denied access to them. Personally, all interviewees believed in equality of opportunity, and this is what redress meant for them. Race was constructed as belonging to someone else – the neighbouring school, the staff, the community, the children – and not to oneself.

RACIAL REDRESS IN TWO URBAN AFRICAN SCHOOLS

The African schools in the study were located in parts of Soweto which emerged in the process of segregating Africans from white suburban areas, first in the aftermath of the South African War and then in the 1930s in the wake of major slum clearances and sanitation 'moral panics' in the white community of Johannesburg. Both these townships were what the *City Press* newspaper described as 'the embryo of Johannesburg's black townships which would later balloon into Soweto (08.01.95)'. One school was situated in the first African township founded in Johannesburg. It was not untypically sited next to a sewage farm. In his Annual Report for 1906, the town engineer reported that semi-circular huts which had been erected by the Rand Plague Committee in the Klipspruit Native Location had been taken over by the Council. The girls' school in the study was situated in a 'model township' founded in 1932. It was also the site of the 'Sofasonke' movement led by the charismatic James Mpanza, who in the 1940s led thousands of black people to a piece of land in Orlando and staked his claim for land for the homeless. After numerous pitched battles with the Johannesburg City Council, Mpanza won, and Shantytown was born. In the mid-1950s Shantytown was demolished and its residents moved to a number of new townships which had sprung up to house the black urban working class and which heralded the birth of Soweto proper. Whereas the one school was founded in the era before 1976, the other was established shortly thereafter as an all-girls' school.

By the end of the 1980s, both townships were overcrowded and ramshackle, but these established areas showed limited signs of prosperity amid the slum conditions. A report from the Greater Soweto Chamber of Commerce and Industry described Soweto's population of approximately 3 million, including these areas, as being spread across rented council houses, purchased houses, outbuildings, shacks within residential units, squatter units, hostels, site-and-service units and flats. There were 271 primary schools serving this population, and 65 secondary schools. There were 638 general dealers or supermarkets, 239 cafes, 178 butchers, some garages, dry cleaning depots, hair salons, undertakers and tailors. There was only 1 hotel, 2 printers, 5 bookkeeper establishments and 5 electricians. The overwhelming majority of the population thus constituted the black working poor and unemployed of Johannesburg. Both schools recruited children from their immediate

neighbourhood. Heavy fencing had not kept vandals off the school premises, which were constantly subject to theft.

VIOLET MAKHANYA HIGH

The principal, appointed at Violet Makhanya High in 1978, left the school at the end of 1994. It was the first year of a dramatic decline in the results of a school which had been amongst the top 10 performers in Soweto. In 1995 her deputy, the acting principal, was interviewed for the post by the newly elected PTSA. In 1996 she was in charge, dealing not only with the legacies of her predecessor and the teachers' strikes and defiance campaign of the early 1990s, but also with the sweeping changes introduced by the new education department. Results improved slightly in 1995, but were nowhere near what they had been in earlier years.

Violet Makhanya High was a girls' school started in the aftermath of the 1976 Soweto student rebellion in a historic part of Soweto. Twenty years later, it was surrounded by tumbledown houses and stood opposite a railway siding with a small stretch of land separating the school gates from the track. Vandalism and theft of school property was as much a scourge of life as at any other school in Soweto. On at least one occasion, in 1995, angry at the extent of the theft and following rumours of school property having been seen in neighbouring houses, the girls marched around the township reclaiming desks and chairs. Principal and teachers were proud of the school – proud of its being a girls' school and proud of its reputation. As a result, not unlike many all-girls' schools elsewhere in South Africa, teenage pregnancy was stigmatised, and girls falling pregnant were encouraged to leave the school.

Principal and teachers were unanimous that girls, whom they considered more docile, were 'easier to discipline' and 'more hardworking' than boys. The principal sometimes regretted this, but on the whole both the majority of women and minority of men teachers ascribed the successes and failures of the school to its being a girls' school. Barely a year later, however, the school, which had previously had a more malleable prefects' body, had a SRC like many of the other schools. Girls had been drawn into the politics of student resistance and the myth of female compliance was shattered. They were defiant towards teachers: 'You can't say anything, you have to mind your

words,' said one. They were also involved on the PTSA, where they were less docile than previously assumed.

Between 1994 and 1996 Violet Makhanya High was undergoing an unhappy transition. The departure of the first principal created uncertainty, coinciding with the transition to democracy. In the first year after her departure, the school moved slowly as the acting principal found her feet in a climate of some hostility. In the course of the year she was appointed principal by the new PTSA, which also moved to raise fees and improve the financial standing of the school.

At the start of the second year, though, the school was thrown into a massive restructuring and redeployment exercise, which took everyone by surprise. Other issues in the school, such as curriculum change, paled into insignificance alongside the scale of this change. Certainty was disrupted and comfortable habits shaken up as the school lost a junior year and many teachers. In a sense it could be argued that this process operated as a disciplining mechanism. Teachers previously defiant submitted to hierarchical controls. The cost was tremendous, generating fear and uncertainty – the very qualities on which apartheid education depended for compliance. This was not a good omen for the future.

Between 1994 and 1996 the school was wracked by division between SADTU and the principal, as well as between different teachers on the staff. Resources were in short supply, classes were large, there were high levels of teacher absenteeism and passive resistance to authority, but the school seemed to be well organised and achieved good matric results.

By 2006, one of the main roads to the school was newly tarred, but the small access road was still an obstacle course over a steep pavement ledge and a rocky stretch of potholed puddles. The lobby was freshly painted and boasted potted plants, the Constitution, a Coat of Arms and the school's Vision and Mission. This was a school-crafted, nation-building statement that contrasted with the official document up in most school lobbies. It read:

Our Mission and Vision is to produce learned and responsible leaders who will fit into the society and uplift the standard of the nation. This will be accomplished by the provision of excellent educational opportunities for learners through proper facilities, such as book-based institutions, dedicated educators, keen learners and cooperative parents.

There was an atmosphere of openness that had not been there before. Although the school was by no stretch of the imagination as well endowed as, for example, McCracken High (see below), it certainly displayed clear signs of improvement.

For the principal of Violet Makhanya High in 2006, the opportunity to speak, have a voice, communicate, and for black teachers to apply for positions in formerly white schools were all testimony to the achievement of redress. Redress had not been achieved in terms of resources, as far as she was concerned, but in terms of 'openness... We are now more comfortable and the transparency is there'.

She distanced herself from issues of racial redress and was concerned to speak instead about her own issues in the school. These appeared not to be related to redress as such, but to the newcomers to her school – a more diverse ethnic group of children from rural areas as well as from outside the borders of South Africa. She categorised some as mixing more freely, and others as 'sticking to themselves', but she did not on the whole see any problems of integration. Her discourse on redress was focused on equality of opportunity and school improvement. Surprisingly to us, she did not invoke comparisons with other schools.

The school was more diverse than before. It was no longer drawing its student body from the area: many of these children were now attending suburban schools. Instead, it was drawing many children from the Eastern Cape and KwaZulu-Natal rural areas, from surrounding informal settlements as well as from Lesotho, Malawi and Swaziland. Similarly, the teaching staff was being drawn from outside the immediate vicinity.

Academic performance had improved at the school by 2006. From a matric pass rate of 37 per cent in 1994, it now boasted a percentage pass rate in the 60s, similar to that at Mackie High in the suburbs (see below). It had done better in earlier years, and was still striving towards the achievement of an 80 per cent pass rate. The majority of girls were unable to study further because of the lack of resources, and so entered various working class jobs, mainly in services. The SGB remained a source of conflict rather than cohesion and discipline was considered to be worse than before. The local district office was experienced as interfering and authoritarian rather than as providing any real forms of assistance.

JOHN DUBE HIGH

John Dube High in 1994 was a school that had been repeatedly beaten back by the socio-economic circumstances of its students, by political conflict and a serious lack of resources. Despair and resignation mingled with cautious optimism and hope that even if things did not change immediately after the elections, they would change in the long term. The principal, whose ideological and political roots lay in the 1970s Black Consciousness Movement, was rare amongst principals: he negotiated an uneasy legitimacy with a volatile teaching and student body, suspicious and defiant of all forms of authority outside the democratic movement. He did this by siding with the representative political structures of students, teachers and civic organisations in the area rather than with the more conservative Principals' Association. Although this sometimes frustrated the imperatives of his position as principal, it was one of the means by which he survived at a school which was not only highly politicised, but also notorious for what one teacher described as 'thugarism' amongst students.

Providing the backbone to the school was a female deputy principal, who not only instituted structures to address the socio-economic circumstances of pupils, but, as with the female deputies in the white schools, effectively ran the school. A foil to the principal, she exuded firm authority. But she had a wearying number of responsibilities. In addition to co-ordinating all the activities of the school and running the Guidance Committee established to deal sympathetically with troublesome students, she was attending a part-time management course, teaching Geography and Guidance, supervising the work of school labourers and teachers, and introducing new structures to ensure better liaison between students and teachers in the school.

Two issues were significant in the history of the school. First, it was one which had been rocked by the waves of resistance throughout its history. Situated in one of the oldest areas of Soweto, with students who were 'a combination of those who come from lower-class families and those who are coming from very, very painful backgrounds', its staff and student body participated in student and teacher resistance to apartheid education through strikes, the defiance campaign, refusal to pay school fees, and recognition of student structures. Those who disagreed with particular actions, it seems, responded

by withdrawing spiritually and sometimes physically from the school. Levels of both teacher and student absenteeism were high. Second, the school was differentiated from other schools in the area both by language or ethnic group and the subjects it offered. It was a technical school, and in terms of apartheid-created divisions, it catered for specific ethnic groups defined linguistically. The implication, the deputy principal pointed out in 1994, was that access to technical education in the area was limited to specific ethnic groups which then became identified with having strengths in that area. Thus, educational capacities were ethnically constructed by the ethnic organisation of schools.

Between 1994 and 1996 things had changed at John Dube, even though teachers had experienced this unevenly. The biggest change from the point of the view of school management was the establishment of a legitimate PTSA. This eased other transitions, such as the collection of fees which provided the resources with which the school began to repair facilities, and attempts to solve persistent teacher and student absenteeism with the support of all involved. New, open management strategies were being pursued, and hostilities between different layers in the staff had abated, but conflict over the monitoring and supervision of work continued. Whereas some older teachers were overwhelmed by the new demands and looking forward either to redeployment or retirement, younger teachers were enthusiastic about new initiatives designed to improve the culture of learning and teaching in the school – a Guidance Committee to address the socio-economic circumstances of ‘difficult’ children; a Student Liaison Committee to facilitate communication between students and teachers; student excursions and debates and teacher workshops. Although there was still a sense of struggle about the school in 1996, there was also a much greater sense of openness and autonomy. From this position, the principal had the strength to accommodate departmental demands for redeployment, for example. Teachers were also accepting the authority of the principal and his deputy, although passive resistance to older forms of the organisation of work continued.

Unfortunately research at John Dube High could not be conducted in 2006. However, in reflecting on racial redress in Violet Makhanya and John Dube High, whole school communities do appear to have benefited from the changes. Both schools had benefited from the transition in both visible and invisible ways. Violet Makhanya’s intake had changed as much as those of all the other schools in the study, but less visibly so. New legitimate structures

made a difference to the governance and authority structures of the school. Liberal humanism and equality of opportunity, as well as the assimilation of migrant children, characterised the approach towards outsiders. But, like the other schools in the study, matric results and efficiency had not improved.

RACIAL REDRESS IN A PRIVATE, NON-RACIAL, ALTERNATIVE SCHOOL

ST RAPHAEL'S

On the eve of the election in 1994, St Raphael's was anxious about its future. The end of apartheid signalled the end of its special status as a school oppositional to prevailing educational philosophies and practice, and the loss of its rationale for existence. Its external donors were increasingly reluctant to fund a school which, it was felt, should now be absorbed into the system. This struck fear into the hearts of those running the school – the implications of the potential loss of autonomy were seen as subordination to bureaucracy, unfavourable conditions of work, and narrow, vocationally oriented curricula.

The school had been founded as a private, non-racial, co-educational Anglican school in 1963 with the aid of the Church. As such, it differed significantly from its white private-school equivalents and can, in effect, be seen as an alternative within the private school system as it existed in South Africa. Under its imposing, private-school-educated principal, who was actively involved in the politics of educational reform beyond the school, it pioneered non-racial private education in an era when black and white people rarely mixed and when challenges to curriculum were rare. Run along the lines of a private American academy, its lavish buildings were incongruously located in less well-endowed environs. Drawing on the children of a politicised black and white middle class from beyond the boundaries of its immediate vicinity, it provided an elite, liberal education outside the public school system.

As the potential withdrawal of funds and leakage of middle-class children to white schools became a stark reality in the early 1990s, the principal expanded the activities of the school and began to change its mission. Arguing that a new state would cater to the interests of the middle class, he re-articulated the mission to serving the needs of the residual poor in the rural areas: 'from 1990

onwards,' he said, 'we concentrated far more on developing the notion of the Church as the servant of the economically marginalised, as distinct from the politically marginalised.' He began to focus the school's recruiting efforts on rural areas, and began an Outreach Programme with its rural feeder-schools which included an Educational Polyclinic, providing specialised counselling and remedial services to children, and a Teacher Development Programme. Through coalitions with rural communities, the principal sought to rebuild the rationale for the school in a changing era.

Between 1994 and 1996, the funding of the school stabilised and new programmes oriented towards the rural areas 'took off'. There were differences of opinion amongst staff about the value of these programmes, but they did secure the funding and future of the school and children were gaining a new experience – the rural poor were being 'civilised' by the Church and its middle-class teachers. This civilising mission extended to teacher and management upgrade programmes. This was very much an intervention from the outside. As a private school, St Raphael's shared very little with most other public schools, and was insulated in the main from the shocks that public schools experienced over this period.

Between 1996 and 2006, there were rumours that the school had closed down following the death of its founder and long-serving principal. A well-known educationist, he was the driving force behind the school; and had feared the 'drying up' of external funding, being subjected to departmental influence and especially vocationalisation of the curriculum.

In 2006, the lobby walls boasted the insignia of the South African Association of Independent Schools and the Mission and Vision statement inserted in a framed work of art representing the holistic vision of the school. It read:

[The school] is a community of excellence providing well-rounded individuals who will positively change the world. The school focuses on Maths, Science and Technology, but believes in a holistic education. We are committed to developing confident, pro-active, adaptable, critical thinking individuals who are pace-setters in South Africa. We value team work, honesty, clear communication, academic excellence, life learning and involvement of all stakeholders. This is done in an environment of harmony and mutual respect.

The new principal ('a man of colour') explained how the school had been forced to turn to the government due to loss of donor support, and was now a government school. They had managed to negotiate a special status in order to place them on a different fee structure from ordinary schools, and so they were now a school dedicated to maths, science and technology. The non-racial ethos of the school was still strongly espoused, and it had a mix of classes and races amongst its students and teachers. It still attempted to recruit children from impoverished township homes, although no longer from rural areas, but it also drew children from less disadvantaged (mainly local, coloured) homes who paid higher fees. These were R4 500 per year for day scholars and R8 000 per year for boarders. According to the principal, most of the children were not able to pay, and so they applied for exemption.

Racial conflict was not a major issue at the school, although, as the principal put it, 'there is sometimes it seems disrespect shown by some of the coloured kids towards Black teachers, to African teachers. But then also it seems to happen to *some* of the teachers, and not with other teachers. Which makes it very difficult to establish whether it's a race issue or whether it's a competence issue.' When it was competence, it was related to a lack of classroom management and discipline skills.

Redress for this school had meant a loss of its privileged private school, anti-apartheid status, its capacity to run enrichment programmes, and its all-round curriculum. It was now more firmly hooked into government priorities than it ever wanted to be. The discourse remained one of liberal humanism linked to radical egalitarianism. Despite the death of the first principal and a high turnover in staff, the school was managing to maintain its high (close to 100 per cent) matric pass rate, and was still managing to send most of its students to universities and (what were then) technikons.⁵ This was remarkable, based as it was in a coloured township, where the highest education level achieved by the majority of the population was Grade 12 (Stats SA 2001).

RACIAL REDRESS IN TWO URBAN WHITE WORKING-CLASS SCHOOLS

Both the white schools in the study were founded in the early part of the 20th century, in the aftermath of the South African War, in suburbs established for the white working class. One of them adjoins an area known for its auto-repair work: at its founding, it was characterised by the Johannesburg almanac

of towns as 'a popular resort on holidays and Sundays, when hundreds of persons promenaded the riding ground', sporting a free bus service and a particular affinity with similar resorts in England known for their provision of 'healthy' pleasures. A historian, who was once a teacher and then became a member of the governing body of the other white school in the study, described the purpose of this school as being to provide education for the children of the local inhabitants – miners, blacksmiths, ironmongers, tailors, one or two professionals, and employees of the nearby Turfontein racecourse.

Almost a century later, both suburbs were still overwhelmingly white and working class, but there was now also a substantial unemployed population. This meant that each school also had a distinct, albeit small, indigent white clientele. In the 1970s, the one had attracted many Portuguese-speakers leaving Mozambique. By the 1990s, most whites in the area spoke English and/or Portuguese. This was reflected in the school population, which by the end of the 1980s was predominantly first-language Portuguese speaking. In both white schools, the majority of those in some form of employment were concentrated in clerical and sales occupations and a substantial proportion made a living from artisanal, apprentice and related occupations. Although there were families in each suburb which earned both more and less, the majority earned an income between R10 000 and R30 000 per annum. A minority had diplomas or degrees. The tiny minority of people classified as Indian and coloured living here shared many of the occupational and educational features of the white community. But despite a declining white population in the area, the white schools in the area were not open to them or to African people living there until 1991. African people were, according to the census in the early 1990s, concentrated in domestic service and gardening, and those earning between R1 000 and R2 999 per annum. After 1990, their numbers increased rapidly, such that many of the primary schools in the area rapidly Africanised their intakes when it became possible to do so.

MACKIE HIGH

In 1994, Mackie High was a school that had come a long way. Threatened with closure due to declining enrolments amongst its mainly white constituency, in 1990 its governing body appointed a principal to save the school. This new principal himself came from a white school in a predominantly Indian area

which had been forced to close because of declining enrolments, and then re-opened as an Indian school. His regret was that he had been unable to open the school to the local community when white numbers were down. He came to Mackie with the aim of increasing enrolments gradually, from the first year up, until the school was full to capacity. He enjoyed the support of his all-white staff and governing body, managed the finances carefully and was cautiously optimistic about changes in education. No ANC supporter himself, he had studied ANC education policy and been informed by his superiors that there was no undue cause for concern – the system of entrusting school finance and governance to the SGB would probably continue for some time to come. This system devolved control of schools to the governing body and was welcomed by the white schooling sector. Both he and his deputy were happy to continue with the process of desegregation within a relatively autonomous framework. Their only fears were of greater interference by a new department and an erosion of their autonomy.

The school itself was one which sprang from a working-class white neighbourhood, where formal employment focused around auto-repair works and second-hand car sales and where unemployment was an intermittent but regular feature of life. The school had a history of taking in children from the local orphanage and of catering to new immigrant populations. It also had a reputation for being a ‘wild’ school. ‘When people heard I was going to teach at Mackie,’ said one teacher, ‘they told me I must wear a bullet-proof vest. Teachers have been threatened with guns. They used to call this the mini-Bronx, you know’.

As noted, many Portuguese-speaking whites fleeing Angola and Mozambique for South Africa following the independence of these countries settled in this area. Although on the whole a conservative community, one of the mothers of a Portuguese-speaking pupil had blazed a trail in persuading Portuguese-speaking parents of the benefits of integration and accepting change. The school saw itself as preparing its mainly male student body for technical trades, and saw a future for itself in these terms since the country needed skilled labour, which it felt equipped to provide. As new black children entered the school, the perception amongst the school staff was that the children should adapt to the ethos of the school, and would also be prepared for skilled labour. But more girls were enrolling, and so the commercial department was expanding. Black learners were also less interested in careers as skilled workers

than as lawyers or doctors, and were implicitly expecting that the school place them in a position to become so equipped. Teachers, accustomed to dealing with what they termed 'inferior material', were at first both resistant to these demands on them, sometimes couching their objections in racist terms, and unequivocal about the way in which black students were pushing up standards in the school. The majority of teachers felt some distance from the black children, but accepted their presence in the school and their need, as teachers, to accommodate to new teaching conditions.

Between 1994 and 1996 the rules at Mackie High changed. A new political dispensation ushered in new ways of thinking about race, it normalising notions of non-racialism interpreted as colour-blindness. Teachers who previously accepted racial frames of thinking came, through their exposure to children in a context in which it was legitimate to challenge racism, to question their own assumptions and stereotypes. Political change made ideas which previously had been considered outrageously radical more acceptable, such as recognising the rights of students. The energy thus released cleared the way for other educational activities which went beyond the classroom door and began to address the history and social context from which children came. Resources raised from fees paid by parents were sufficient to support these new activities and provided a context for a sense of freedom to innovate.

But relationships between the school and the new Department of Education were not that happy and were indeed constraining. Bureaucratic requirements weakened the autonomy and authority of the principal and frustrated his best intentions. He was uncomfortable with increasingly having to negotiate his decisions with different school actors who now enforced accountability – the department, the governing body, and parents. His school environment became increasingly complex; the advice and support he received less certain.

In terms of continuity and change, there was both much that had changed and much that had remained the same. What stayed the same was that the school remained relatively privileged and committed to its goals of educating and training a skilled working class. What was less certain was whether this role would persist. If it would, then Mackie High would produce the black skilled labour required by industry. But there were also enormous changes taking place in the organisation and ethos of the school. The school was desegregating its student body fairly rapidly and its teaching staff more slowly. The role of the principal was not only increasingly business oriented, but also less

autocratic, while remaining patriarchal. Attitudes amongst teachers appeared to have changed dramatically, but so too had their conditions of work. A cultural change of enormous significance had occurred in this formerly all-white school at the very moment that teachers' conditions of work became nominally more equal to that of their black counterparts in black schools. In 1996, Mackie High was a different school from the one visited in 1994: it was dynamic and teachers were engaged in the social problems of the children.

On entering Mackie High in 2006, the same, framed Mission and Vision Statement as graced the walls of McCracken High (see below) graced those at Mackie High. The clerk behind the small, prison-like, barred window welcomed us to the principal's office – a new principal, in the job there for only a few years. His first words were, and he repeated this later, that 'this is a township school in a suburb'. Its learner composition, teaching and administrative staff as well as the SGB had Africanised almost 100 per cent. The neighbourhood had also changed and included more people of colour. The school had changed accordingly but still had many children who were coming by minibus taxis from the townships. The principal emphasised that the problems at the school were not racial but 'ordinary' issues of crime, drugs, and discipline and related to the long distances that some had to travel, exposing them to 'evil' influences of drug trafficking. There were different ethnic groups and 1 per cent of enrollees were foreign. And while there was no inter-ethnic conflict, there was an issue of xenophobia and exclusionary practices towards foreigners. As a white principal he acknowledged that because he did not share a language with many teachers and children, he may have been missing a lot of what is going on.

In 2006, redress had been achieved in terms of enrolment, governance and staffing. No white children were enrolled any longer and the students were almost entirely African. Many came from families living in the suburb or neighbouring suburbs, where poverty had deracialised and was found equally amongst black and white people, but the majority of children were travelling from townships such as Soweto. Some even came from as far afield as Vosloorus. A small minority hailed from Mozambique and Angola. Of the staff, the principal, who was appointed in 2002, and his deputy were the only remaining whites. The SGB was predominantly African and the staff was unionised. The school charged fees of R2 800 per annum, but the majority of children, coming from single-parent families or 'grannies living on pensions',

could not pay them. Although the school, in the eyes of the principal, was essentially 'a township school in a suburb', he felt the same way as the principal at Marina High about the school's poverty ranking. With limited fee income, the school was struggling to cover four additional teachers, textbooks, water, lights, and groundspeople. Mackie High was bounded by the more affluent schools in neighbouring suburbs – these schools were seen as drawing away the 'better' types of student, as commanding all the resources and producing better results. The principal compared himself and his school with them.

But redress had not been achieved for the new school entrants when it is judged by school performance and their future prospects. Matric results had dropped from a 100 per cent pass rate in 1994 to 64 per cent in 2006. The principal considered language to be a big factor in these poor results. Delinquency was also a problem for the school, and lateness, drug abuse, alcohol, bullying, theft and discipline rather than racial tensions were the issues that preoccupied teachers. Although there were apparently no racial tensions, there seemed to be ethnic tensions between teachers and tensions between local and foreign-born students.

More than a quarter of the school's final year learners did not matriculate. This meant they left for the job market virtually unemployable. Those who left with a matric were also not very lucky. As the principal said: 'A matric certificate does not guarantee you anything today.' As far as he was concerned, the knowledge of a jobless labour market had a deep impact on behaviour inside the school.

McCracken High was a school that had adapted to and successfully survived the transition to democracy while keeping many of its past practices intact. After initial resistance to the decentralisation of finance and governance powers introduced by changes introduced to the governance of schools in 1990, it quickly picked up the basic principles of a market-oriented system of education, concentrated on prudent financial management and, by 1994, was singing the praises of decentralisation.

A mixed English- and Afrikaans-speaking school in a white working-class area which was somewhat better off than that in which Mackie was located, the school had a strong Christian National Education tradition. Like most white schools, 'veld' schools and school cadets became instruments in the 1970s and 1980s for building allegiance to white supremacy and preparing white

boys for the battle against the perceived 'total onslaught' against white South Africa by 'communism' and 'terrorism', both of which were associated with black people. In the late 1980s, the school was capable of instituting an inquiry into a teacher suspected of being critical of the policy of the National Party. The atmosphere was one of fear and beleaguerment. By the mid-1990s, things had changed. The harassed teacher was instated, in the role of treasurer, as a member of the governing body. The military aspect of 'veld' schools, essentially camping hikes into the countryside, was also de-emphasised in favour of their environmental and moral aspects. The school was desegregating and bringing the former 'enemy', black children, into its fold. It controlled the process by conducting admission tests on black children. It was also setting fees higher than at Mackie to ensure that it attracted 'good' pupils.

By 1994, then, the school was market-oriented and desegregating within a framework emphasising discipline, controlled integration, and recognition of cultural difference. The principal's main fear of transition was associated with 'swamping' by black people: overcrowding, unmanageable classes and affirmative action were the threats seemingly hanging over the school. His deputy, a woman with muted hopes for career advancement, was far less overtly concerned with these aspects than efficient management of the school and its resources. Teachers were struggling with the process of desegregation, attempting in different ways to come to terms with a much more diverse school population than that to which they were accustomed. The sense they made of situations and children coming back from backgrounds which were entirely foreign to them was within the framework of equal treatment and cultural difference.

Between 1994 and 1996 there was a great deal more continuity in McCracken High than there was change. But change there certainly was too. Having taken full advantage of new market orientations in education, its financial strength gave it some leverage in terms of new departmental policies. The school management had adjusted to the apparent confusion in the new department by simple continuing with 'business as usual', striking up alliances with neighbouring former white schools, ignoring what it could ignore and responding only when it was certain that this was necessary. The state of limbo where new policies and structures were being set in place gave the school room for manoeuvre. Contradictory claims were made about the school not being affected at all, and larger classes and teacher stress being a major new factor. Where fear, fantasy and reality met was difficult to determine.

Informal rules, practices and assumptions continued to be based on old habits but were increasingly challenged, both by the new context outside the school, and that within it. Uncertainty prevailed as to what to do and how to conduct relations. Ordinary school rules and rituals were shot through with racism – at a distance, through the discourse of teachers, a student body increasingly dissatisfied with its treatment, could be discerned. Afraid of the future, and locked in a worldview predicated on notions of cultural difference, teachers found it difficult to identify with or to relate to black students. Black students, in turn, were defiant. How new black teachers, silenced in subtle ways and in a structurally vulnerable position in the school, would stand up to a conflict which would in all likelihood worsen was difficult to determine.

In early 1994, just before the elections, the school was run by a principal who was eaten up with anxiety and fear about the future and whether or not things would collapse. There were many children in the school from the townships and he saw one of the main challenges as being between the black and white cultures from which the children came. There was one coloured teacher, very timid, who was afraid to speak in the staffroom. The SGB was predominantly white and the learner composition of the school was about one-quarter black (African, Indian and coloured children). The principal was succeeded by a female principal, who presided over the transition of the school from 1997 to 2004. The school took advantage of the powers given to schools under the South African Schools Act (No. 84 of 1996) to levy fees. As with the majority of former white schools, this actually helped to improve quality through enabling the appointment of additional teachers (so-called SGB teachers) (Fiske & Ladd 2005). It also helped the school to build its administrative wing, and maintain its infrastructure and sports grounds.

In 2006 McCracken High was still a large and prosperous school charging relatively high fees. The lobby sported a display of photographs of school achievers (almost without exception black children) alongside photographs of old all-white sporting teams. The school vision was prominently displayed, signalling its nation-building goals: ‘smart service delivery of quality public education’, dedication to promoting ‘a dynamic citizenship for socio-economic growth and development in Gauteng and South Africa’, ‘curriculum delivery’ and ‘access to quality lifelong learning opportunities’. It highlighted the principles of ‘transformation, equity, redress and *ubuntu*’. The motto: ‘Proud to Serve.’

But the school now had a new principal, in his words, ‘the first non-white principal in this school in the more than 100 years of its existence’. The staff remained largely white and amongst the learners, about 40 per cent were African, 35 per cent coloured and Indian and the remainder white. White children who would previously have come to the school were now attending the nearby Afrikaans-speaking school that was itself transforming in so far as it had become a dual medium school also providing instruction in English. This school took in mainly coloured and white children.

The discourse of this principal was one of change and transformation – racial redress was framed within this discourse, which essentially interpreted the question of redress as ensuring a representative balance of African, coloured, Indian and white learners and teachers, as well as administrative and cleaning staff. He did not see whites in his school as obstructive: he thought race should be used in appointments where necessary, but that there should be colour-blindness when it came to the treatment of learners or in conflict situations. In his discourse of change and transformation, racial redress, colour-blindness and race consciousness coexisted side by side, used and mobilised for different purposes at different times.

His first impressions were that the culture of the school, the culture of discipline and order, the need for structure and certainty, were deeply entrenched. So entrenched was it that in exchange for becoming principal he undertook not to change too much. ‘Most of the systems here are already in place and I said that I won’t change things that’s working [sic] and that’s been working for many years. I will only try to improve.’ He expressed a desire to learn about the history and culture of the school, the history of ‘the chairs, the walls, the windows, the premises’.

For this principal, looking at the racial composition of the staff as compared with that of the learners and the SGB, racial redress had not yet been achieved, although there were more staff members of colour than there had been in 1996. He consciously balanced the imperative to change the staff profile, about which he felt very strongly, with the need not to ‘jeopardise standards’: ‘my argument is that if we appoint educators and it is black educators or coloured educators then they must be capable.’ Maintaining standards while transforming the racial composition of the staff, and especially its management, was a priority for him. Many of the staff had been learners at the school before joining the staff. A good proportion had been there for most

of their working lives. Principals at the school had also come from among the staff. He was the first outsider to be appointed: he was younger than many of them, he felt like an outsider, and he felt himself being watched and assessed.

Relationships between students appear to have been characterised by interactions within and across racial boundaries. The principal cited a case of conflict between two white boys and an Indian and a coloured boy. He was conscious of treating them equally, and wanted to, and arranged 'intervention classes'. Observations of classrooms and the playground, however, revealed that students engaged openly with one another, making fun of racial stereotypes of one another. Relationships amongst staff were far more rigid and same-race bound. The school was continuing to perform well. As in 1994, it had an almost 100 per cent matric pass rate, and many of its students proceeded to university to pursue the professions.

Mackie and McCracken High Schools show two very different models of redress. With its more liberal history, Mackie High desegregated its student and staff composition very rapidly. The beneficiaries were African students and staff. The process of desegregation of student and staff enrolment was much slower at the more conservative and financially successful McCracken High – the student body and the SGB were more representative than that of the staff. The leadership was only now beginning to change. While racial relationships between students appeared comfortable, they were far less so amongst staff. Beneficiaries at this school were students from all racial backgrounds. The students at this school were better off than at Mackie, however: school results and their future prospects were reinforced by a disciplined school culture that placed a value on standards. At Mackie, hopes and expectations for students were not high. Who the real beneficiaries were in these differential processes of change is an open question.

The beneficiaries at these schools, it can be argued, were not only African learners and teachers, but the whole school community, in so far as the benefits of diversity were more broadly spread. In one instance, the school had become markedly more inefficient, and in another markedly more efficient. The one that had desegregated more rapidly and completely had become 'a township school in a suburb', whereas the other, which had desegregated in a more controlled fashion, was prosperous and thriving. Liberal humanism and equality of opportunity were the dominant discourses. Assimilationism was the approach to integration taken at McCracken High. At Mackie High, the replacement of the entire student and staff body meant that neither assimilation nor integration was relevant any longer.

PERSPECTIVES ON CITIZENSHIP IN A NEW SOUTH AFRICAN NATION

Much work has been done to show that social and economic inequalities persist, that education plays a key role in reproducing these and that while race continues to play a role both in exclusion and in redress, economic inequalities and new pro-choice policies have reinforced unequal educational outcomes. This chapter has attempted to examine the question of whether redress has occurred through looking at the issue from the bottom up rather than from the top down. At the local level, the significance of policy lies in the practices and meanings that local actors give to it (Sutton & Levinson 2001). Through case studies, the chapter has shown that racial redress has meant the Africanisation of the staff and student bodies of many formerly white, Indian and coloured schools, and the diversification of all schools. In the discourse of school-based actors, it has meant assimilation and greater equality of opportunity.

In the schools examined, it is hard to say who were the 'beneficiaries' and who the 'victims': were the African children moving into more privileged but unfamiliar and often hostile school environments beneficiaries or victims; and were the coloured, Indian and white children whose families chose to move them from familiar to unfamiliar schooling environments victims or beneficiaries? Were the teachers who were unprepared to deal and unsupported in dealing with more linguistically and culturally diverse classrooms beneficiaries or victims? And were the teachers who applied for new jobs in previously closed schools only to find themselves isolated in staffrooms beneficiaries or victims? Is the 'alternative' private school that gave up its own vision and submitted to departmental regulation a beneficiary or a victim of redress?

It seems that all are simultaneously beneficiaries and victims in a system that is revolutionary in the extent to which it invites and provokes movement, migration and change. With each migration there is a new beneficiary who is also, at the same time, a victim of change brought about by circumstance, policy and choice. The chapter suggests that people who see themselves, or are seen as victims may well be beneficiaries and those who see themselves or are seen as victims may also be beneficiaries in ways not transparent to the participants – in short, such constructs may be too simple to provide an adequate understanding, sensitive to structure and agency, of the full complexity of social change over time.

The chapter has not only shown that all schools experienced significant upheaval over the period since 1994, and that beneficiaries are spread across the school system, but also that efficiency has not necessarily accompanied greater choice and freedom of movement. In unexpected ways the schools studied here have become rich(er) and poor(er) than they were: formerly white schools have become both impoverished and richer, and the position of formerly disadvantaged African and coloured schools has both improved and worsened. In terms of throughput, matric results in each school have dropped. The passage of children through school and to further and higher education or the labour market has thus not improved, but worsened. The picture emerging from these schools is thus a mixed one.

In as much as race has always been central to the notion of nation in South Africa, race continues to be part of the discourse of teachers and principals. The substantive Africanisation of schools (in this study) that were formerly white, Indian or coloured may be an index of the degree of racial redress or 'normalisation' and, indeed, was most often how racial redress was interpreted by participants. Social practices around race within schools varied, as did discourses among and between students and staff. Assimilation into schools' dominant class ethos revealed a new racial mix in schools previously sharply stratified by race. Urban schools, it can be argued, are remaking the nation, still along lines heavily inflected by race, yet differently, in a way that permits co-operation and conflict, harmony and violence, cultural chauvinism as well as cosmopolitan nationalism. (see Chisholm forthcoming). Within such normalised, national discourses, 'the other' is newly constructed. Many schools now include children of new rural and foreign migrants. In this instance, although numbers are small, migrants in schools appear to be the new 'other.' As a by-product of nationalism, in which race and ethnicity always have a central role to play, it is evidence of the continuous tension at the heart of the creation of the new South African nation – which is inclusive at some points and exclusive at others.

Notes

- 1 See Fataar (2007) for a socio-spatial case study of schools in a Western Cape township.
- 2 This approach and argument differed from work conducted by Soudien et al. (2004). Working on a larger study on inclusion in South Africa and India, they differentiated between concepts such as assimilation, integration and inclusion to describe racial

processes inside schools. My study, in contrast, was more concerned with the lenses of the social actors located in the schools in understanding the changes occurring around them. In this chapter I work with their concepts as well as those I used in my 1999 article.

- 3 The 2006 research was done by the author and Sibongile Vilakazi, then an HSRC intern.
- 4 In order to protect the anonymity of the principals and teachers interviewed, school and individual names as well as place names are not provided. Full transcripts of interviews are in my personal possession. In 2006, all interviews cited were conducted during May.
- 5 Technikons in South Africa became Universities of Technology in 2005.

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10 RACE, REDRESS AND HISTORICALLY BLACK UNIVERSITIES

Seán Morrow

Why, in examining race and redress in higher education, look specifically at historically black universities? To some, these are the orphans of South African education, the children of apartheid – underprivileged, under-resourced, inadequately staffed, limping academically and located in remote areas, far from centres of intellectual interchange, wealth, power and influence. Why not, as Jonathan Jansen has advised, focus on the vigorous ex-white institutions, where student numbers are greater, and where skills, facilities, and probably teaching and learning, are more advanced? (Jansen 2004b)

The answer is that without detracting from South African achievements since 1994, or from the immense difficulty of understanding and hopefully beginning to solve the many problems that remain, and without ignoring the power and potential of the ex-white institutions, it remains true that the mass of South Africans still face immense challenges: poverty, unemployment, disease, grim living environments and poor-quality education. Serious scholarship in various disciplines tries to confront such questions: the black universities and universities of technology (historically called technikons) represent, with all the complexity and ambiguity in which South Africa abounds, the equivalent in the sphere of higher education of the marginalisation, disadvantage and impoverishment that afflict large sections of the population. It is therefore an excellent place to start in examining race and redress in higher education.

It has been, and still is to some extent, a disturbed and insecure section of higher education. Some institutions have been put under official administration, and on many campuses there have been recurring disturbances and demonstrations. Examples in 2006 include a threat by students at the Mamelodi campus of the University of Pretoria (once part of Vista University) to march on the main campus; disturbances leading to the closing of the Mafikeng campus of the

University of the North West, once the University of Bophuthatswana; the suspension of lectures at the University of Zululand with students sent home after protesting about housing conditions and complaining that many of the university's courses are 'not being nationally recognised'; and allegations by some students and staff at the University of Fort Hare's East London campus of confusion in examination results and course allocation.

Clearly, the problems of historically disadvantaged universities or campuses of new, merged, institutions that were once disadvantaged have not gone away. This is irrespective of whether these institutions are incorporated into or merged with historically white universities, which are today multiracial universities, predominantly middle class in their student intake, better equipped and better staffed than the historically disadvantaged institutions (HDIs).

THE POWER OF THE PAST

Current problems and upheavals in higher education reflect the influence of a highly contested history from which in the contemporary period a multiracial middle class appears to be emerging. At lower levels of society, it is certainly true that the 'poor white problem', which apartheid ameliorated so effectively, is re-emerging after the disappearance of special treatment for whites on racial grounds. However, over many years, through formal and informal mechanisms, and with many internal tensions, white people were able to bank large deposits of social capital. This material and intellectual accumulation is a resource from which sections of the white population still draw and will undoubtedly continue to draw for a considerable time. In this it is no different from the middle classes elsewhere, except that in South Africa there is a particularly marked correlation between social class and race.¹

It is clear that education does play an important role in maintaining and renewing this store of social capital, although it is only one of many factors involved. At one level it provides society with skills and competencies; at another it buttresses social norms and hierarchies. This is a long-standing theme of social analysis in many different contexts and periods. However, historical factors everywhere complicate this picture, especially in a society like South Africa where there were and are emphatic disagreements on the shape that society should take. The recipients of education may not agree with

the nature of the education that they are offered even while they participate in it and utilise it, and educational institutions may become places of sometimes bitter contest rather than the instruments of socialisation that they were, in part, intended to be. This is the case with South Africa's HDIs.

The history of HDIs is by and large not well known. Rather little has been published on them in recent years, and one assumption that is sometimes made is that they represent black struggle and aspiration. In many respects this is misleading. More accurately, they represent a collection of institutions from the period of high apartheid, and in the case of the University of Fort Hare a Christian mission institution from an earlier period, which in 1960 was incorporated into the apartheid system. In so far as these institutions represented a spirit of opposition, this was amongst elements in the student body rather than in the institutions themselves, which were for the most part staffed by academics from the white Afrikaans-speaking community, and by generally compliant members of the homeland elites. They were set up in isolated rural areas to serve the ethnically based homelands, which were an important aspect of the apartheid vision. Higher education institutions for the coloured and Indian populations were located in Cape Town and Durban respectively, where these communities are mainly concentrated.

As with the homelands in general, HDIs received some scholarly attention in the period leading up to majority rule. They were, after all, whatever their ambiguous origins, where the black population received whatever higher education was on offer. Its quality was generally low, partly because intrinsically so, and partly because the educational deficits of the students – almost always from township and homeland schools – made it difficult for them to engage with what was on offer. After the democratic elections, a diminishing amount of scholarly attention was given to HDIs. The reasons for this are a matter of speculation. Partly, radical academics who had worked in the HDIs during the period of transition tended to leave around 1994, as opportunities opened up elsewhere in politics, government and mainstream academia. In addition, attention moved increasingly to the opening up of the larger and academically more successful white universities and technikons to sections at least of the black population; and the growing emphasis on economic, technical and scientific competitiveness meant a loss of interest in institutions that seemed to offer little in these areas.

Yet there is every reason to maintain a focus on the HDIs from the perspective of race and redress. While white institutions became increasingly multiracial in their student intakes, the HDIs remained and remain overwhelmingly black. In this, they reflect wider patterns in South African education. Race and redress in education is often seen particularly in the context of those schools that were previously the preserve of privileged whites, which then were opened to people of other races (see, for example, Nkomo et al 2004). This is important, but numerically speaking it affected only a small minority of the population. The great majority of schools now and in the foreseeable future are and will be attended by black children only, because the black population is in the majority and is concentrated as a result of apartheid planning in monoracial urban and rural localities.

It has also tended, increasingly, to be the poorest and least privileged sections of the black population that attend these all or nearly-all black institutions, with the most economically privileged, who can afford the costs and who have often actually changed physical location, now attending previously white schools, universities and universities of technology. In other words, social class and race now began to intersect in complex ways. In this context those who lose out, relatively speaking, in terms of higher education² tend to be those who go to the still-existing black universities, desegregated in theory, but in fact catering to the poorer or less qualified black students. Those benefitting most are those, black and white, who, with good educational backgrounds and some financial resources, are in a position to take advantage of the best higher education available.

Most HDIs, cut free from apartheid leading-strings, went through a period of intense crisis in terms of governance, finance and academic credibility in the mid- and late 1990s. Recently many have been merged with or in some cases have been taken over by 'white' institutions (Jansen 2003). Though most of the major ex-white universities and universities of technology have remained substantially as they were (for example, the universities of Cape Town, Witwatersrand, Stellenbosch, Pretoria, Technikon Pretoria/Tshwane University of Technology), new ex-black institutions have been created (for example, the University of Limpopo), with some existing black institutions being left substantially unchanged (the universities of Venda, Zululand, Fort Hare). It will be interesting to see how the few institutions that have merged across the major lines of racial difference, such as the universities of the

North West and KwaZulu-Natal, deal with the racial and socio-economic inequalities now embedded in them. Certainly the University of KwaZulu-Natal has not had an easy birth.

Though it is too early to say how these mergers will work out, so far the various campuses seem to have kept their respective identities. There are difficult issues ahead, such as the problem of having two fee structures and two levels of provision within the one, merged, institution. One result of giving reality to the unification of the restructured institution is likely to be incremental fee increases at the previously underprivileged sections until parity is achieved. This is certainly the intention at the University of Fort Hare (which incorporated a campus of the historically white Rhodes University), for example, as expressed in interviews with senior management. Clearly this is also a policy that makes university education unavailable to wider circles of potential students. Past experience also indicates that fee increases can lead to serious instability on campuses.

Views on the HDIs vary. On the one hand, positive assessments stress that they are the home of black higher education, that they formed people who went on to prominent careers and that in particular they gave birth to the very political opposition that they were intended to deflect. Indeed, the ANC, the Pan Africanist Congress and especially the Black Consciousness Movement have strong roots in the University of the North, the University of Fort Hare, the University of the Western Cape and other black institutions (see, for example, Massey 2001). Resources, the argument goes, should be directed to these underfunded institutions to enable them to compete effectively with universities and technikons that have been favoured over many years.

However, others emphasise that the HDIs are the direct product of apartheid, that they were set up to serve its purposes. At their worst, they have been wasteful of national resources and careless of the welfare of their students.³ They may also be embedded in narrow socio-cultural conceptions that have not moved far beyond apartheid models.⁴ It has been argued that rather than preserving entities perceived to be dysfunctional, it is more important to ensure that academically superior institutions, previously monopolised by a racial minority, be reformed and improved and made available to all South Africans able to benefit from them (Jansen 2004a). Both these arguments are based on concepts of redress, but proceed from premises and assumptions that

give different weight to history and tradition vis-à-vis academic effectiveness in the context of the contemporary economy and society.

It remains the case that the thousands of graduates produced by what in effect remain black institutions still enter the labour market in ways shaped by the apartheid past. For example, no engineers, veterinary surgeons or architects graduate from HDIs; these programmes are not offered to their students. What was until recently the Medical University of South Africa, now part of the University of Limpopo, does produce medical doctors. This illustrates the lasting impact of the apartheid vision of a black population organised in hierarchical rural societies, requiring the services of administrators and of the caring professions and sending labour to the major urban centres, but excluding black people from the commanding heights of South Africa's modern economy. Though reality seldom exactly followed this vision, behind the often tempestuous recent histories of these institutions is the fact that they were created to form subordinate local elites to administer and educate the homeland populations. With the disappearance of the homelands, the black universities and technikons lost this function. Thrown into the wider educational arena, they struggled to find a role in a South Africa that rapidly dismantled homeland economic subsidies and protectionism and that moved away from the political and cultural isolationism that had characterised these ethnic enclaves. Though they had their own problems and concerns, other institutions, geographically better placed and with more ability to take advantage of rapid social and economic change, quickly moved ahead of this suddenly exposed and uncertain sector.

THE UNIVERSITIES OF ZULULAND AND FORT HARE

In 1994, the race- and ethnicity-based higher education system inherited by the newly democratic South Africa consisted of ten universities and seven technikons to serve the different non-white ethnic groups, including Indians and coloureds. The University of South Africa and Technikon South Africa, being distance-learning institutions that did not physically bring the races together, enrolled students of all ethnic backgrounds. In apartheid ethnic terms, the anomaly of having two Xhosa institutions – the universities of Fort Hare and the Transkei – derived from the complicated ethnic, religious and colonial history of the Eastern Cape, and its reflection in the two homelands of Transkei and Ciskei (Peires 1992). Academically, none of the homeland

institutions were excellent, though the coloured and Indian universities of the Western Cape and Durban-Westville and their technikon equivalents, located, unlike the others, in urban areas and with a more advantaged position within the apartheid hierarchy, were generally able to attract better staff. Across the racial divide, there were institutions for whites, divided into English- and Afrikaans-medium, with the University of Port Elizabeth using both languages.

The University of Fort Hare and the University of Zululand illustrate many facets of black higher education, and in particular of race and redress in this context. Case studies are fraught with difficulties and the variety of experience makes generalisation hazardous. A corresponding and perhaps greater danger is shallow generalisation that ignores complexity and even apparent contradiction. This chapter aims to grasp the specifics of two HDIs in the broader context of South African higher education as their experience may point to some of the underlying problems confronting the system as a whole. A brief historical background to the two universities will set them in context.

Fort Hare has a history unique amongst HDIs, having its origins in a different and earlier time and context from most of these institutions. For many years after its foundation in 1916 it was the only institution of its type not only in South Africa but in the whole of Africa south of the Sahara, with the exception of Fourah Bay College in Sierra Leone. Subsequently, although forced into a similar pattern to other HDIs established as part of the apartheid policy in the 1960s and thereafter, the increasingly tenuous and sometimes romanticised memory of the earlier period, which survived more in the consciousness of alumni and students than in that of the new administrators and teachers, provided a reference point for an attempted re-creation of an earlier Fort Hare. When, in the 1990s, this aspiration at last appeared to be realisable as part of the wider political changes of the period, like most re-creations, it emerged as essentially new, fundamentally changed by the passage of time and by the shifting balance of power.

Fort Hare has been imagined in many ways. It has been seen as a nursery for the Christian elite co-operating with paternalistic white power (Burrows, Kerr & Matthews 1961; Kerr 1968); as an ethnic college from which would emerge the functionaries first of a Xhosa reserve and later a republic (Seboni 1959; UFH 1970); as a bastion of resistance and a school for freedom (Beard 1972; Burchell 1986; Massey 2001; White 1995); as a pan-African academy,

nurturing the future elite of an independent southern and eastern Africa (Morrow & Gxabalashe 2000); and as a developmental university, responsive to the needs of an Eastern Cape and a South Africa facing the challenges of a globalising subcontinent and world (UFH 1999, 2000). It has been perceived as a symbol of hope for a new South Africa (see various issues of UFH's *Transformation Focus*); and as an example of the collapse of governance in one section of South African higher education (Saunders 1999). It has been interpreted in terms of gender (Mager 1999); fictionally (Jordan 1980) and as a heritage site (see Morrow 2002, and references therein). Biographies, autobiographies and studies of the influence of celebrated Fort Hare graduates have appeared, and more are on their way (see Higgs 1997; Kros 1990; Mandela 1994; Sampson 1999; Wilson 1981). There has been a detailed study of the takeover of the college by the National Party government (Williams 2001), and a study of the local economic impact of the institution (Morrow 2006). There has even been a subtle postmodernist 'historical ethnography' of Fort Hare (Ngwane 2001). The varied and sometimes contradictory aspirations of the incipient black elite of South Africa have long rested on this complex and multifaceted institution.

The University of Zululand has a shorter history and a far less developed historiography than the University of Fort Hare, with publications on its past going little further than publicity brochures (see, for example, University of Zululand 1989) and organisational documents (for example, University of Zululand 2006). It was founded in 1960, the year that Fort Hare was removed from Church control; and both institutions were thus part of the National Party plan to create ethnic colleges for different black ethnic groups, in this case isiZulu- and isiXhosa-speakers respectively. In 1970, like Fort Hare, the University College of Zululand, up to then linked to the University of South Africa, was given independent university status. What made the university different in some respects from other HDIs was that it was located in the KwaZulu homeland, which was under the leadership of Mangosuthu Buthelezi, who was installed as the first black chancellor in 1979. The university was, and is, in the heartland of Inkatha, the Zulu cultural movement turned political party, and the institution shared Inkatha's and Buthelezi's partly assertive and partly collaborative relationship with the national regime of the time (Mare & Hamilton 1987). A difference from other 'bush colleges', as they were often contemptuously described, was that the student body

was divided politically between Inkatha and the ANC in ways that reflected political divisions in the area, and that later became antagonistic to the point of near civil war in the province of Natal, later KwaZulu-Natal. These tensions were, and are, also apparent on the university campus.

The University of Zululand, emerging from the KwaZulu homeland, inherited the strengths and weaknesses of this background. As it was necessary for the new ANC-dominated regime to step carefully in this area, the university had a certain freedom of manoeuvre. In that it represented a rival, more ethnically based, less cosmopolitan and more 'nativist' form of African nationalism from that of the new governing class, it was under threat.⁵ 'Redress' in this context becomes a complex conception, mixed with ideas of ethnic as well as racial assertion, and compounded with cultural, linguistic and other assumed deficits and aspirations. Though the University of Fort Hare has a longer history and possibly greater prestige than the University of Zululand, it can be argued that race and redress appear in more complex and contradictory forms at the latter than the former.

This chapter considers a number of particular questions concerning race and redress at the two universities: finance, infrastructure, rurality and language. These themes will be used to address the question of race and redress.

THE PROBLEM OF FINANCE

Money, and the facilities and skills that money can buy, are crucial to any institution. Should the distribution of resources – perhaps unequally – be used to make up for past inequity? Or, on the principle of not throwing good money after bad, might redress require less to be spent on possibly dysfunctional institutions and more on ensuring access for poor black students to what are considered high-quality institutions?

In general, the poorest South Africans amongst those who manage to achieve higher education are at universities such as the University of Zululand and the University of Fort Hare. The overwhelming majority of these are black. Fees at such universities are lower, yet they have more difficulty than ex-white institutions in collecting them. Such universities have long histories of turbulence, but in the 1980s in purely financial terms they survived reasonably well: though closely controlled, they were also funded adequately for the roles that they were then expected to perform. In the 1990s, released

from the previous close control, they went through a period of extreme financial instability and crisis, often with inexperienced and poorly managed administrative staff unable to keep the institutions on an even keel. At the same time the perhaps naïve ambitions of the universities to become important intellectual centres grew. Large overdrafts accumulated, and the two institutions, like many of their fellow HDIs, lurched from crisis to crisis, eventually becoming insolvent.

While it might well be said that HDIs demonstrated little ability to handle the resources that they did receive, it is also true that the university financing system did little to assist them, and that new initiatives and reforms tended to benefit the ex-white universities more than HDIs. This was true even when, as with the National Student Financial Aid Scheme, the aim was to assist black students. In recent times, there has been some additional assistance to HDIs, but this has not been enough to bring facilities up to an acceptable level (the implications of this are discussed below). In areas of great significance to HDIs such as assistance with bringing new students from inadequate schools up to first-year university level, there has been only very patchy assistance. Though mergers will modify this picture for some of them, ex-white institutions deal with this problem from a sounder financial base. Furthermore, the problem is more limited in the case of the ex-white institutions because of the generally more advantaged educational backgrounds of their students, black and white.

Financial controls at the universities of Zululand and Fort Hare have considerably improved in recent years. With some government assistance and with the implementation of more prudent financial controls, their overdrafts, in each case of approximately R50 million, have been eliminated and indeed they now have some limited reserves in hand. Their infrastructure remains in many instances grossly dilapidated and inadequate, but they do at least now appear to be observing their basic fiscal obligations.

If the change for the better in financial administration can be trusted to endure, this could be argued to remove one reason for denying these HDIs the assistance that might enable them to fulfil their task (if it is 'their' task) of redressing imbalances by educating the poorest and least privileged of those South Africans seeking tertiary education. This is not the central question, in that it does not address the nature of the education at these institutions,

the isolation of the campuses or other important matters. However, it is an enabling factor without which other issues cannot fully come into play.

FACILITIES AND INFRASTRUCTURE

Facilities and infrastructure are perhaps the most obvious spheres of possible redress. Buildings, library holdings, computer access, laboratories and the like are relatively easy to measure and count, and inequalities in provision are obvious. Questions about the provision of facilities and infrastructure can be asked about many areas: for example, library and information facilities; student accommodation; laboratories and other teaching and research environments; and motor vehicles – especially important where there is a need to mitigate the effects of rural isolation. This section discusses library and information services and student accommodation.

There have been considerable successes in terms of access for staff and students to information. Modern technology has enabled isolated institutions such as Zululand and Fort Hare to overcome some of the difficulties of their remote situations. And both universities have made good use of modern information technology, for example utilising aid schemes to access current and past full-text scholarly articles. This has eliminated one of the greatest difficulties in the provision of library services (more extreme in other African countries than it has been even in the most deprived South African institutions, however): the existence – as it once seemed, forever – of long gaps in the runs of scholarly journals. There is now no reason why scholars at Zululand or Fort Hare should not be abreast of literature in their disciplines, or why students should not be exposed to key articles in their fields of study. In addition, in both universities there is a growing provision of computer access for students as well as for staff, with all the possibilities that this offers. At the University of Zululand, it is a matter of pride that all lecturers have at last got access to online computer facilities in their offices. This is certainly worth celebrating but is also an indication of how recent and, perhaps, how tenuous such achievements may still be.

At both institutions, the situation with regard to book purchases is less satisfactory, though improving. In some recent years there was no book-buying budget, forcing the libraries to rely on ad hoc aid schemes from abroad that could not be relied upon to continue; or, at worst, on unmanageable and ill-advised donations of often unsuitable books from Western sources.

The budgets for buying books, though low, are now rising once again at both universities. At Fort Hare at least there is also a programme of upgrading library staff skills. For several years, individuals have been sent to library schools in South Africa and outside the country to study at levels up to that of a postgraduate degree.

There are, however, worrying trends, not wholly the responsibility of the libraries concerned, related to the recording and preservation of knowledge. At Zululand still, and at Fort Hare until recently, the records of the universities themselves are in a serious state of neglect and disorganisation. In the case of Fort Hare, this is in spite of the university's being the repository of important collections of documents from the various liberation movements, and of the archives of major figures of isiXhosa scholarship and literature such as AC Jordan and SEK Mqhayi (Morrow & Gxabalashe 2000). One can ask how well grounded ideas of redress may be in such institutions when over many years so little concern is shown about the documentation that could and should be the basis for a considered view of their own past.

One of the most intractable issues that these universities have to deal with is physical infrastructure. In the words of the University of Zululand vice-chancellor, 'what I want to underline is infrastructure; this place is horrible, laboratory areas are a disaster'.⁶ A critical area is student accommodation. This is insufficient and, with a few exceptions, of very poor quality, and the infrastructure to service it inadequate. Fort Hare has some older buildings which, ill-maintained and even unsafe though they often are,⁷ were at least constructed on a human scale. However, most of the residences at both institutions, built in the apartheid period, are similar to the urban or mine hostels of the day. One senior Fort Hare administrator summed up the condescension and contempt that these buildings represent. To those who designed them, he said, they were considered 'better than the shacks they come from'. How, he asked, could people be expected to take pride in their environment in such conditions?⁸

The inadequacy of most of this housing stock is made worse by the fact that the main rural campuses of these universities are nearly entirely residential. This is a direct result of apartheid policy and indeed of the more long-standing legacy that insisted that African students be educated in rural areas, thereby making it nearly impossible for them to live off campus where housing, generally without electricity or running water, would have been

entirely unsuitable for students. Some experiments in having students live off campus have proved disastrous, with cases of robbery and the rape of some female students. Yet the fact is that the University of Zululand, for example, with rooms for 2 900 students had 8 600 students in 2006, perhaps more. 'We do not want to throw them out into the woods,' said a senior administrator, 'so we double them up which is a health hazard.'⁹ Water, electricity and sewerage systems come under pressure, security becomes problematic, and privacy and an appropriate environment for reading and study become impossible. The temporary closure of the university in 2006 and the sending of students home for some days was due to protests about accommodation. While there may well have been other issues at play as well, it is difficult to see what steps the university authorities can take to solve the issue in the short term. Housing conditions are certainly a genuine and persistent grievance.

Money cannot solve everything, and it can of course be misspent and misused. Certainly, if the future existence of these institutions were in doubt, then it would be unwise to spend money on new infrastructure. However, with the survival of Fort Hare and Zululand now seeming assured, as is that of similar institutions, albeit in a merged form for some, the question of redress funding, or 'recapitalisation' in Department of Education terms, is clearly on the agenda. However, in the words of the chief financial officer of Fort Hare, 'it has not come'. The question is why, in the circumstances, this is so.

LOCATION AND LANGUAGE

HDIs were set up in rural areas, and the term 'bush colleges' by which they were often known has many political and social resonances. The rurality of such institutions long predates the apartheid period, and indeed it is no accident that Fort Hare, founded in 1916 but itself owing its existence to as much as a century of previous missionary activity, was far from urban settlements. To many missionaries during this period, Africans were essentially rural and 'tribal', and the ideal was that of a hierarchical society where traditional leaders would preside over a gradually modernising community, but preserving the class and gender distinctions of a Christianised peasant society. This vision of social stability was increasingly at odds with headlong industrialisation, migration and the environmental decline of overcrowded reserves. The more alert commentators were well aware of this. This vision was none the less utilised in the interests of the apartheid homelands policy, of which HDIs

were a part. These were essentially colleges to train homeland civil servants and were not intended to focus on the leading sectors in the South African economy. Research and high-level scholarly activity were marginal.

The place of agriculture as an academic discipline illustrates some of the thinking that formed the HDIs. As already noted, Africans were envisioned in segregationist and apartheid thinking as essentially rural, and this is the background against which this key discipline should be seen. At both Fort Hare and Zululand, faculties of agriculture were amongst the most apparently successful and best staffed. However, at their heart lay a revealing contradiction: they trained students in modern agriculture, but there was nowhere for the graduates to go as productive farmers since they were denied access to the country's land. They were taken up by the homeland administrations as agricultural advisors, spending their professional lives in advising the inhabitants of rural areas in deep and prolonged crisis on issues in modern agriculture. What are the implications for redress of this ambivalent legacy?

The ambivalence continues, and in terms rather similar to those of the historical debate, though seldom informed by them. On the one hand, the discourse of 'development' tends to emphasise the problems of cultivators in the 'communal areas' (the post-apartheid synonym – perhaps euphemism – for the homelands, previously reserves). Founded in 1976, the Agricultural and Rural Development Research Institute (ARDRI) at Fort Hare, continues to operate, for example. It was 'designed to serve all black developing areas in South Africa, Transkei and Bophuthatswana', these last two being the only homelands that had reached 'independence' at that time (University of Fort Hare 1979: A40). ARDRI's logo represented this philosophy graphically: on a map of South Africa, lines emanating from Fort Hare point to the different homelands and black self-governing territories. The current approach does not perhaps differ greatly, and in agriculture as in various other areas there is at least a verbal commitment to the development of the rural areas around the universities of Zululand and Fort Hare. Redress in this context, then, tends to be seen as using the resources of the university to uplift the poor of ex-Ciskei and ex-KwaZulu, sometimes in quite specific terms, as when the University of Zululand's chief finance officer stresses the relationship with the local Mkhwanazi clan, saying that 'we still believe that our heart and soul is in the rural area'.¹⁰

However, there is another 'development' discourse, rooted in the philosophy of free market industrialisation characteristic of contemporary South Africa. In the case of both universities, this is embodied in their relationships with the nearest urban and industrial centres. Interestingly, these relationships are not with the townships that could be seen as the urban equivalents of their rural campuses (Zululand indeed has been obliged to divest itself of its Umlazi campus near Durban) but rather with the centres of Richards Bay and East London. In Richards Bay, a port and industrial centre on the KwaZulu-Natal north coast, the University of Zululand has an outpost that it intends to transform into a fully fledged campus; and in East London Fort Hare has incorporated the campus that was previously part of Rhodes University. The talk is now increasingly of Billiton and DaimlerChrysler rather than rural co-operatives and animal traction. Though the implications of these new developments are still working themselves out, it would seem that Fort Hare's centre of gravity, already becoming more urban with the growth of the Bisho campus, is now perhaps becoming decisively so with the acquisition of this new campus in the Eastern Cape's second-largest city. The faculties of education and law, and accountancy training, for instance, are moving to East London. The University of Zululand, navigating what it might mean to be a 'comprehensive institution', as it has been designated, is planning to move business, accountancy and law to Richards Bay.

It could be argued that there is no necessary conflict between the two orientations (although they are in tension at times), and that these institutions can commit themselves both to a rural developmental role and to the modern urban economy. An argument can certainly be made that these strategies serve redress in different ways, but it may be difficult to follow both paths. Moreover, it may be that if these universities are to commit themselves to the rural poor, they will have to make a conscious decision to resist powerful socio-economic forces that appear to make an urban, technical, high-skills orientation logical. If Fort Hare and Zululand could reinvent themselves as flourishing universities deeply enmeshed in rural life, helping to pull their areas into self-sustaining prosperity, which is presumably what a developmental university in a poor rural area would be intended to do, they would have achieved something unprecedented in South African higher education. That this would be unique does not necessarily mean that it is impossible. However, it would be a major challenge that would require the concentrated political will, physical and

financial resources and intellectual energy and imagination of the universities and the surrounding communities. Looking back at similar initiatives over the years, it is an open question whether this would be successful.

The option of a more urban-oriented approach is also challenging, as it represents a completely new path for universities whose origins are in the impoverished ex-homelands and ex-reserves. In the end, however, this could be more in tune with the logic of South Africa's actual development path. The outcome is still open to debate.

It could be argued that Rhodes University in the small Eastern Cape town of Grahamstown, or the Potchefstroom campus of North West University, once Potchefstroom University for Christian Higher Education, have flourished in rural and small-town environments. However, neither of these institutions is located in the impoverished ex-homelands, and neither includes agriculture amongst its faculties. Until quite recently, Rhodes and Potchefstroom would undoubtedly have been considered the most conservative institutions in their respective linguistic spheres. While there has always been involvement by some departments and individuals with rural poverty and development, overall these institutions are emerging from cocoons of romantic and conservative pseudo-rurality, with students – almost all white until the 1990s – isolated and protected from the social and political temptations of urban life. They have not been engaged daily with the realities of black rural poverty, and are hardly a realistic model for institutions such as the universities of Fort Hare and Zululand.

What does redress mean in the context of language? The South African situation is contradictory and ironical: the English of people educated in mission schools before Bantu Education took hold is widely admired and appreciated. Bantu Education stressed indigenous African languages, and also Afrikaans, which is a South African but not a 'Bantu' indigenous language. The liberation movements in exile tended to stress the importance of English, as a common medium for a displaced South African population speaking various languages, as an international language, and as an alternative to the discredited Afrikaans and also to other African indigenous languages tarred with the brush of the ethnicising policies of the National Party government. The scholarly consensus is that education in the home language of the learner for the first few years of schooling is the correct procedure, with

gradual introduction of the lingua franca (Alexander 2005; Heugh undated). Contemporary policy, which regards African languages as having escaped from the taint of apartheid, once more stresses the eleven official languages. In the field of education, public opinion, as reflected for instance in the South African Social Attitudes Survey, seems less convinced by this (Kivilu & Morrow 2006).

Officially, the two universities are in favour of English. Education is in English, and the poor grasp of this language by incoming students is cause for considerable anxiety. To the extent that resources allow, formal efforts are made to improve the English of these students when they enter the institutions, and both universities have appointed academics whose task this is. Interestingly, given the assumption that the University of Zululand has been heavily imbued with a Zulu ethnic identity, the stress on English is particularly strong at this institution. This is perhaps in reaction to the strong element of Zulu cultural assertion with which the university has tended to be identified. Senior management emphatically oppose the use of Zulu in teaching. At Fort Hare, the incorporation of the ex-Rhodes University East London campus with its heterogeneous student population, and the presence of increasing numbers of students from other parts of Africa at all campuses, has emphasised its commitment to English.

However, there are formal and informal counter-currents. Some isiZulu- and isiXhosa-speaking lecturers use their own languages widely in class. The increasing number of foreign students, and South African students who speak little or perhaps no isiZulu or isiXhosa, find themselves linguistically isolated in such a teaching and learning situation. Their objection is not that assistance is given to students in their own language in informal contexts, but rather to teaching in languages other than English in the formal lecture or seminar room environment. Management agrees: as well as isolating, alienating and failing to educate the speakers of other languages, this they say does not serve the real interests even of isiZulu- or isiXhosa-speakers. The reasons for the phenomenon are embedded in history: the English of some lecturers, themselves products of the Bantu Education system or of the schools that still suffer from its aftermath, is not good, and they find it easier to teach in their own language. This was also true of many Afrikaans-speaking lecturers in the apartheid period. As HDIs increasingly open themselves to other communities within and outside South Africa, and especially to students from, for example,

Botswana, Zimbabwe, Kenya and elsewhere, the inadequacies of this approach become increasingly apparent.

There is also a counter-current based on a particular form of commitment to the African languages in question. At the University of Zululand, for example, the Department of Zulu allows and indeed encourages postgraduate students to write their theses in isiZulu. It is not expected that these theses will be made available in English, the argument being that isiZulu is a South African language on a par with any other official language. The question is: what does redress mean in such circumstances? Is it about liberating and building African languages, or is it about encouraging and promoting access to a major international language? Are these two compatible?

REDRESS IN HIGHER EDUCATION

What does all this mean for race and redress in higher education? How might the malign legacy of apartheid be further overcome, while recognising that it is difficult and indeed inadvisable to decree rapid change in institutions that are by nature conservative, and easily damaged by ill-considered and hasty interventions? The mergers and incorporations of higher education institutions created a new academic geography in South Africa (Jansen 2003). Clearly this must be given time to bed down. A real danger is that where previously white and black institutions have combined, old divisions may simply continue under one management, resulting in a predominantly black underprivileged campus and a more privileged middle-class multiracial one. Fort Hare, whose weight of numbers and historical heart are in the small town of Alice, is struggling with the problem of maintaining standards of provision at the East London campus taken over from Rhodes University, while trying to reduce the gap with the less well-equipped and maintained Alice campus. From a position of far greater strength, the University of Pretoria has had difficulties in absorbing the Mamelodi campus of Vista University, and the situation is similar with mergers and incorporations in other universities and technikons.

Fees are the other aspect of this dilemma. For all their inadequacies, one crucial feature of the black universities has been that they charged low fees, thus enabling those children of the poor who gained the necessary academic qualifications to attend them, although the children of the very poor have

never had much prospect of attending any university. The difficulty is that truly to merge universities with different backgrounds it will be necessary either to bring students together in programmes that are available at the various campuses or to devote particular campuses to different faculties which the full range of students attend. In both cases a precondition, however, is that students should be admitted with the same levels of qualification, or should be brought to the same level once admitted, and should pay the same fees. This is a difficult problem: it is unlikely that the new, merged, universities will lower the admission levels of the academically stronger component, levelling them downwards to those of the formerly black institution. For these reasons alone, there is the possibility that what was no doubt intended as a measure to equalise higher education could end up further marginalising the largely-black poor, excluding them on grounds of inferior qualifications and inability to pay. This would be an ironic result for an apparently democratising initiative.

The answer to the question of entry qualifications lies at two levels. One is that of overcoming the legacy of Bantu and homeland education departments, and radically improving the quality and therefore the matriculation results of the mass of what are effectively still black schools. Though central to the agenda of the national and provincial departments of education and other agencies, this is such an enormous, long-term and multifaceted task that it is not likely to have an immediate effect. On another and possibly more manageable level, there is the question of what the universities can do immediately to assist the potential entrants coming through the system. This requires work to bring underprepared young people up to an acceptable standard. There are already many initiatives to do just this, including at the universities of Zululand and Fort Hare. Ironically, however, the more privileged institutions are generally in a better position to provide such programmes, as they are wealthier and the pressure of large numbers of underqualified entrants does not press on them so intensely. Though government funds are available for upgrading in mathematics and the sciences, currently there is not a comprehensive funding programme of this sort covering all disciplinary areas. Funding is therefore obtained, where possible, from non-governmental sources, or is simply a cost that the universities bear from their own resources. In short, the poorest institutions, with the lowest entrance requirements and the greatest need for student upgrading, obtain very little assistance in this vital work.

As discussed earlier, a further dimension is that of the National Student Financial Aid Scheme, the direct student support mechanism. This large programme has enabled many thousands of students to attend university. The poorer third-level institutions complain that this assistance goes directly to students rather than to those enrolled in particular institutions. The effect therefore is to support students wherever they may enrol, and not specifically to support poorer institutions.

Most would agree that the choice of where a student should enrol should rightly, as far as possible, be in the hands of the students themselves, and this right is certainly undermined if the financial means to realise it is limited. However, the fact remains that financial aid for students has not worked in any major way to the advantage of the less privileged institutions, though students at these institutions do, as elsewhere, benefit from this scheme.

DEFINING THE FUTURE ROLES OF HDIS

Who, then, are the winners and losers, in terms of race and redress? The winners are undoubtedly the middle classes, and particularly the black middle classes, as seems to be the case throughout the education system (see, for instance, Chisholm 2004). This is closely linked to the question of schooling, as is clear from Linda Chisholm's chapter in this volume. Those who can afford to do so send their children to schools where they are more likely to succeed academically. Particular schools can indeed be overtly or covertly racist, and there are sometimes objectionable cultural assumptions, but academic schooling is not an alien concept for ambitious black South Africans. Romantic nativism rarely plays a role in actual decisions about education. Thus black middle-class students who have largely been through previously white schools flock to previously white institutions of higher education, joining young people of other races and the many elite black students from other African countries; or, in the case of wealthier countries like Botswana, state-funded students for whom there are insufficient places in local tertiary institutions. This is an important dimension of South Africa's influence in contemporary Africa, and demonstrates that the winners are not all South Africans.

Who are the losers? Mainly, those who have always lost: the children of the urban and rural poor who go to underachieving schools, drop out early, fail

examinations, or become pregnant. In short, they are those who suffer under the myriad disadvantages linked to poverty. They have rarely made it into higher education of any kind. This remains the case.

The formerly black universities play an interesting role in this context, which parallels and is connected to that of secondary schooling. Their admission criteria are lower than those of the historically white institutions, and students from relatively deprived schools tend to get poor academic results. As Professor Sibaya of the University of Zululand puts it: 'We pretend as if we do not know what happens in our traditionally black schools.'¹¹ Previously, black students were virtually obliged to go to homeland universities. Now, this is not so, but the mutually reinforcing cycle of poverty and academic weakness continues, with the added dimension that the most potentially successful students are unlikely to apply to them. Most South African students at these institutions come not simply from the province where the institution is situated, but from its immediate area – from northern KwaZulu-Natal in the case of the University of Zululand, and from the ex-Ciskei and Border area in the case of Fort Hare, for example. Previously, this ethnic exclusivity was enforced by government order; now it continues for socio-economic reasons, arguably to the detriment of the wider horizons that tertiary level education is meant to open up to its beneficiaries. This contrasts with the wide-ranging national and continental intake of many previously white institutions today, and indeed of Fort Hare before 1960, when students from all over South Africa and southern and eastern Africa attended the institution (Jordan 1980).

With some interesting exceptions, the movement of black students is almost entirely from the direction of black to previously white, and to a lesser extent Indian and coloured institutions. Though all ex-white universities now have numerous black students, very few whites and others attend black institutions. There are exceptions that seem to demonstrate that when an academic area is perceived to be of high quality students of all races will be attracted. Thus the resistance by whites to black institutions may be based not on objections to the predominantly black environment as such, but rather on the perception that the quality of the education on offer is inferior. For example, at the University of Zululand the Department of Sports Science has an excellent reputation and a large number of white students. There may be different motivations for the measurable number of students of Indian background now also attending this university. According to officials, this is

because the University of Zululand is more affordable than the University of KwaZulu-Natal, the obvious alternative. However, in 2006 not one of these Indian students lived in the student residences, which is not surprising when their disrepair and overcrowding is considered.¹²

When Fort Hare took over what used to be the East London Rhodes University campus, it inherited a substantial body of white students. It is anxious to keep this racial mix, though there has been a decline in the intake of white students since the takeover. It is difficult to say whether this is due to possible white perceptions of Fort Hare, or is part of the increase in black students at institutions generally. It is probably due to both.

We can say, then, that HDIs like the University of Zululand and Fort Hare play a part in providing personnel for the South African economy, and in building a black middle class. It seems to be a subsidiary role on the whole, though, with graduates, depending on their area of study, often experiencing a period of unemployment before finding a job, and generally, although not always, obtaining quite humble jobs. These at least seem to be some of the preliminary findings of the HSRC's *Student Pathways Studies* (Letseka forthcoming). Perhaps it can be said that the HDIs are playing a role in reproducing the lower middle class.

To sum up: higher education in general, and the universities of Fort Hare and Zululand in particular, have not precisely overcome the inheritance of apartheid. The lineaments of a society divided by race and class appear plainly still. This is not surprising. The more interesting question is in what ways this inheritance may have mutated in recent years. By and large, these universities still have a black student intake. However, in class terms the intake has for the most part moved down the social scale, with the black middle class now, as in the school sector, moving to the ex-white institutions, leaving the HDIs populated with students from poorer and less advantaged backgrounds. There are, even so, indications that students of all races and classes will be attracted where quality and value are perceived to exist.

What options does this imply for the universities of Fort Hare and Zululand, and similar institutions? It is not clear what the University of Zululand's designation as a 'comprehensive institution' means, and university officials say that they are attempting to define it and give it content as they proceed. The University of Fort Hare sees itself as a distinctive African university,

emphasizing its illustrious historical legacy as a basis for promoting leadership in contemporary South Africa. Neither approach helps much in defining real future roles. As has been seen, with important exceptions in the case of particular research and teaching areas, the two universities are already playing a subsidiary part in higher education seen as a system of advanced research and studies. That is, whatever their designation, they fulfil a community college-like role. This is honourable and useful and ought to be relevant to all racial groups. A clearer recognition and definition of this role, and adequate funding to enable such institutions to undertake it effectively, with at the same time a rigorous identification of the limited areas of real strength in research and teaching and the funding to enable them to flourish, might be the most helpful and realistic approach.

Acknowledgement

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Notes

- 1 For an overview of South African higher education that includes a short section on HDIs, see Jansen 2004a.
- 2 At this point we are not considering the millions who for financial or academic reasons never attend any institution of higher education whatsoever.
- 3 For a striking case see Habib (2001) on the University of the Transkei.
- 4 See, for example, Hemson (2006).
- 5 For a recent reflection on the nature of nationalism, see Chipkin 2007.
- 6 Interview with Prof. Rachel Gumbi, vice-chancellor and rector, University of Zululand, 7 June 2006. (conducted by Seán Morrow and Ndaba Mzelemu.)
- 7 In July 2006 one of the historic men's residences burnt to the ground in a matter of minutes.
- 8 Interview with Mr Clint Ramoo, chief financial officer, University of Fort Hare, 21 July 2006. (conducted by Seán Morrow.)
- 9 Interview with Mr Mandla Hlongwane, dean of students, University of Zululand, 6 June 2006.
- 10 Interview with Mr Selva Govindsamy, chief financial officer, University of Zululand, 5 June 2006.

- 11 Interview with Prof. Patrick Sibaya, vice-rector, University of Zululand, 7 June 2006.
- 12 Interview with Mr Mandla Hlongwane, dean of students, University of Zululand, 6 June 2006.

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Additional interviews

- Interviews at the University of Zululand were conducted by Seán Morrow and Ndaba Mzelemu. Interviews at the University of Fort Hare were conducted by Seán Morrow.
- Dr John Boughey, director, Academic Development, University of Zululand, 7 June 2006.
- Prof. Andrew Gilbert, dean of research, University of Fort Hare, 20 July 2006.
- Prof. TAP Gumbi, asst. vice-rector, Research and Community Outreach, University of Zululand, 6 June 2006.
- Mr Sisho Maphisa, registrar, University of Zululand, 7 June 2006.
- Lulama Ngalo-Morrison, dean of students, University of Fort Hare, 20 July 2006.
- Prof. Patrick Osode, dean of law, University of Fort Hare, 22 July 2006.
- Mr Melikhaya Pikini, president, Students' Representative Council, University of Fort Hare, 20 July 2006.
- Prof. Jan Raats, dean of science and agriculture, University of Fort Hare, 19 July 2006.
- Mr Bob Sixaba, director of housing, University of Fort Hare, 20 July 2006.
- Ms Yoliswa Soul, university librarian, University of Fort Hare, 19 July 2006.
- Ms Laila Vahed, university librarian, University of Zululand, 6 June 2006.
- Ms Nwabisa 'Vocksie' Vokwana, manager, East London Campus, University of Fort Hare, 22 July 2006.

11 **SPORT FOR ALL? EXPLORING THE BOUNDARIES OF SPORT AND CITIZENSHIP IN 'LIBERATED' SOUTH AFRICA**

Ashwin Desai and Dhevarsha Ramjetan

It is well known that apartheid was predicated on a state that constructed and imposed racial identity and had as its spine the privileging of white people. This privileging ran through all aspects of life from the granting of the franchise to the amount of money spent on education and sport.

The birth of a non-racial franchise in 1994 marked the start of an attempt to build a 'rainbow nation' that was predicated on a common identity of South Africanism. This project was best summed up by a comment made by Massimo d'Azeglio in 1870 in the context of the political unification of Italy: 'We have made Italy, now we have to make Italians' (D'Azeglio cited in Hobsbawm 1996: 257). In South Africa, given the history of apartheid, the making of South Africans is not a process of simply developing a national consciousness but is also overlaid with policies of redress designed to confront the legacy of the past.

This chapter looks at the role of the law as it pertains to redress in post-apartheid South Africa and the implications for sport and transformation. This focus provides insights into the impact that legislation has had on the nation-building process and how the law gives shape to the transformation agenda in sport. What is argued is that the law and policy privileges racial rather than class affirmation. The net effect of this is a focus on quotas and political interventions at the level of the national teams. This has been beneficial to the middle and upper strata of society. However, the black poor have not been particularly advantaged. The final part of the chapter looks at the longer-term implications of the project of racial redress in sport.

PLAYING SPORT, TRANSFORMING SOCIETY

Any discussion of sport and national identity, sport and who benefits, sport and globalisation in South Africa has to contend first with the way the state has attempted to redress past inequalities, especially the manner in which it has approached racial redress. The starting point for such a discussion would be to understand the operation of the tool that the state, above all others, uses to achieve its aims. This tool of execution and reinforcement of state policies is, of course, the law. Sport, however, up until now at least, has been regulated by policy rather than law (although the government is in the process of drawing up legislation to regulate transformation of sport). Witness the chairperson of the parliamentary Portfolio Committee on Sport, Butana Khompela: 'If the rugby team go to France (for the World Cup) after the President (Mbeki) has signed the Sport Amendment Bill into law (sic), that team will have to conform to the Act. If not they will be in contravention of the Act.'¹

Policies meanwhile have legal effect to the extent that some statute or common-law principle enables such a policy to be enforced. The art of government is to resort to the law only infrequently: consent is to be obtained, manufactured and, as a last resort, enforced by law or by violence. The general absence of laws prescribing racial transformation in various sporting codes is a function of two factors. First, the legitimacy of the new state among white people has been actively sought on the basis of fairly relaxed and incremental policies of redress for which their consent or buy-in was important. Second, as it becomes clear that meaningful transformation of the economic base of South African society is not occurring except for the dramatic enlargement of the conspicuous black elite, the state is increasingly inclined to seek and provide symbolic, discursive victories to its electorate in the terrain of social change.

One must also properly appreciate the kinds of argument made in support of – or against – certain policies of transformation in sport in South Africa. The discussion on transformation in sport is bedevilled by a certain instinct to portray arguments for a particular selection policy as being good (or bad) for the sport in and of itself. In other words, both proponents and opponents of particular transformation policies attempt to cast their arguments within the logic of the development, success and performance of particular sporting codes and particular sports teams. In this way, we are told, for example, that the Southern Spears must be franchised to the Super 14 to aid development of

rugby among the enthusiastic African population in the Eastern Cape. Or we are advised that quotas will compromise the performance of national teams and interfere with the marketing and branding of various profit-driven events to the detriment of the sport.

However, it is necessary to step back from the sporting code as a unit of analysis and consider the effects on the wider South African society of various policies and practices in composing sports teams. This is the effect of particular policies and discourses of transformation on a fairly embryonic nation, riven by race, class, linguistic and cultural divisions but whose inhabitants also share a certain common identity and destiny beyond mere geography. To persist in analysing the effects of transformation on the performance of a particular team or the prospects of a particular sporting code will only be useful, in terms of this chapter, to the extent that the decisions taken that compromise or enhance performance or development have an influence on national identity and the ideas that underpin it. Principally, these are the notions that all citizens are equal and have an inherent dignity that must be respected by virtue of their common citizenship and humanity.

It is also necessary to acknowledge that the arguments presented for or against certain policies are not value neutral. Claims that certain approaches will, almost as a matter of science or logic, lead to better sporting outcomes are speculation at best. The law of unintended consequences is powerful and operates no less in the sporting domain than it did when two of President Nixon's aides broke into the Watergate building. So, pushing through the racial transformation of teams may just as easily foster a multiracial national identity as undermine it. There is simply no reliable way of telling how or why actions we take today will affect the subjectivities of future generations. In other words, policy decisions flow from value judgements made in the present context informed by personal, group and political outlooks, interests and understandings. Claims to objectivity are, more often than not, argumentative ruses used to cloak the impulse to achieve a particular aim.

Since debates about transformation are all conducted from the vantage point of values, the best possible vantage point from which to interrogate the various claims is from the only set of values that may be deemed to have some objectivity, some legitimate social normativity. We are talking, of course, about the law. Transformation debates in sport are, in essence, about

the fundamental legal concept – equality – and when it may be deviated from to effect redress, and to right the wrongs of the past. Transformation debates are about rights of citizenship and how the various groupings in our country, once ‘they’ are defined in some way, measure up to each other when competing for resources, positions or jobs. Transformation debates also are about dignity and how the ultimate worth of a person is valued in public discourse and public policy. How do we redress past indignities without creating new ones? How do we engender a common national identity without disallowing space for contestation and power play by contending groups within our society?

All these questions have, to some extent, been answered by the courts already. This has been done in a fairly theoretical way and in contexts outside of sports policy. The courts have only haltingly come to certain positions, on a case-by-case basis. Every now and again, a landmark ruling is given that fundamentally changes our sense of right and entitlement in law. But the general principles that are coming to be enunciated, after 11 years of Constitutional Court and labour law jurisprudence, are fairly settled now. This is especially after the seminal *Van Heerden v Speaker of the Parliament of South Africa and Others* matter that was decided in the Constitutional Court in 2004, and which is discussed in detail below.²

LAW, IDENTITY AND REDRESS

This section of the chapter explores the legal (but avoids the legalistic) answers the courts have provided on questions of to whom redress is available, at what cost to those not qualifying for redress and, whether or when we may think of other citizens, in matters of social policy, as being members of racial groups – a basis for social policy that was supposed to be part of the discriminatory nomenclature of the apartheid past. A focus on law is therefore not only warranted; it is essential. All other debates have no final arbiter and, while they may be of some force and effect, the positions adopted in these arguments may, if they deviate from the norms set down in and as law, be suppressed. For it is the values, right or wrong, that are encapsulated in the judgments of courts that may inform, if there is the political will to do so, the legitimate use of force to bring them about. It is thus only really the values expressed in this field that may claim, as long as the legal system that underpins them remains in place, the force of both objectivity and, in a democratic society, legitimacy.

Section 9(1) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) provides that all are equal before the law and have the right to equal protection and benefit of the law. Section 9(2) outlines steps that may be taken to protect or advance persons or categories of persons disadvantaged by unfair discrimination. Section 9(3) and (4) provides that neither the state nor any other person may unfairly discriminate directly or indirectly against anyone on various stipulated grounds such as race, gender, sex, age, disability, culture, and so forth. Section 9(5) imposes a presumption that differential treatment on one or more of the listed grounds is unfair unless it is established that such discrimination is fair.

By introducing the concept of ‘fair discrimination’ and preventing only ‘unfair discrimination’, the prevailing legal orthodoxy for years has been that measures such as affirmative action are instances of fair discrimination enabled by section 9(2), and are *designed to advance* the previously disadvantaged. Since these are instances of discrimination, they must be strictly circumscribed and justified in terms of section 9(5).

In other words, despite the general rule that all shall be equal and treated equally, it is not necessarily unfair to discriminate in favour of persons who are members of groups previously disadvantaged. It is in terms of section 9(2) that affirmative action in the labour market, quotas in universities and preferential provisioning of black economic empowerment (BEE) companies has, up until a short while ago, been legally justified.

It was, so the argument went, a legitimate and fair form of discrimination against the previously advantaged – coyly referred to as ‘non-designated groups’ in the Employment Equity Act (EEA) (No. 55 of 1998) – to prefer suitably qualified but less experienced and less able candidates from ‘designated groups’. In business, the lowest tender obtained for public work also did not necessarily get government contracts: a premium would be paid for the services of black-owned companies. These preferences were legitimate deviations from the general rule to treat all persons equally in South Africa.

This understanding of steps taken to achieve transformation has been dominant in sporting debates. On the one hand, some accuse coaches and administrators of discriminating against black players by not selecting them when they are, actually, performing well enough to be selected. This argument sees a violation of the rights to equality in the non-selection of black players because their non-

selection is based on racism and thus discrimination. The manner in which Breyton Paulse was treated in his early career, or Makhaya Ntini and Herschelle Gibbs at the beginning and mid-points of their careers, is exemplary of this point. There is no question that such a form of discrimination is antithetical to the section 9(1) right to equality of such citizens and is unlawful. Affirmative action does not come into play here at all. Instead, debates concern how coaches stream and select players and are perhaps captive of prejudices against players of colour who have obvious merit.

As far as affirmative action is concerned, on the other hand, some players and fans dispute how much less proficient a player of colour may be than the nearest white team member still legitimately to qualify for selection above the white player in order to achieve redress. In terms of this argument, and assuming that a particular black player is not as meritorious as their nearest white counterpart, it is debatable exactly how preference is to be given – in order to allow such a player an opportunity which neither that player nor members of the same racial group enjoyed in the past – without so stretching notions of ‘equality’ that a common citizenship between the white and black player can no longer be imagined. The manner in which Akona Ndungane has been selected for Springbok duty is exemplary of this dispute. In a nutshell, how much less proficient than the nearest white contender does a black player have to be before their preference over better players is no longer justifiable, legally, politically and socially?

It is this second form of discrimination, not against black people but in their favour, that has vexed the debate on transformation in South Africa. Assuming that to sponsor transformation one gives preference to black players in some manner, how much inequality can one legitimately and lawfully countenance accruing to whites, under the auspices of affirmative action, in order to achieve redress? The answer to this has obvious implications for the imagining of a multiracial, national identity. Proponents of quotas in sports teams would suggest as much as is necessary to achieve targets of representation, despite the availability of far more suitable talent from over-represented groups. Those in favour of a case-by-case (or team-by-team) approach would see the need for a contextual assessment every time a team is selected and would countenance an all-white team in circumstances where there are no available black players already in the ‘zone of excellence’ that is required.

What underpins the second debate is an understanding (and grudging acceptance) that affirmative action is a species of discrimination, albeit a fair and lawful one. In accordance with case law applicable at the time, especially labour law cases, such a violation of the right to equality is permissible as long as it is narrowly circumscribed, proportional to its aims and performed in terms of a specific policy designed to achieve those ends, such as an employment equity plan.

Interestingly, before the promulgation of the EEA, when the anti-discrimination provisions of labour law were still to be found in Schedule VII of the Labour Relations Act (No. 55 of 1995), affirmative action was available both to persons who were disadvantaged by past discrimination and to those who were merely members of groups previously disadvantaged. When these anti-discrimination sections were transplanted to the EEA, all references to personal discrimination were removed. In other words, while the LRA envisaged claims being founded both on personal discrimination (the effect of discrimination on a person's body) and on discrimination against the racial group of which one was a member (the effect of discrimination on the skin of a person), the EEA only preserved the wider claim of skin over that of body.

In an interesting recent controversy, the ANC's parliamentary sports caucus heavily criticised the non-selection of Luke Watson, a white rugby player from a privileged background, for Springbok trials. Apart from disputing the rugby merits and demerits of this player, arguments were also advanced that Luke Watson was not in favour with the national coach and certain selectors owing to his father, Cheeky Watson's, close association with the ANC both now and in the past. Watson the elder had after all 'embarrassingly' renounced possible Springbok selection during the heyday of apartheid in favour of participating in non-racial sport. Of course, if this was the rationale for Luke Watson's not being selected, it becomes an act of unfair *discrimination against* outlawed by the EEA. Whether white or black, Watson is entitled not to be unfairly discriminated against.

However, some authors on this issue within the ANC camp went so far as to suggest that, because he hailed from a progressive family, Watson was moreover entitled to permissible positive discrimination. The ANC Premier of the Western Cape, Ebrahim Rasool (where Luke plays his rugby), called him 'black' and therefore entitled to preference over white players. This argument

has no basis whatsoever in law but the fact that it could even be flighted and find substantial resonance in the common sense of many intelligent people reveals something interesting about popular notions of what affirmative action is meant to achieve. This is not so much enabling previously disadvantaged persons or groups to progress further along the economic road that was denied them under apartheid, but rather for members of a particular political persuasion to achieve ascendancy over those previously distributing symbolic capital.

It cannot be read from this case that Luke Watson's father's sacrifices define Luke as black, and that therefore this potentially heralds a shift from the strict apartheid categories used by the ANC government. Luke Watson's case is an aberration and the dominant way of defining disadvantage, as will be shown in this chapter, continues to be race.

The removal of the category of evaluation of personal disadvantage in the unfair labour practise definition of the LRA with the latter's move to the EEA may not seem a significant excision. However, if one considers circumstances where 2 black candidates are competing against a white candidate for a job and the white candidate scores, say, 78 in the interview, the 1 black candidate from a wealthy background scores 77 and the other black candidate from an impoverished background scores 76, then if considerations of body *and* skin apply, the black candidate from working class origins will be preferred. However, if only membership of a group is the qualification for affirmative action, then the 'best' black candidate must be chosen. While affirmative action measures are therefore intensively conscious of colour, they are blind to class.

This feature has disturbed many whose sense of fairness and redress extends beyond race and to whom the idea of affirmative action entrenching an already empowered elite is anathema. However, at least in labour law, affirmative action measures are not meant to provide anything other than racial representation, in broad brush-strokes, relying on the essentially still valid equation of blackness with disadvantage. The value of having, for instance, a black face in a crowd of whites at a university has a transformative value in and of itself, even if the black person is a millionaire.

There are procedural problems in using class as the indicator of disadvantage. In processing multiple applications for jobs, it would be difficult if not

unworkable to test for the class backgrounds of black candidates. The logic of the classlessness of affirmative action in the labour market may well not hold in team selection at the top level, where proper investigations into class can be conducted. However, the fact remains, as envisaged in the EEA, that the additional fact of being poor, and so additionally disadvantaged, does not assist a black candidate (nor, for that matter, a white one) applying for a position.

The converse is also true. If, in a particular enterprise, it is decided that the layer of technical staff should be representative of national demographics, affirmative action provisions, as conceived of until around 2007, could not achieve micro-level change department by department. If, for example, a municipality's water meter readers were overwhelmingly white but the gardeners and plumbers and electricians in the same grade were mostly black, then as long as the overall number for the grade in question were racially representative, there was no basis for interference with the odd department out. Once again, affirmative action was a broad brush-stroke and not a fine painter's tool to achieve exactly the right hues all over the social canvas.

In terms of this understanding, it could be argued that if some rugby teams had backlines that were overwhelmingly black and forwards that were overwhelmingly white, that would be fine, without the micro-level social engineering necessary to create 'correct' levels of representation everywhere. Taking this line of argument further, there could be little objection to the water polo section of a putative South African Olympic team being all white in the midst of a generally representative South African squad, as long as directly or indirectly exclusionary practises could not be found to have operated in the manner that team was selected, trained and so forth.

THE SIGNIFICANCE OF VAN HEERDEN IN DEFINING FAIR DISCRIMINATION

In 2004, in the matter of *Van Heerden v Speaker of the Parliament of South Africa and Others*, the Constitutional Court turned this conception of equality on its head. In 2007 the resulting legal upheaval was slowly working its way through the lower courts and is bound to alter significantly our understanding of the entitlements of players of colour and the steps that may be taken to effect redress.

In *Van Heerden v Speaker*, a member of parliament (MP) objected to a provision of Parliament's Pension Fund rules that provided for the topping up of the pensions of black ministers. The rationale for this was that, prior to 1994, black MPs were, by law, prohibited from entering this occupation and consequently, in order to provide them with redress for this past injustice (and modest pension fund savings), a greater contribution would be made to them.

Van Heerden did not dispute the right to redress or affirmative action in general. However, since affirmative action was a form of discrimination against him as a white person and a limitation of his right to equality, it had to be closely justified and achieved in a circumscribed manner. His complaint revolved around the fact that black ministers who had served in the Tricameral Parliament were able to benefit from the top-up as were MPs who would have been far too young to have been considered for the position of MP in 1994 when the applicable discriminatory policies were discontinued. He also questioned why white MPs who, as a matter of conscience or because they were banned or imprisoned by the past regime, could not similarly benefit from the 'positive discrimination'. Since his right to equality was being limited, he argued that the provisions that did so in the Pension Fund rules should be strictly and narrowly interpreted, lest the discrimination move from the zone of fairness into unfairness.

In dispensing with his application, the Constitutional Court made use of the distinction between *formal* and *substantive* equality. It reasoned that formal equality is expressed when one sees the absolutely equal treatment of all persons as the essence of the right to equality. All unequal treatment is necessarily an infringement of the right to equality, according to this view. It may occur, but only as an instance of fair discrimination.

Substantive equality, on the other hand, recognises that historical and political forces have created citizens who have vastly different and unequal circumstances. An average black person walking in the street is not in the same position as the average white person. To simply see the right to equality as an imperative to now treat these two persons, whom history has treated unequally, as being equally entitled to rights and opportunities, would be iniquitous. Those championing notions of substantive equality believe that in order for black people to fully realise their section 9(1) right of equality before the law, they must be afforded redress and affirmation. In other words, there is

no tension between the right to equality in section 9(1) and certain affirmative action measures in section 9(2). One is not necessarily discriminating at all when one provides greater opportunities to the black MPs. One is rather providing black people with the full and proper right to equality they do not enjoy in the first place. It may be said that the right to equality is inclusive of the right to redress, even if distinctions are made between them and others who are not afforded the same redress.

The implications for sports policy are profound. In the first place, measures taken to advance black people are not necessarily to be viewed as acts of discrimination, albeit fair, against whites. Certain instances of differential treatment are nothing other than the provision of equality to black people, which is what section 9(1) demands. Affirmative action does not necessarily have to occur within the framework of 'designed' fair discrimination policies, nor do they have to be tightly circumscribed in order to pass constitutional muster.

The position the Constitutional Court is apparently promoting regarding affirmative action is that it is a necessary embodiment of equality itself. In the *Van Heerden* matter the court further indicated that the measures taken to ensure the full and equal enjoyment of all rights did not necessarily have to be shown to lead to specific outcomes. Rather a less onerous standard of rationality was proposed. Would the measures taken be likely to lead to a redress of a wrong suffered either by that person or the group to which that person belongs?

In the judgment Judge Sachs made the following comments:

Serious measures taken to destroy the caste-like character of our society and to enable people historically held back by patterns of subordination to break through into hitherto excluded terrain, clearly promote equality [s 9(2)], and are not unfair [s 9(3)]. Courts must be reluctant to interfere with such measures, and exercise due restraint when tempted to interpose themselves as arbiters as to whether the measure could have been proceeded with in a better or less onerous way. At the same time, if the measure at issue is manifestly overbalanced in ignoring or trampling on the interest of members of the advantaged section of the community, and gratuitously and flagrantly imposes disproportionate burdens on them, the courts have a

duty to interfere. Given our historical circumstances and the massive inequalities that plague our society, the balance when determining whether a measure promotes equality is fair will be heavily weighted in favour of opening up opportunities for the disadvantaged. That is what promoting equality [s 9(2)] and fairness [s 9(3)] require. Yet some degree of proportionality, based on the particular context and circumstances of each case, can never be ruled out.

It is accepted that the burden for achieving equality would be disproportionately borne by members of advantaged groups and the test accepted by the majority of the court is indicated here:

- 1 Does the measure target persons or categories of person who have been disadvantaged by unfair discrimination? It is not necessary that each and every person who is disadvantaged by the measure falls into this category. If an overwhelming majority of the persons favoured by a measure are persons disadvantaged by unfair past exclusion, this requirement will be met (paragraphs 38–40).
- 2 Is the measure ‘designed to protect or advance such persons or categories of persons’? In order to meet this requirement, the measure must be ‘reasonably capable’ of attaining the desired outcome (paragraph 41).
- 3 Does the measure promote the achievement of equality? In assessing whether this requirement is met, Moseneke J emphasized that ‘it must be accepted that the achievement of this goal may often come at a price for those who were previously advantaged’ (paragraph 44).

However: ‘In particular, a measure should not constitute an abuse of power or impose such substantial and undue harm on those excluded from its benefits that our long-term constitutional goal would be threatened.’ Thus the third leg of this test amounts to an inquiry into proportionality. It recognises that, despite the constitutional imperative of transformation, this cannot be achieved in a wholly disproportionate way by imposing substantial and undue harm on previously advantaged persons.

As Sachs J highlighted, in a separate concurring judgement, it is important to ensure that ‘the baby of non-racialism is not thrown out with the bath-water of remedial action’ (paragraph 137).

Thus in applying the principles of the *Van Heerden* case to the goal of racial redress in sport, it follows that should extra resources be allocated to the development of black players, teams or areas in the development of sport, discrimination cannot be alleged. Likewise, if children from disadvantaged areas were bussed at state expense to quality cricket grounds for specialised training while children in elite communities were not, this too would not constitute discrimination. Even if black kids from within elite communities were bussed to quality cricket grounds for training while white kids were not, this still would not be discrimination.

However, these acts of supplying equality seem uniformly to require some expenditure by the state. It is this that really lies at the heart of the poor state of transformation: a neo-liberal government economic policy that tends to avoid big investments in social spending or other income transfers to poor communities. While overt racism and a refusal to supply equality to black players by white coaches and administrators is part of the problem, could the major reason for lack of transformation be the refusal by the state to fund initiatives to supply substantive sporting equality to black schools, clubs and areas? The following section considers this question.

IS GOVERNMENT SWINGING BOTH WAYS?

The message one gets from the government is mixed. There is a sense that they realise that sport is in trouble both at the top and the bottom and see schools as an important crucible for broadening the culture of sport and the breeding ground for champions. As the minister of Sport argues:

Our focus will be to build the right attitude and skills from below. In our view the starting place to achieve this is to get the basics right. Community clubs must be revived and our children in township and village schools must be assisted to do sport. There is no short cut to this...School sport is the nursery for participants in senior competitions...We are strongly arguing here for a focussed attention on the schools and community clubs in building a broad base for talent scouting, developing and nurturing. This is the mass that will transform society and de-racialise it. We must go back to Wednesday afternoons as school sports days. But this cannot happen by chance.³

However, despite these lofty ideals, over roughly the last decade the distance socially and materially between private and state (so-called 'Model C') schools has grown. The way organised sporting bodies have responded is to cream off those with potential from government schools and put them into the privileged schools, which has served to reinforce and exacerbate these divisions. This is overlaid by the question of funding, the lack of which the minister bemoaned in his speech. This point was driven home two years later by his deputy, Gert Oosthuizen:

To realise the benefits that can possibly accrue from our sector, we need three things; resources, resources and more resources. What we need is: infrastructure organisation, programmes, facilities, equipment and kit; human resources sufficient thereof, of good quality and with an appropriate disposition; and, finance that underpins both infrastructure and human resources... As a Department we have the smallest budget of all national government departments. We are committing some R10 per person per year to the participation of our people in sport and recreation activities presently. R10 can never make a substantial contribution to participation rates in sport and recreation...⁴

These kinds of statement must also be read in the context of the government's tardy response to the upgrading of school sport and general facilities in black townships. This situation will probably not be turned around in the near future as resources are siphoned off for the big infrastructural development made necessary by South Africa's hosting of the 2010 Football World Cup. If all this is to have a trickle-down effect, then that will be a long-time coming. The government has eyed business as an option to make up for apartheid's shortfalls, a point reinforced by Butana Khompela: 'big businesses in the townships do not help black schools. You never get big bursaries for those children. Things will remain that way until business creates a kitty for black schools. Business is biased against black schools because the thinking seems to be that that they get better returns when they invest in white schools.'⁵ But business has really looked at professional sport and the 2010 World Cup, eyeing big developments and chances to market products among the middle classes and in global waters. Building a rugby clubhouse in Orange Farm (unemployment rate over 50 per cent) is not their priority. In any case this, as business would argue, is not their responsibility and neither would sports bodies hold it is theirs but rather the state's.

While a thorough review of the macroeconomic shifts in the ANC government's policies is beyond the scope of this chapter, this neglect at the level of, say, township schools by the state flies in the face of commitments made in the 1994 Reconstruction and Development Plan (RDP) and reflects the state's drift to conservative macroeconomic options that saw a slide from growth through redistribution to redistribution through growth, and now the obsession with growth.

As applied to Sport and Recreation, the RDP set out, in plain language, both the apartheid legacy and what needed to be done to ensure transformation and redress:

One of the cruellest legacies of apartheid is its distortion of sport and recreation in our society, the enforced segregation of these activities and the gross neglect of providing facilities for the majority of South Africa's people. This has denied millions of people and particularly our youth the right to a normal and healthy life. It is important to ensure that sporting and recreational facilities are available to all South African communities... This cannot be left entirely in the hands of individual sporting codes or local communities... Sport and recreation should cut across all developmental programmes and be accessible and affordable for all South Africans... Particular attention must be paid to the provision of facilities at schools and in communities where there are large concentrations of unemployed youth. In developing such policies it should be recognised that sport is played at different levels of competence and that there are different specific needs at different levels. (RDP 1994: 72–73)

However, rather than this happening in any concerted way, the provision of facilities and the broadening of sport has run up against a emphasis on elite sportspersons (witness the emphasis on high performance centres) and state budget constraints.

The approach of fixating on the racial complexion at the top of course mirrors the government approach to BEE. This involves the use of political pressure to construct a black bourgeoisie. Michael MacDonald illustrates cogently how this strategy

alters the political import of racial nationalism...BEE...is concerned with the position of groups as groups, independently of the position of most of its members. Establishing equality among groups becomes, on the basis of culturalist assumptions, a value distinct from establishing equality among people outside and without regard for their groups. That is, pursuing economic equality between whites as a group and blacks as a group is different from pursuing economic equality between white and blacks as individual South Africans (or blacks and blacks for that matter). A rising ceiling does not lift all boats...The African rich are getting richer, the poor more numerous, and culturalism finds a silver lining. (MacDonald 2006: 153–158)

MacDonald is quick to add, differentiating himself from cruder analysis of the transition, that this does not imply 'that the ANC does not care about the poor or that the gains by the black middle class are not significant'. Rather

the ANC is being turned toward culturalism – toward black embourgeoisement – by entrenched economic power, and that culturalism is invoked to make a virtue out of necessity...The virtue of culturalism (or racialism: the two are the same in South Africa) is that it exaggerates the good of burgeoning elites, provides ways of dealing with the ensuing political and ideological challenges, and serves the ANC's purposes. (MacDonald 2006: 158)

Given South Africa's quick entry into international sport without any concomitant commitment to redistribution of resources garnered from this, the relative autonomy that comes from the country's rampant commercialisation and professionalisation of sport, and the lack of resources put in to change apartheid's sports geography, it is not surprising that sports administrators and politicians allied to the ruling party have focussed on numbers in national teams rather than on increasing facilities and opportunities in disadvantaged areas. This must also be seen in the context of the growing black middle class, a key constituency of the ANC which demands affirmative action at all levels for personal advancement. Unlike under apartheid, the black middle class is loath to countenance the argument that they will need to sacrifice so as to channel resources downwards. One can see some of this in the language of the ANC which rails against a culture

of entitlement and dependency being developed by the poor. Hamstrung in its broader sporting developmental goals, the ANC focusses on the top of the pyramid.

RACE, MASCULINITY AND CITIZENSHIP

In looking at the way the law envisages transformation, it is clear that apartheid-era race categories will be the litmus test in measuring transformation. But how do we deal with the heritage of the past? It would appear that quotas and political interventions at the level of national teams have at least created the conditions for players to perform at the highest level, opportunities they probably would not have had otherwise. The cases of Herschelle Gibbs and Makhaya Ntini are instructive. But race and racism are never far from the doorstep. Tim Dlulane was, until a serious injury, the new black hope in rugby. Playing for the Blue Bulls as a flank, he was earmarked for a renewed Springbok call-up.

Brendon Nel, writing in *The Star* newspaper, was at pains to stress that Dlulane was unconcerned about transformation, politics or race, for that matter:⁶

Ask him about transformation and he sighs. He has heard the question a million times. And once again he doesn't really care... Dlulane has won several team awards and a number of man-of-the-match awards this season – but still he doesn't catch the eye of the selectors. Still he doesn't quite take the line that the black players need to have a place in the team. Merit, and only merit is what he understands, and he is willing to wait if need be to prove himself the best in the country.

But these are some of the things Dlulane went on to tell Nel in the same interview:

There is always politics (in sport) and coaches are scared to play black players... There are always certain people who will always look at you as a black player and you'll never change their minds. You have to be the best you can be, but it does take time to get that trust from our white counterparts and coaches in terms of whether that guy will be able to take the pressure. I never looked at myself as black or as an equal. I knew when I got here that I would have to be better to claim the jersey.⁷

If Nel had been listening, instead of trying to fit Dlulane's views neatly into his own ideological pigeonhole, he would have realised that Dlulane is intensely aware of the racial politics that still permeate the game: coaches are prejudiced against black players, white players take longer to accept the credentials of a black player compared to a white player and black players would have to be better than a white player to get recognition.

As Erasmus points out, 'race' will be with us for some time to come, even if only as 'a detour on the way to new creations. It is always there because, whether we like it or not, we are still living in the shadow of the history of colonialism, segregation and apartheid, and their cultural and political aftermath' (Erasmus 2001: 392).

But with quotas and targets comes the entrenching of apartheid racial categories. This places extra burdens on black players who labour under the cloud of preferential treatment, and the emphasis on the number of black players at the apex of the sport can siphon resources into centres of excellence at the expense of development in areas apartheid neglected.

Quotas are also limited to particular sports. For example, in Olympic events there is no way around the need to make qualifying times in swimming. Thrown into the mix is the fact that there is very little consistency on how many black people should be in a team – in rugby no figure was given, while in cricket Gerald Majola has indicated that the squad of 15 to the 2007 World Cup ought to have had 7 black players. Alongside this it bears mention in a wonderful case of Orwellian 'doublespeak' that the United Cricket Board (UCB) claims to have jettisoned quotas at national senior level.

And once you open the door to concepts of race, culture and ethnicity, new categories based on old constructs come in through the back door. Some South Africans are already planning what is touted as 'an Afrikaner equivalent of the New Zealand Maori rugby side...Players who are eligible for entry in these teams must be Afrikaans speaking and accept the Afrikaans culture as their own.' A key organiser, Louis Smuts, argued that the move was necessary 'to give opportunities to people who under the new dispensation are not afforded those opportunities in rugby'.⁸ Nothing is indicated about racial exclusivity and one would presume the movers behind the project would be astute enough not to highlight this.

RACE MATTERS, BUT WHAT ARE THE LIMITS TO SOCIAL ENGINEERING?

A 2002 Ministerial Committee of Inquiry into the Transformation of Cricket Report presented figures for existing demographic profiles in cricket and the road to be travelled for equality (see Table 11.1). A quick glance at the numbers prompts the question: is this the aim of transformation and racial redress in sport, and what are the consequences of freezing apartheid's racial categories?

It leads to people like Rodney Hartman, one of South Africa's leading sports journalists, making the following argument:

Quotas...People on both sides of the spectrum do not particularly like the word. It implies that we should select teams on racial lines. But that's surely what it's all about: teams matching the demographics in order to excite the interest of the nation as a whole. The individual sports should impose their own quotas according to their own demographics. Rugby, for example, would establish how many people play the sport, then work out the racial breakdown by percentage. If there are more whites playing rugby and more blacks playing cricket then these two national teams will reflect that ...To avoid any confusion, the term 'black player' would cover all those who were previously disadvantaged. If we do not accept this, someone might call for quotas along tribal lines. Then we're in trouble. Those who call for merit selection will get it – within a quota system.⁹

So one presumes that Hartman is proposing a national census that will establish the number of black players. Would that include club and school players? Only provincial contracted players? Would the percentages racially

Table 11.1 Demographic profiles in cricket in 2002 and numbers required for equity

	Asian	Coloured	White	African
2002 actual	9	9	73	9
Demographic requirement	2	8	11	79

in the national team change as the census figures changed? Should provincial teams reflect local demographics or national ones? By arguing that one will get merit one presumes Hartman means whites competing against whites and blacks against blacks for the quota-inspired places; are we not back to a version of the mid-1970s multinational sport? And what would we mean by previously disadvantaged? Would Makhaya Ntini's son be previously disadvantaged in cricketing terms?

There have been suggestions that it is time to challenge the use of apartheid race categories, most provocatively by the ANC minister Mosiuoa Lekota in 2004:

When will we cease to be Africans, coloureds, Indians and so on and (simply) be Africans?...This question of representivity, at some point we need to look at this and say there are no Indians here, Indians live in India...And these people called coloured... are probably more South African than anyone. (Lekota cited in Alexander 2006: 11)

But these are singular voices and race as the determinant of redress will remain as core to the redress agenda, especially in the context of its privileging of middle-class black people.

In terms of the earlier understanding of equality, it has been noted that transformation debates how much equality could be tampered with – and removed from whites – without undermining the sense of a common national identity with blacks. In terms of a later view of equality, the question becomes: how long and by how much can equality not be supplied to blacks without undermining a common sense of national identity with whites? Whichever way one looks at equality and its effects on the production and maintenance of a national identity, it bears mentioning that other factors, ironically, predicated on inequality, do seem to provide a common national identity, even if this is at the expense of other groups in society.

In the last decade this process has proceeded apace. The common South Africanness, despite racial difference, fostered on the golf courses on land between black and white South Africans, is remarkable. A commonality of class interest and a conception of identity and citizenship, which sets itself apart from others such as the poor, often overrides racial and political difference.

On the mass-sports front, a celebration of masculinity often unites black and white fans across even class lines when a significant national result is achieved. The spectacle of white South Africans enthusiastically celebrating a Bafana Bafana soccer victory is not as rare as it once was. Similarly, it is not unheard of to see a Springbok rugby victory hailed in Soweto as men engage in the well-chronicled acts of projection onto national sports teams of their own dreams of prowess and the virility of their nationalistic identity. Sport continues to be the currency with which men exchange intimacies and negotiate the social milieu.

The 'class project' of placing young black cricket players in privileged schools, the lack of support of club rugby, the emphasis on 'mega events' like the World Cup without a concomitant support for townships academies serve as a metaphor for the broader transition in South Africa.

The institution of the Growth, Employment and Redistribution (GEAR) macroeconomic strategy in mid-1996 signalled that redress would be dealt with as a combination of economic affirmative action (through land distribution to a new class of black commercial farmers and state assistance to emerging black industrial/manufacturing entrepreneurs) and new BEE initiatives through 'partnerships' with corporate capital. These policies were touted as leading to the goals of economic redistribution, social equity, job creation and, in keeping with the overall neo-liberal orientation of GEAR, economic growth.

This 'redistribution through growth' programme, with its attendant trickle down promise, it was argued, would serve as a launch-pad from which to deal progressively with mass unemployment and poverty. The policy imperatives have been realised in the creation of a black elite, but the notion of trickle down has not been realised. Poverty and inequality continue to define the post-apartheid landscape.

And poverty and inequality are underlined by the lack of basic services. Research by the United Nations Development Programme has shown that the number of households considered deprived of access to 'good' basic services increased from 5.68 million to 7.24 million between the 1996 and 2001 censuses (UNDP 2003).

SPORTS POLICIES AND POWER IN SOCIETY

If one accepts that citizenship involves more than political rights and encompasses economic and social rights, which is the idea of citizenship envisaged in the RDP, then citizens need to be progressively empowered through deepening economic and political rights. In a context of a neo-liberal transition (that favours the middle and upper classes) and a 100 per cent proportional representative system (that favours a party over nation) how does one realise the idea of the transition from subject to 'empowered citizen'? While the RDP in its orientation was committed to building a strong foundation, GEAR proposes to start with the ceiling and build downwards.

Alongside this the emphasis on apartheid racial categories freezes identities and hinders the building of a national identity. It also reinforces class privilege. While affirmative action measures are therefore intensively colour sensitive, they are class blind.

This feature has disturbed many whose sense of fairness regarding redress extends beyond race and to whom the idea of affirmative action entrenching an already empowered elite is anathema. However, at least in labour law, affirmative action measures are not meant to provide anything other than racial representation, in broad brush-strokes, relying on the essentially still valid equation of blackness with disadvantage. The poor face a double bind. The neo-liberal transition has entrenched inequality. The form and substance of redress takes account of race and not class, providing opportunities for middle-class black people often at the expense of working-class black people. Freezing identities into racial ice cubes is freezing privilege. Given the changing nature of our society is the thawing of race into class the way to go or will it run the danger of eroding the continuing significance of race in our society? At the middle and top of society, race-based affirmative action is beneficial. But when one looks at the lower levels of society the benefits are harder to see.

The *Van Heerden* case illustrates how strident is the case to make up for past denial of privilege for those who, in that case, were earning already lucrative salaries. However the approach to suggestions for something like the basic income grant (BIG) by the same MPs evokes class vitriol about creating a culture of dependency and entitlement and is rejected.

In 2007 South Africa, if race still matters, so increasingly does class. And in the context of deepening socio-economic inequality and policies that exacerbate this can one really hold on to the liberal adage – ‘everyone is equal before the law’? This rings as hollow as the apartheid concept of separate but equal development.

Meanwhile tensions emerged and persist around the need to reconcile and the need to redress. Thrown into the mix are the demands of African nationalism that prioritise race over class and economic prerogatives that value growth over redistribution, and middle-class entitlement over working-class welfare. These tensions lie at the heart of the difficulties of nation building and citizenship but are also useful in the cynical world of electoral survival where the entitlement of a few may be dressed up as delivery to the many.

The task of ‘transforming’ certain national sports teams is something like transforming English language literary prizes. Both realms are notoriously dominated by white people. Sure, there may be stereotypical attitudes that cause good black authors not to be short-listed. But by and large one is being asked to tamper with markets that have certain tastes and, in some cases, to impose less excellent candidates from the ranks of the disadvantaged in the hope that more black people will come to read and write books, so that such initiatives are not required any longer. This is far-fetched, especially in situations where no one is looking at schooling, no one is looking at book prices, there is no serious national literacy drive and no one is stocking libraries.

There is no easy way to say this but if meaningful transformation of national sports teams is to mean their population with the genuinely best players in the country, the majority of whom happen to be black, then the majority of black people in South Africa must be in a position to properly prepare, train and compete for these positions. As it is, competition for elite places will be confined to the elite itself. Transformation will be uneven and contested and contrived while the elite gradually expands to include larger numbers of potential black rugby and cricket players at former white schools until a point is reached where either the black middle class is big enough so that there is no need for racial apologetics regarding class privilege, or else class contradictions expand to the point where the debate around transformation moves from the rather ephemeral and symbolic zone of sports fields into invasions of maize fields, higher taxes and mass service-delivery protests and strikes.

In between either of these moments, policies and debates around transforming sports teams will be conditioned by haphazard attempts to simulate the first scenario and ward off the second.

Is this the tactical cosmopolitanism that Ndebele (see Lindfors 2002) was referring to where a cosmopolitanism is built at the top of society linking into global alliances with the likes of Richard Branson meeting Tokyo Sexwale, Oprah Winfrey opening a school for black girls, Cyril Ramaphosa 'sharing' with Anglo-American, pay channel Supersport showing local Premier League football alongside European games, in the belief that the benefits accrued will filter downwards?

The danger increasingly evident is that the lower levels of society do not obey the timetable (that keeps changing in any case) from on high, and while there is an emerging local cosmopolitanism at the top linked into the global, class divides keep growing.

Clearly, the agenda should be to build class into a transformatory agenda. This will cause questions to be raised not only about how many black players are in the team, but which schools they come from; not only how many black players are in the league but where the main clubs are situated; and not only how much money is spent on sport by administrators of the game, the private sector and the government, but also where are they putting their resources.

The policies that come to influence sport are linked directly into the prevailing power relations in society. The ANC with its huge electoral dominance is central to any change. But there is fluidity in ANC politics and it remains to be seen whether the changes wrought at the December 2007 Polokwane conference can stymie the rightward shift of the ANC and build a greater concern with the disadvantaged into the trajectory of the movement.

For now most of us remain spectators unable to influence the game, for despite upsurges of protest, its impact is limited, and as many have come to realise in post-apartheid South Africa, policy is not simply about good intentions but about the exercise of power and, dare one say it, increasingly black middle- and upper-class interests disguised as racial contestation.

Notes

- 1 *Sunday Times*, 15 July 2007.
- 2 For the judgement, see 11 *BCLR* 1125 (CC).
- 3 The quotation is taken from the budget speech delivered by the minister of Sport and Recreation, Reverend M Stofile, to the National Assembly vote on 15 June 2004.
- 4 National Assembly, 31 May 2006, the deputy minister of Sport and Recreation, Gert Oosthuizen.
- 5 *Sunday Times*, 15 July, 2007.
- 6 *The Star*, 12 August, 2006. The day Nel's article was published, Dlulane suffered a long-term injury. In many senses this exposes a quota system from the top because when key black players get injured, what recourse is there?
- 7 *The Star*, 12 August 2007.
- 8 *The Citizen*, 8 August 2006.
- 9 *The Star*, 16 August 2006.

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12 CITIZENSHIP AND COSMOPOLITANISM: FOOTBALL IN SOUTH AFRICA

Ashwin Desai

When Eric Hobsbawm wrote that '[t]he imagined community of millions seems more real as a team of eleven named people' (Hobsbawm 1990: 143), he was of course writing about nations and nationalism, and how sport is such a powerful, emotive visual image of the nation, with the national sports team bringing forth the national flag and anthem. However, as the debate of national sovereignty has unfolded, so the composition of the top football teams, especially in Europe, has changed, with teams like Arsenal, Chelsea and Real Madrid fielding an overwhelming percentage of 'foreign players'. The imagined community are the millions linked live by satellite television across the globe, wearing 'their' club jersey and cheering a team whose area that the club derives its name from they have probably never visited. It says something, though, about this uneven and contradictory process that the top clubs still have names linked to the cities they are based in.¹

It was exactly at a time when European clubs were taking advantage of satellite television and an international market for players and supporters, becoming 'global players', that the re-entry of South African football into international competition was widely viewed as offering one key potential vehicle to develop a collective South African identity and facilitate South Africa's normalisation of relations with the rest of the world. South Africa's integration into the community of football nations was happening at the same time as the rules governing foreign players contracting for European clubs were being relaxed. An increasing number of South Africans have played for European clubs since 1990, resulting in tensions between priorities and loyalties to club or country.

Does the 'beautiful game' now reflect the smoothing out of space globally and the decrease in national power and agency that is often associated with

globalisation? Or do human identities, loyalties and ideologies that congeal around things like sport continue to represent discrete lumps of resistance to this deracinating process?

THE WIDENING FIELD OF PLAY

A contemporary South African television advert tells a story of a young, black South African footballer. It shows him playing for a series of teams across Europe. The penultimate frame reveals him 'dressed to the nines', chauffeur-driven in a huge limousine, somewhere in Europe. The picture cuts to a group of children playing football on a makeshift sports field. Our footballer has clearly come a long way. The advert tells us that he has everything he desires except for one thing, Castle Lager, an indigenous, home-grown brew. Of course, we know that South African Breweries (SAB) has gone global, becoming SAB-Miller following the takeover of US brand Miller. Registered on the London Stock Exchange, the conglomerate appears poised to swallow up one of South America's largest brewers.

SAB still has to market itself as having a home base because its products have their biggest selling capacity in South Africa, where it has an effective monopoly. Like SAB, the global football scene offers local players new opportunities for marketing their skills. Restrictions on foreign footballers, like that on the entry and exit of capital or goods, are being eased. Those few footballers who make it are mostly drawn to Europe. But in order to obtain work permits they often have to continue to represent their country. However, once they demonstrate an ability to compete successfully in Europe, their clubs start pressuring them into rejecting country and prioritising club obligations.

The growth and popularity of the game in Africa has created opportunities for 'Western' companies eager to capitalise on new commercial possibilities, but this has brought in its wake complex relationships straddling football and politics. Thus, for example, Nigeria pulled out of the African Cup of Nations held in South Africa in 1996 as a direct result of Nelson Mandela's intervention to influence a ban on the Nigerian team playing in South Africa in a four-nation tournament in the run-up to the Nations Cup. Mandela's decision followed the hanging of poet and writer Ken Saro-Wiwa together with eight others after they protested the exploitation of their ancestral land

by the Anglo–Dutch conglomerate, Shell. Yet, during the final of the 1996 tournament an aircraft circled overhead directly in the sight of Mandela trailing a banner which read, ‘Go Well, Bafana Bafana, Go Shell’. Shell was a major sponsor of the tournament (Sugden & Tomlinson 1998: 143).

Gazing beyond the influence of ‘Western’ companies let us examine some features of the impact of European football on this continent. The number of European-based players in the Bafana Bafana squad is remarkable. Of the 22 Bafana Bafana players picked for the squad to play Cape Verde Islands on 4 June 2005, 11 played for European clubs, including clubs from Holland, Greece, England, Norway, Denmark, Germany, Portugal and France. There would have been even more had Shaun Bartlett, Bradley Carnell and Quinton Fortune been available. When playing for South Africa these players come together into their ‘imagined nation’ for 90 minutes and then return to different countries, different clubs and different expectations. Boundaries are transcended and new ones created.

But foreigners also intrude into the local club scene. European clubs, like Ajax Amsterdam, have branches in South Africa, which act as feeder clubs enabling them to spot nascent talent, and to train young players early in the European style. In this way big transfer fees are also avoided. Two big names that have benefited from this kind of relationship are Benni McCarthy and Steven Pienaar. For Ajax Amsterdam this is an ideal situation. They can consider players, but take no risk and (if deemed not good enough) they can send them back to the local (branch) club. Should they make suitable progress, they can always be recalled to the metropole.

But this is not just a Europe–South Africa link: while many South African players look to Europe, many African players look South, to South Africa. The Zambian Collins Mbesuma, who is the Kaiser Chiefs striker, won the Player of the Year Award for 2005. The signing of Mbesuma from Zambian club Roan United is instructive here. The cash from the deal rescued Roan at a time when it was severely short of money. Roan’s chairperson, Caiphus Katonga, observed that the emerging relationship between Roan and Chiefs would help develop its skilful players for export.² But the story does not end there, for Chiefs were able to sell Mbesuma on to an English Premier League club for a healthy fee.

South Africa has the most lucrative local professional league in Africa and has served as a magnet for African players who are not ready or not good enough to make it in Europe. While beyond the scope of this chapter, the question arises: is South African football reflective of what some have referred to as the country's sub-imperialist role in Africa? (Bond 2006) But despite the permeability of borders and the globalisation of the game, the World Cup – a contest between national teams – remains important.

THE INTERNATIONAL AND THE GLOBAL

Reflecting on the present conjuncture, Hirst and Thompson make a distinction between an *international* economy and a *globalised* economy. In the former

...the principal entities are national economies...[W]hile there is in such an economy a wide and increasing range of international economic interactions (financial markets and trade in manufactured goods for example) these tend to function as opportunities or constraints for nationally located economic actors and their public regulators.

In the latter

...distinct national economies are subsumed and rearticulated into the system by international processes and transactions...The international economic system becomes automatized and socially disembedded, as markets become truly global.
(Hirst & Thompson 2000: 70–71)

They do not see the two types of economy as mutually exclusive but rather argue that there can be a 'messy combination of the two, (Hirst & Thompson 2000: 72).

This distinction between international and globalised allows us to understand football. There does indeed appear to be a messy combination in the perennial tension between club and country. In football we have an international governing body – the Federation of International Football Associations (FIFA). National federations have relative autonomy in the way they run their affairs, for example the number of foreign players that can play for clubs, the number of teams in the top local league, and so on. The World Cup based on national teams continues to be the pre-eminent tournament. At the same time

European clubs have become powerful business and legal entities that can afford to pay obscene salaries and to compete, often successfully, for players' allegiances in the struggle between club and country. These clubs, although based on geographical areas reflected in the names of the clubs (Barcelona, Manchester United, Bayern Munich), often attract and field a majority of players from outside the country but also a support base globally dispersed. In this context football migration, as Lanfranchi and Taylor (2001) point out, follows international rather than global patterns since it overwhelmingly follows past colonial linkages. The numbers keep growing, with one estimate of 1 000 Africans playing for European clubs and 5 000 Brazilians playing across the world, the latter mainly in the Spanish-speaking countries of Europe.³

We see in football therefore a messy mix of the international and the global. The World Cup remains important, but clubs based in Europe are composed of the best players in the world and are challenging the right of 'the nation' to have prerogative over 'their' players. Players are (highly priced) commodities, playing every week for Chelsea or Real Madrid, obscuring their national origins.

This opening up of space has led to uneven development. The flow of players is largely from Africa and Latin America to Europe. The flow back to Africa is largely 'experts' – coaches and technical experts like the functionaries from the World Bank. The President of the Confederation of African Football (CAF), Issa Haytou, summed up the situation thus:

After the flight of brain, Africa is confronted with the muscle exodus. The rich countries import the raw material – talent – and they often send to their continents their less valuable technicians. The inequality of the exchange terms is indisputable. It creates a situation of dependence... The elite of African football is out of the continent, hence the pauperisation of some clubs and whose evil effect is the net decrease of the game quality and the level of most of the national championships. Prestigious clubs are regularly deprived of their best elements and even the juniors cannot escape the voracity of the recruiting agents, who profit from the venality of their leaders.
(Haytou cited in Darby 2002: 171)

However, in contrast to past player migrations, and arising out of what David Harvey calls 'an intense phase of space–time compression...the annihilation of space through time' (Harvey 2000: 82–84) which involves inter alia the growth of satellite television, the players that now leave Africa are not rendered anonymous. Their exploits are seen immediately, and can be refracted into national pride – somehow Manchester United mutates into 'our' team.

At the same time the European Association's (UEFA) argument that 'the identification of spectators with the various teams is guaranteed only if those teams consist, at least as regards a majority of players, of nationals of the relevant member state' (Houlihahn, 2004: 63) has not rung true. First, the idea of who the spectator is has changed with satellite television as the spectator not restricted to those who personally attend the game. Second, the supporters of the big European clubs want to have the best players in their team and the loss of great foreign players (look at the example of Thierry Henry's departure from Arsenal) is mourned while the arrival of a great foreign player (Henry's arrival at Barcelona) is celebrated. At any one time Chelsea or Real Madrid would have players of six or seven nationalities playing for the team and this has progressively become less of an issue; with many of the clubs becoming captive of foreign ownership (witness Chelsea and Manchester United) it is difficult to maintain the line of teams as national 'enterprises'. The change in attitude to the American Glazer family buying Manchester United is instructive: there were initial protests that turned violent at the 'sell-out'. But once the Glazer family was prepared to buy the best talent in the world, this protest evaporated.

To return to the players: are the best football players in the world the labour aristocracy of Hardt and Negri's multitude (see below), melting everything that is solid (clubs that were constituted by a majority of players from the same country and nations that selected the majority of players that were home-based) into air (where flights in and out of national boundaries are 'normalised')? Are they victims of imperialism forced to leave their home countries and follow the lure of the euro? Or are they the vanguard of what Hardt and Negri describe in their book *Empire* (2000) as global citizens, loosening the bonds of the nation, settling where they want and demanding rights where they play? In other words, are football players the new cosmopolitans?

PULLING APART THE DEFENCE OF THE NATION STATE

The invention, for contemporary times, is the idea of a cosmopolitan world order. Inscribed in this view is the need to start thinking beyond national sovereignty. The neo-liberal economic version of cosmopolitanism places great store by free trade and liberal democracy. In this perspective, supranational institutions like the IMF and WTO are the midwives of capitalist globalisation and democracy. The barriers to these objectives, in this worldview, are nation states that still cling to outdated ideas of sovereignty. Does this version of the cosmopolitan really broaden notions of citizenship? Some have argued that what happens in practice is the jettisoning of national sovereignty for the sovereignty of the market.

The democratic version of this order moves beyond the economic realm into the political. Here the predominant view is that citizenship needs to be extended beyond the nation state in order for it to become effective. One of the leading exponents of this view, Daniele Archibugi, does not envisage the demise of nation states, but argues they retain some of their political and administrative functions:

...cosmopolitan democracy aims to boost the management of human affairs at a planetary level not so much by replacing existing states as by granting more powers to existing institutions and creating new ones. (Archibugi cited in Mouffe 2005: 97)

But running through this vision is a lack of understanding that all politics is imbued with notions of power and hegemony. As Mouffe points out:

To believe in the possibility of a cosmopolitan democracy with cosmopolitan citizens with the same rights and obligations, a constituency that would coincide with 'humanity' is a dangerous illusion. If such a project was ever realised, it could only signify the world hegemony of a dominant power that would have been able to impose its conception of the world on the entire planet and which, identifying its interests with those of humanity, would treat any disagreement as an illegitimate challenge to its 'rational' leadership. (Mouffe 2005: 106)

In *Empire* Hardt and Negri also point to a world beyond national sovereignty which has many echoes to the cosmopolitan worldview. For them 'there is no

centre of imperial power' and the eroding of national sovereignty is seen as paving the way to increased chances of global democratic governance and this anticipates the need to 'develop a political theory without sovereignty' (Hardt & Negri 2000: 239).

Despite protestations to the contrary, the idea of cosmopolitanism is mostly linked to the idea of the declining importance of the nation state. This idea – that as globalisation proceeds apace so one sees a concomitant decline in the importance of the state – has evoked critical response. Meiksins Woods, critiquing Hardt and Negri, observes that the present phase of globalisation does not point to:

...the declining capacity but the unique *ability* of nation-states to organise the world for global capital. This reality, and global capital's inescapable need for territorial states to make possible its navigation of the world economy, is lost in the argument of *Empire*. The book even seems indifferent to the coercive power concentrated in the state. This indifference is reflected in a conception of 'sovereignty' that allows Hardt and Negri to speak of the transfer of sovereign power away from the state, even though (a point on which *Empire* remains silent) it remains the dominant instrument of force. (Meiksins Wood 2003: 65)

Alongside the emergence of Hardt and Negri's notion of *Empire*, with its simultaneous de-territorialisation and weakening of nation states, for these writers there is also the forward march of the multitude. 'The multitude's resistance to bondage-the struggles against the slavery of belonging to a nation, and identity, and a people, and thus the desertion from sovereignty and the, limits it places on subjectivity is, entirely positive' (Hardt & Negri 2000: 361). But how the multitude will politically challenge Empire is not explicated, as critics have pointed out:

All the crucial questions for a political analysis are avoided, for instance those concerning the way in which the multitude can become a revolutionary subject. We are told that this depends on its facing empire politically, but this is precisely the question that, given their theoretical framework, they are unable to address. (Mouffe 2005: 109)

Whatever the merits of Hardt and Negri's core argument, one still has to acknowledge that in focussing on sport, and football in particular, there are arguments that challenge Hobsbawm's idea of the reinforcing relationship between sport, nations and nationalism (Hobsbawm has not taken his thesis that nations and nationalism and explored its implications for sport). Does sport, with all the attendant commercialisation, provide some pointers to cosmopolitan forms of citizenship beyond the nation state – what Hardt and Negri have called global citizenship?

In a chapter in their book entitled *Endless Paths: The Right to Global Citizenship*, Hardt and Negri write:

Autonomous movement is what defines the place proper of the multitude. Increasingly less will passports or legal documents be able to regulate our movements across borders...The cities of the earth will at once become great deposits of cooperating humanity and locomotives for circulation, temporary residences and networks for the mass distribution of humanity. Through circulation the multitude reappropriates space and constitutes itself as an active subject. (Hardt & Negri 2000: 397)

Hardt and Negri are, of course, referring to mass migration, that has 'become necessary for production' (2000). And the way the multitude becomes 'political' according to Hardt and Negri is in the demand for global citizenship:

Residency papers for everyone means in the first place that all should have the full rights of citizenship in the country where they live and work...*The general right to control its own movement is the multitude's ultimate demand for global citizenship.* (Hardt & Negri 2000: 400)

In this context the European Court made a seminal ruling relating to football players. This came to be known as the Bosman ruling of 1995 (Parrish 1998). A journeyman Belgian, player Jean-Marc Bosman, who plied his trade for RC Liege, wanted to join a French club, Dunkerque, after he refused to sign a new contract at a diminished wage. RC Leige refused to release him because they felt Dunkerque could not afford the fee. Bosman went to the European Court asking to be set free at the end of his contract. The court ruled in Bosman's favour because in the Court's opinion it violated Article 48 of the European Commission Treaty, which centred around people's freedom of movement.

'It may be claimed with some justification, that the judgment hastened the globalisation of football as it freed elite clubs from the constraints of nationality laws, thus allowing commercial brands such as Manchester United, Barcelona or Inter Milan to develop their global market positions more effectively... The national basis of international club competitions, long defended by FIFA and UEFA was now overturned... ' (Houlihan 2004: 63)

The second ruling, made in 2005 by the European Court, served to reinforce this trend. This was in favour of Russian professional player Igor Simutenkov, who was playing for Tenerife. He was treated as a non-EU player and thus had to compete with other non-EU players for a contract. He claimed the Spanish FA was discriminating against him by refusing to grant him a licence. The European Court ruled that he should enjoy the same rights as players from the EU as a result of the partnership agreement between the EU and the Russian Federation which includes a prohibition of discrimination against Russian nationals on the ground of their nationality. The EU has partnership agreements with 24 countries plus the African and Caribbean countries and this ruling was extended to include these countries. The agreements include partnership and co-operation agreements with many central Asian countries plus stabilisation and association agreements with western Balkans countries.

But the Bosman ruling is only part of the explanation for the phenomenon of migrancy in football:

The role of agents, the rise of leagues at the expense of federations and the development of cheap new markets have all contributed to this boom. It is the financial and cultural impact of television more than anything else, however, which has helped to create today's segmented football industry, in which the national market is still predominant for the large majority of players and clubs but in which a supranational elite has emerged, involving the major players who appear to operate under a different logic, seemingly in a different market. This move towards an international labour market is certainly more obvious for this elite than for small provincial clubs... (Lanfranchi & Taylor 2001: 236)

In this context it is noteworthy that Belgium has created something akin to a 'sporting citizenship'...

that runs counter to the nation's broader legal definitions...A professional footballer acquired a 'Belgian football citizenship' after four years residence which allowed him to play in the league as a 'national', but as a legal foreigner he could not play for the national team. (Lanfranchi & Taylor 2001: 11)

Michiko Hase makes a pertinent, if understated, point when he argues that in this present phase of globalisation football with its 'close ties and collaboration among multinational media organisations, sports teams and sports governing bodies' poses some real challenges to the notion of national identity (Hase 2002: 308).

Are football players who play in clubs in Europe with many 'nationalities' the precursors of rebellious 'deterritorialised' multitudes? Or are they just another example of the imperialist drain, the looting of Africa that leads to the progressive advancement of Europe and the concomitant underdevelopment of the continent? Are the increasing number of African migrants in South African football the pioneers that breach the walls of colonial boundaries or are they just a reflection of the country's sub-imperialist status in the region?

FOOTBALL AS A COMMODITY

One of the main reasons for the existence of the world controlling body, FIFA, is to organise the World Cup: 'FIFA is living from one event which is the World Cup and this event is living from marketing and television receipts, television money, and marketing money' (Guido Tognoni cited in Sugden & Tomlinson 1998: 82).

In order to take advantage of the need for companies to market their products on a global scale, FIFA established a single company to oversee the selling of advertising space and commercial promotions on a worldwide basis. This has intensified the commercialisation of the World Cup, wonderfully summed up by two journalists who after the 1990 World Cup remarked: 'only the referee's whistle didn't belong to Adidas' (cited in Galeano 2003: 98). Tracking the rampant pace of advertising trespassing on the game, Galeano writes of the results of the 2002 World Cup: 'Translated into market terms, Nike took first and fourth, while Adidas came in second and third' (Galeano 2003: 226).

While the countries on the periphery have sought to increase their share of the financial pie, advertising and satellite television has not only boosted FIFA's coffers. FIFA's European affiliate, UEFA has used the space opened up by television to build up its financial muscle, mainly through the cash cow that is the European Champions League. Huge amounts of money are channelled to clubs who have a successful run in the competition. From 1997 to 1998 UEFA raised to two the number of teams competing from each European country. National associations in Europe, especially the smaller emerging ones from eastern Europe, have benefited from cash disbursements, but in the main the leading clubs simply circulate money 'among themselves, in unprecedented salary structures for globally mobile superstars. Sponsorship of the game has helped restructure football environments, for instance by contributing to the funding of new stadia, shirt sponsorship, and match sponsorship' (Sugden & Tomlinson 1998: 97).

As the Champions League has grown in visibility, many fans across the globe are choosing to follow Real Madrid or Manchester United rather than their national teams. One of the consequences is that '[i]f the Champions League really is potentially bigger than the World Cup, the potential for international football could be grave' (Sugden & Tomlinson 1998: 99). As Nauright points out, the value of teams like Real Madrid and Manchester United 'exceeds the GDP of many developing nations such as Paraguay, Honduras or Zambia to name but a few' (Nauright 2004: 1334). Already this has led to conflicts of interest between big European clubs, national federations and FIFA. Clubs are saying they should be compensated for the time players are away on national duty. Europe's richest clubs (known as the G14) recently joined a Belgian first division team, Charleroi, in a case against FIFA over regulations pertaining to the calling up of players for international duty. The G14 wants clubs to be compensated by FIFA when players are injured while on international duty. According to the G14 website, they have become 'a full party in the proceedings before the Charleroi Commercial Court...in a complaint about the illegality of Article 36...of the FIFA regulations which oblige clubs to make players available for national team duty under conditions unilaterally imposed'.⁴

As the power of European clubs has grown, UEFA ironically sees a threat from the new peripheral and semi-peripheral countries. They believe that their powers in FIFA,

have been most damaged by the progress of the emergent nations in FIFA. UEFA claims that football in Europe generates almost 80% of the game's annual turnover and makes by far the greatest contribution to FIFA's coffers. Given its current scale of operation, FIFA would struggle to survive without European support. Indeed, there have been serious informal talks in the corridors of European football about a UEFA withdrawal from FIFA, and from future World Cup competitions. (Sugden & Tomlinson 1998: 225)

So sensitive has this issue proven that it was widely believed that if the FIFA president to replace Havelange (a Brazilian) in 1998 were not a European 'the prospect of World Cup 2002 in Japan and Korea being played without Europeans could have become more than conjecture' (Sugden & Tomlinson 1998: 226). As it turned out, Sepp Blatter, a Swiss national, took over the presidency of FIFA, and a European country, Germany, secured the right to stage the 2006 World Cup, despite the strong feeling that the World Cup should come to Africa. Some would argue that this was the compromise that FIFA had to make to appease UEFA.

Is the globalisation of the game levelling the pitch, or is it entrenching and exacerbating inequalities?

ACCUMULATION THROUGH DISPOSSESSION⁵

There is a body of opinion which celebrates the globalisation of football markets, such as the notion of free trade as mutually beneficial to all countries. On 17 June 2002 the *International Herald Tribune*, for example, waxed lyrical on how globalisation had levelled the playing fields in football:

International soccer's aristocratic pecking order has proved no match for the opening of national borders, which in turn has increased the flow of talent among nations and allowed players from soccer's developing countries to refine their skills in countries with richer traditions and historically high standards of play...when these players fly home to wear their national colours, their countries benefit... there is now one global market place for soccer talent. (cited in Hoberman 2004: 182–183)

In their view globalisation also engenders a new unity by 'forging a convergence in playing styles, in much the same way that it has homogenized popular culture' (Hoberman 2004: 182–183).

This levelling of the playing fields has been discounted at a general economic level. Giovanni Arrighi, for example, writing at the beginning of the 1990s, pointed to a 'widening of the already large income gap that fifty years ago separated the peoples of the South from the peoples of the organic core of the capitalist world-economy' (Arrighi 1991: 189). This division, in John Saul's words, has led to a situation where 'the "oligarchic wealth" achieved by the West always tends to draw the bulk of capitalist activity towards it, hence widening the gap' (Saul 2003: 222).

The view contrary to the *Tribune* thesis is that the widening of the economic gap between Europe and Africa is evident even in the field of football as the best African players are lured to Europe. Their earning capacity compared to that of professional players, say in South Africa, is huge. The wealth of the clubs and national associations in Europe is similarly huge compared to those in Africa where national associations often struggle to survive, and find it increasingly difficult to field national teams, and clubs exist on meagre budgets. This gap is deepening as clubs in Europe become public companies, earn huge advertising revenue, extend the global reach of their supporters and find ways of securing (through various means) African footballers at younger and younger ages.

The general trend is clear:

It is the dream to be another Essien, or Drogba for that matter, that will continue to drive hundreds of aspirant African footballers to seek their fortune north of the continent abandoning their clubs in Africa and further eroding the standard of domestic competition throughout the continent... When Enyinamba of Nigeria won the African Champions League last year [2004], they became only the second club to win two back-to-back titles. While chasing a record-breaking third title this year, they have to rebuild their team virtually from scratch. The reason is half of their winning side from 2004 have upped and headed off to greener pastures... In tandem with the exodus comes an ever-diminishing standard of play on Africa's top club competitions like the Africa Champions League and the African Confederation Cup. (Gleeson 2005: 69)

Here we have the accumulation of European dominance through the dispossession of African talent. And we all know that possession is crucial to success in football. What has been the response to this phenomenon?

Ydnekatchew Tessema the former president of the Confederation of African Football (CAF) makes the following observation:

African football must make a choice! Either we keep our players in Africa with the will-power of reaching one day the top of the international competitions and restore to African people a dignity that they long for; or we let our best elements leave their countries, thus remaining the eternal suppliers of raw material to the premium countries, and renounce, in this way, to any ambition. When the rich countries take away from us, also by naturalisation, our best elements, we should not expect any chivalrous behaviour from their part to help African football.
(Tessema cited in Darby 2002: 172)

But the Tessema approach is not on the agenda as countries that deny the movement of players will probably be denied membership of FIFA.

Danny Jordaan, the key actor in South Africa's hosting of the 2010 World Cup, calls for a more interventionist approach. Writing before South Africa won the right to host the 2010 event, he argued that:

...the challenge for African football and FIFA is to find a new paradigm of governance, based on greater access to the decision-making processes in the international game. Africa also needs to enhance its capacity to take its rightful place in a FIFA of shared and equitable distribution of leadership roles as co-creators and co-implementers of FIFA policies. Ours is the responsibility to provide for men and women with a vision of both a different future for the beautiful game and a different world in which people live, work and play. (Jordaan cited in Darby 2002: xi)

However, none of the leading South African football administrators, including Jordaan, has since raised questions of how to address the issue of power in the control of the game. Rather the emphasis is almost solely on providing infrastructure and trying to maximise the economic benefits of hosting the game – 'showing the West we are world class'. While a competent handling of the World Cup is important, the coming of the World Cup to Africa also

affords a unique opportunity to open up the debate on how to confront Africa's peripheral status in world football. In this context it might well do to take cognisance of Giulianotti and Robertson's periodisation of the globalisation of football – germinal, incipient, take-off, struggle for hegemony and the uncertainty phases. The latter phase 'involves greater political struggles through ever more complex relations between rising numbers of collective actors such as FIFA, continental bodies, national associations, clubs and sponsors' (Giulianotti 2005: 194).

Phases do not happen inevitably and neither are changes predestined to be progressive. That requires agency in taking cognisance of the prevailing structures and balance of forces. Africa's relationship with FIFA has been riven with conflict and confrontation that forced changes in the policies of the ruling body. CAF's relations with FIFA through the 1960s were dominated by the lack of World Cup representation and the drive to boycott South Africa. In the mid-1960s, while the membership of CAF had grown to over 30, African countries representation in the World Cup finals hinged on the play-off between the winners of the African Nations Cup and the Asian section. Kwame Nkrumah led discussions with CAF around this anomalous situation, which resulted in the boycott of the 1966 World Cup by African countries. These struggles were eventually to lead to African representation growing to five in 1998. The struggle to isolate apartheid South Africa was also won despite FIFA president Stanley Rous's support for white South Africa.

Will South Africa serve as the vehicle for a collective response of peripheral and semi-peripheral countries to increase their power in global football?

In this context the language around the World Cup has taken different and sometimes contradictory forms. While the bid was proposed as 'Africa's turn', the language by leading commentators quite easily sought to divide the continent between 'real' Africans and 'pseudo' Africans. Unlike the Cricket World Cup, all the matches will be played in South Africa. In this context the language used and figures touted all refer to the gains for South Africa.

Hidden behind the public pronouncements of 'Africa's World Cup', an offensive and defensive nationalism prevails. Exaggerated claims of the largesse that the World Cup will deliver are the order of the day but already the signs are there that it will support those who have gained from South Africa's elite transition. Nauright, writing about the sport-media-tourism complex is relevant here:

...it is clear that the international organisation and presentation of sport serves the interests of global, national and local elites—the cosmopolitans. Sports spectators and participants, on the other hand, are increasingly removed from the sporting product, whether by spatial location driven by the need for newly constructed sporting spaces for major events, relocation of teams to larger cities, increasing continentalisation of competitions, or new mediated sport forms. (Nauright 2004: 1334)

One of the practical issues to be explored is to synchronise the European Nations Cup and African Cup of Nations, so eliminating clashes and conflicts of interest. Doing this could enhance the chances of attracting the best European-based players. There are many hurdles to be jumped in this regard (among them weather) but the compromises around these issues would be worthwhile. In the longer term Sepp Blatter's call for a World Cup every two years offers one way to curtail the disproportionate power of European clubs and of UEFA. UEFA reacted hysterically to Blatter's call and 'threatened to withdraw from the competition if it was [held] biennially'. Blatter responded by arguing that it was imperative that the future of the international game be protected from the interests of a handful of European clubs' (Darby 2002: 154). The issue of the redistribution of resources also needs to be addressed. Should not national associations benefit from African players transfers on the European market and from revenue accumulating to UEFA? A model here is the way UEFA has helped the former East European countries. This might help to stimulate a genuine and well-resourced African club championship.

In the build-up to 2010, with its focus on Africa, is it not a strategic time to explore ways in which FIFA can be used as a vehicle to challenge the increasingly uneven development in football? There is potential here, as despite FIFA's burgeoning bureaucracy and the commercialisation of the game, the organisation's constitution entrenches a one-nation one-vote rule. CAF's power in FIFA has increased. Four Africans have places in FIFA's 24 member executive committee and Africa's voting power has increased in all the committee's of FIFA (Darby 2002: 175). South Africa will host the World Cup in part because CAF fought valiantly to exclude apartheid South Africa from FIFA. What better place than with the focus on South Africa for the next couple of years to develop a programme for a more meaningful and equitable inclusion of African football in the global rhythms of the game.

In cricket the normally antagonistic relations between the countries of the Indian sub-continent (Bangladesh, India, Pakistan and Sri Lanka) was put aside as they united to host the 2011 Cricket World Cup and India has taken the lead in asserting power in the International Cricket Council (ICC) uniting the nation and the major countries of 'non-white' bloc (the sub-continent plus the West Indies and now South Africa). South Africa is now also afforded an opportunity to challenge the stark inequalities and the growing gap in world football by beginning a conversation around the means and strategies to redress these inequalities. It has the potential in an arena where sport is increasingly becoming a racially divisive issue a means to unite the nation against global inequalities.

The first is a defensive struggle. The moves by the big European clubs to make it extremely difficult for African players to participate in their national teams should be confronted aggressively. The second is an offensive struggle. Should not African football federations be given a percentage every time a player from their country is transferred and this money used to make national leagues more viable? This means a contestation over power in FIFA and an assertion of a national and continent wide unity. It has the potential to draw in the Latin Americans, Asians and the country's of the Middle East.

Some will argue at its core these moves are designed to shore up the nation and are reactionary, constraining the freeing of people from national boundaries and preventing the development of a global market that allows for cosmopolitan citizens, playing for cosmopolitan 'global' clubs who are at the vanguard of breaking with the residue of the last couple of centuries – the nation.

GLOBAL FOOTBALL, GLOBAL APARTHEID

The increasing flow of football players from Africa to Europe forces us to think through the idea of global citizenship. Are these football players the harbingers of new borderless citizens, the cosmopolitans, who represent the pioneers of the escape from 'the slavery of belonging to a nation, an identity and a people', and we should embrace this as it represents 'the desertion from sovereignty and the limits it places on subjectivity' (Hardt & Negri 2000: 361).

But clearly this global citizenry of the football player has to be seen in the context of the broader uneven development of the game. The flow of players is from the South to the North and all the major clubs are based in Europe. This progressively under-develops African clubs and national leagues. The global, cosmopolitan regulation of the game if you like, does not trespass on inequality but rather reinforces it. In this context football does not represent a 'globalised smooth space'. This of course raises the question of the future of the nation state and the impact and trajectory of cosmopolitanism.

Eric Hobsbawm in the final pages of *Nations and Nationalism Since 1780*, anticipating events at the end of the 20th and into the 21st century wrote: 'The owl of Minerva which brings wisdom, said Hegel, flies out at dusk. It is a good sign that it is now circling round nations and nationalism' (1990: 182–183). However, like capitalism, the durability of nation states continues to confound its obituary writers. It is precisely at a time when a disembodied world power (or logic) was being theorised that nation states made a come back in big ways. Eschewing international law and the United Nations, the US and Britain invaded Iraq, assumed dominion over it for a number of months and are now trying to stitch it together again in a manner that best suits them. Officially this is to bring democracy and stop terror in Iraq. Very few people, including the majority of the American electorate, (witness the victory of the Democrats in the 2007 elections and Bush's falling popularity which has much to do with Iraq) still believe this line. Unofficially, it is about neo-conservative desires for a geo-political realignment in the Middle East, oil, money, and a crusade against the 'otherness' of Islam. Whatever the case, it is national entities that are striding the stage. And, in Iraq, the invasion is breeding sub-national identities: Shite, Sunni, Kurd, insurgent, collaborator, Baathist, and al Qaeda.

The question is to what extent cosmopolitanism is actually alive in the world and whether this can set the basis for global forms of governance that progressively erode the power of the nation state. Or is national overlordship in society still the way capital seeks to deepen and extend its accumulation? And what are the effects of such over-lordship?

For South African sport the questions are the same. When government introduces policies that seek to stitch the nation together in a particular way, especially in its drive to represent racial redress on the sports field, can this

be done without also sponsoring a whole range of sub-national identities – the white sports fan reacting negatively to black players, the black fan seeing racism in every exclusion of a player of colour? These are urgent questions, no less because as far as nations go, while Iraq is the world's nightmare, South Africa represents hope that racial and sub-national identities can be confronted and overcome.

The representing of global football as an example of global apartheid in the build-up to and through the World Cup could have immense value in generating awareness, uniting the nation and developing global solidarity.

While South African has little chance of winning the World Cup on the playing field, it can be a catalyst for leveling it.

Notes

- 1 In contrast, the relatively 'new' elite South African teams – Kaiser Chiefs, Jomo Cosmos, Sundowns – do not have 'place' names like Orlando Pirates and Moroka Swallows.
- 2 *Sunday Times, Lifestyle*, 26 June 2005.
- 3 *Mail & Guardian* 25 June–1 July 2004.
- 4 *The Citizen*, 8 September 2005.
- 5 This term was coined by Harvey (2003: 184–185).

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SECTION 3

CONCLUSION

13 **AN ALTERNATIVE FRAMEWORK FOR REDRESS AND CITIZENSHIP**

Kristina Bentley and Adam Habib

South Africa's democratic experiment is confronted with a central political dilemma: how to advance redress in order to address the historical injustices while simultaneously building a single national cosmopolitan identity. A number of approaches have been advanced to address this dilemma. Perhaps the most cynical of these approaches is the colour-blind perspective, which suggests that South Africa has realised an equality of opportunity, and government should not be involved in initiatives that recognise racial differences among its citizenry. Advocates of this view are hostile to affirmative action and redress, and assume that there already exists an equal playing field (Leon 2003). But, as is well known and demonstrated in the preceding chapters, there is significant empirical evidence to suggest the contrary. Indeed, the discrimination suffered by black people in the past crucially influences their life chances in the present. As a result, not only is there a moral, but also a pragmatic and instrumental rationale for affirmative action. Without redress measures, inequalities in the society will continue to produce themselves in a racial form, forever holding South Africa hostage to a polarised politics of fractiousness and ethnic mobilisation.

What, then, is the solution to this dilemma? Answering this does not only have the instrumental value of enabling us to affect a more nuanced and constitutionally compliant redress strategy. It also could play a significant role in validating the philosophical premises on which the South African transition is founded, namely that democracy and stability is possible in culturally and racially diverse societies. This is important especially in the contemporary post-9/11 world where so many governments including many of the industrialised richer nations, are implicitly assuming that a 'clash of

civilisations' is inevitable and that cultural homogeneity is the necessary foundation for a peaceful existence (Huntington 2005; Putnam 2007).

This then suggests that the case studies and reflections in this volume hold lessons for two distinct stakeholders: South African politicians, policy makers and public officials; and the domestic and global academics whose philosophical debates on identity have become the foundation for governments' policy innovations in arenas as diverse as immigration, security and foreign affairs. For the former, the principal lesson to be learnt from the case studies is whether the existing redress measures are successful: do they have unintended consequences and, if necessary, what other forms could redress take? For the academy, the studies hold a resonance because they speak to how redress impacts on the social identities of the country's citizens, how this informs both the emergence of a national identity and the character of the political transition, and what lessons can be learnt from and for comparative experiences.

CONCEPTUAL FOUNDATIONS OF AFFIRMATIVE ACTION

Perhaps the best place to begin this concluding set of reflections is by focussing on the conceptual foundation of the formal affirmative action programme in South Africa. This perspective, which is implicit in both the Constitution of the Republic of South Africa (Act No. 108 of 1996) and in all of the post-1994 redress legislation, recognises that while apartheid discriminated differentially on a racial basis, other groups like women and citizens with disabilities were also disadvantaged. The affirmative action programme therefore has as its beneficiaries black Africans, coloureds, Indians, women of all races and citizens with disabilities.

But it is on the racial aspects of this redress where the greatest demographic advancement has been made. Naidoo's chapter in this volume, for example, shows that in the civil service at least redress has been most successfully implemented at the level of racial transformation, but that other forms of redress, such as gender and disability, lag behind. In particular at the senior and middle management levels, there is some way to go yet before women are represented adequately. So, for example, as Figure 4.3 in Naidoo's chapter illustrates, in 2006, black Africans comprised nearly 73 per cent of the civil service as a whole. And when these figures were examined across levels of

seniority, around 55 per cent of senior managers, 60–65 per cent of those in the highly skilled categories, 80 per cent of those categorised as skilled and 90 per cent in the lower skilled categories were black Africans (see Naidoo, Figure 4.4). According to Naidoo, these figures dwarf the representation of black people in any other sector of the economy (see Figure 4.5). However, as Naidoo goes on to demonstrate, the pace of transformation of the civil service as far as women's representation is concerned is in negative contrast to race. By 2006, the goal of 30 per cent of women in senior management positions was finally reached, albeit 7 years late (see Figure 4.6), but it is important to note that glaring disparities remain between the representation of men and women in the middle management tiers of the civil service (Figure 4.7) and also between the national and provincial spheres (Figure 4.8). As far as those with disabilities are concerned, the situation is even more dire, as both Naidoo and Modisha's chapters observe. Indeed, far from the representation of the disabled being on the increase, Modisha reports that the representation of disabled people in the work place declined from an already low 1 per cent in 2000 to 0.7 per cent in 2006.

It should not be surprising therefore that affirmative action and the broader redress strategy have become susceptible to criticism from a variety of stakeholders, including some from within the ruling party and its tripartite alliance partners. This is because its current implementation has had three limitations. First, the redress strategy has implicitly assumed an equal playing field within the black population, which is simply not the case. Inequality in South Africa's black population has been rising for close to two decades (Seekings & Nattrass 2006; UNDP 2003). The net effect of this is that more well-off sections of the black population monopolise the benefits of the redress initiatives. A number of chapters in this volume attest to this. Ndletyana, for example, makes the point that the black state has not been responsive to the interests of poor black citizens, in the sense that affirmative action policies are biased towards the black elite, which he attributes to a 'class bias [that] reveals the pitfalls of the nativist-oriented conception of the state' held by the ANC government. However, Ndletyana does also add that this should be understood as a factor of inequality more generally, and he does also acknowledge that a more nuanced account of redress that takes account of class as well as race is required.

The economy chapters also support the view that it is the upper and middle classes which have benefited from economic empowerment. Bezuidenhout makes the point that black economic empowerment (BEE) in the mining industry has undermined worker interests. As his chapter argues, black empowerment in this sector in particular and the creation of an elite group of owners of mining capital have to be considered against the backdrop of the sector as a whole. And the labour practices that are necessitated by the demands of capitalist accumulation – which has not been compromised in the drive to create black capitalists – have a detrimental effect on the empowerment of those working in this sector. BEE in the mining industry, then, has served to deepen inequalities and has undermined the economic empowerment of the black working class employed in this sector, in particular through the process of externalisation through subcontracting arrangements, which undermine the rights of workers.

Sanchez's chapter shows how small, medium and micro enterprises (SMMES) have not benefited the most marginalised entrepreneurs. Inevitably skilled middle-class entrepreneurs are best located to take advantage of the opportunities presented in this sector, and are also capable of dealing with the legion requirements and red tape. Smaller businesses, on the other hand, and grass-roots initiatives, often find themselves unable to harness these opportunities owing to a lack of capacity and information. And, as Sanchez points out, this dovetails with a lack of capacity in the public service, which hobbles implementation (see below).

Modisha's chapter, by way of contrast, is much more supportive of the redress programme as it is currently structured. In highlighting both the successes and the limitations of the employment equity legislation, he ably addresses criticisms of redress measures which suggest that whites and other racial minorities are being unfairly disadvantaged. Modisha analyses Stats SA's Labour Force Surveys to argue that whites have not been unduly disadvantaged in employment. In particular, Table 6.4 of his chapter illustrates how between 2001 and 2004, according to the Labour Force Survey, unemployment, as a percentage, decreased for every race group except black Africans. The reasons for this are of course complex and go beyond the scope of the employment equity laws and BEE regulations. However, it does suggest that redress measures may be having a limited impact on the broader labour market, especially in the short term, for poorer and more disadvantaged citizens.

This concern about the uneven effect of redress recurs in the chapters dealing with education and sport. Both Chisholm and Morrow demonstrate that middle-class black students 'escaped' to the formerly white universities and schools, while the poorest of the black students were confined to institutions that were deprived of resources. Chisholm's chapter, based as it is on case studies, offers an account of how inequalities, replicating those of apartheid education, have persisted, and that at the institutional level, schools which were previously in working-class areas have remained marginalised, and that this has reconfigured itself roughly along racial lines. Once again, middle-class black African parents who can migrate to the suburbs can access quality education for their children within that setting. On the other hand, the poor and working class continue to bear the brunt of a grossly unequal system characterised by poor facilities and scarce resources. Similar inequalities persist in the tertiary sector, as Morrow's chapter demonstrates. Once again, the recipients of inferior secondary education, who are overwhelmingly black and poor, are unable to access the cluster of elite tertiary institutions, thus further entrenching inequalities in patterns of redress and economic access.

Desai and Ramjetan, in Chapter 11, show that this inequality persists in the sporting arena too. Poor black townships still don't have sports infrastructure. Where there is sporting potential among poor students, they are taken out of the environment and put into the formerly white (elite) schools. They are, in a sense, made middle class but the poorest of the black population still do not have sporting infrastructure that the urban middle classes enjoy. This has an inevitable impact on the widening gulf between different social classes in South Africa, and creates an environment in which sport becomes an elite activity. Moreover, it undermines the potential of sport to become a unifying tool of national identity. Demographic representivity of national teams is attempted not through having grown the pool of talented players, but rather by a resort to quotas, a divisive strategy that politicises the selection processes for national sporting teams.

In Chapter 12 Desai focuses on the commercial and globalised character of organised soccer, demonstrating how it compromises South Africa's ability to field a demographically representative and competitive national team. His conclusion is that the commercial orientation of world soccer disadvantages poorer nations and reinforces the socio-economic divides in the international system. Paradoxically, this global focus is an inevitable result of the drive to

field representative teams that can hold their own on the world stage, which is, in turn – at least in part – driven by a conscious desire to harness the unifying and ‘nation-building’ power of sport. As David Goldblatt comments: ‘No language or religion reaches as far, geographically or socially, as participation in and consumption of the world’s leading sports’ (Goldblatt 2007: 35).

Almost all of the chapters, which focus on diverse arenas, demonstrate that redress as it is currently constructed, tends to advantage more privileged sections of historically disadvantaged communities. It is hard to disagree with Ndletyana’s conclusion that the empirical evidence does not support the nativist assumption that a demographically representative state would necessarily be more responsive to the interests of the majority of the country’s citizens.

Second, the implementation of redress has in some cases compromised service delivery to the poorest and most marginalised of the citizenry. However, a number of qualifications must be immediately added. As Naidoo argues in Chapter 4, it is difficult to make a causal connection between redress and efficiency, especially given the massive increase in the mandate of the post-apartheid public service. Moreover, as Chipkin demonstrates in Chapter 5, redress in the South African public service has been accompanied by the rise of the New Public Management, which tried to transform the Weberian civil servant into an entrepreneurial bureaucrat. The net effect has been not only a significant increase in the aggregate mandate of the public service, as a result of the constitutional responsibility to provide for the whole citizenry, but also a dramatic increase in the tasks of individual public servants. It is hard therefore not to sympathise with the lament of Edgar Pieterse, who remarks that the new young black civil servants are effectively being required to undertake a set of responsibilities that are high impossible to deliver on.

In addition to the expanded mandate, the public service is hobbled by a high number of vacancies. Naidoo’s chapter draws attention to this problem in the senior management tier in all government departments, and suggests that the problem has actually been aggravated since 2004–05. One of the most striking features of the data in his chapter is the 45.2 per cent vacancy rate in the Department of Home Affairs, which provides some perspective on that particular department’s difficulties in meeting its obligations. Chipkin’s chapter also highlights this problem, and while careful in his phrasing, he nevertheless suggests that the huge vacancies and high staff turnover may be a result of affirmative action, which in part is actualised and effected through

the performance appraisal system. It may be worthwhile noting here that the legislation on redress is categorically clear that in the event of 'equity' candidates not being found for positions in the public service, it is illegal to deny these to other citizens.

Yet any familiarity with the public service would indicate that this has become a widespread practice. Moreover, there are reports daily in the newspapers of positions in the public service not being filled even though competent white candidates are available. This is because key performance indicators in the public service are determined in quantitative statistical terms without any serious assessment of the availability of equity candidates in the market. Managers in the public service, then, are conditioned not to fill a position rather than compromise their diversity proportions. The result is that in sector after sector service delivery is being severely compromised, impacting most adversely on the poorest of the citizenry. It seems incontrovertible that to some degree problems of capacity in the public service are to be attributed to redress measures, although this clearly needs to be understood in a nuanced way and not as a linear causal relationship.

But how does this conclusion square up with the Chair of the Equity Commission, Jimmy Manyi's argument that there are enough equity candidates available for vacant positions? In a radio talk show in May 2007 he argued that the big problem is that South African managers are particularly unimaginative when matching educational qualifications and job requirements.¹ He argued, for instance, that humanities and social science graduates, many of whom are unemployed, could be recruited for a range of positions in the public and corporate sectors. There is, of course, some merit in this argument. Qualified personnel are never simply a product of educational qualifications. They also become qualified as a result of experiential knowledge, which involves mentorship and supervision when the candidate is involved in the actual job. This is why investment and banking firms in Wall Street are comfortable recruiting humanities and social science graduates from their nation's top universities without compromising on their effectiveness and their financial bottom line. Clearly, there is much greater scope for take-up of South Africa's graduates so long as it is recognised that it would involve mentorship, supervision and on-the-job training.

Care must be taken, however, not to push the argument too far. While some flexibility and imagination is required in matching educational qualifications

and job requirements, specific categories of employment do require a much more defined foundation of knowledge and training. You cannot, for instance, take a political science graduate and place that person in a position requiring advanced engineering skills. Similarly, medical training is an absolute for a position involving patient care in hospitals. Yet the same rigidity in the implementation of redress seems evident in these professions. The most notorious example of this is the Western Cape government's reluctance to fill specialist positions in Tygerberg and Groote Schuur hospitals because equity candidates were not available.² The result was that much-needed operations were postponed, adversely affecting patients who in almost all cases are citizens without the financial ability to buy private health care.³

THE POSSIBLE EFFECTS OF IMPLEMENTING REDRESS

Finally, the implementation of redress may be having the unintended effect of heightening racial consciousness and alienating a section of South Africa's citizenry. It needs to be noted that Friedman and Erasmus, in their chapter, argue that the surveys do not provide evidence for the conclusion that redress has eroded citizens' sense of nationhood. Instead they claim that there may be no relationship between the two. But their chapter does indicate that white citizens are generally hostile to racial redress, and that a significant minority believe that race relations have deteriorated through the transition. Even more worryingly, Friedman and Erasmus suggest that younger white respondents are most negative in this regard, thereby increasing the potential for attitudes to harden in the future. Such resistance, of course, emanates from a perception that redress is 'reverse racism', and this must undermine the development of a cohesive national identity. However unfair certain businesspeople, politicians and public officials may deem this to be, the alienation has to be addressed if only because the South African Constitution commits the nation to the development of a national cosmopolitan identity, and mandates the state to act in ways that facilitate this outcome. A redress mechanism must thus be developed that can simultaneously address the historical injustices while enabling the development of a cosmopolitan South African identity.

Yet despite the limitations of the existing redress strategy, the government and public officials have been reluctant to openly review and reorganise the redress programme on an alternative foundation. This reluctance is in part due to their fear that it would limit the advancement of the black population

and undermine the non-racialisation of South African society. And there is some evidence that the abandonment of race-based affirmative action policies elsewhere in the world has had precisely this effect. In the United States for instance, the abandonment of race-based affirmative action has led to a dramatic decrease in black student enrolment into institutions of higher learning (Sabbagh 2007: 17–18). But this is unlikely to happen in South Africa. It is worthwhile noting that even today there is a huge overlap between race and class categories in South Africa. Moreover, it is worth reinforcing the point the blacks constitute the overwhelming majority of South African citizens. A redress initiative constructed on alternative foundations – class, for instance – could thus not but have the net effect of privileging black citizens in South Africa.

This point underscores the importance of contextual rationality.⁴ Too often comparative analysis gets undertaken in abstraction from context, resulting in misleading conclusions and inappropriate public policy. Applying a contextual rational lens to an alternative redress programme in South Africa would lead to the conclusion that not only would black citizens be privileged, but also its poor and disadvantaged sections would be prioritised. And, while this might not be in the immediate interests of certain individuals, and small groups of individuals in both business and political circles, it is compatible with the Constitution and the political agenda of both the ANC and its alliance partners.

Such a redress programme would have to be constructed on alternative ‘objective’ criteria, ones that do not reinforce the historical divides within the society, and are compatible with a cross-section of citizens’ views on what constitutes ‘fair’ and ‘just’. It is worth noting that empathy is as much an element of the human condition as are more destructive features like selfishness. Moreover, there is significant evidence from public opinion surveys, which demonstrate that the majority of South Africans, both black and white, believe that public measures must be instituted to protect poor and marginalised citizens from the devastating consequences of their socio-economic circumstances (IJR 2003; Seekings 2005). Indeed, research also demonstrates that individual citizens contribute just over R11 billion annually for causes directed at alleviating poverty (Everatt & Solanki 2007). The essential strategic task for policy makers and public officials is to construct redress on these shared principles so that bonds of solidarity can be fostered

among the citizenry. After all, without such bonds of solidarity, no national cosmopolitan identity is possible. Again, Friedman and Erasmus's chapter supports this view. They cite research from a variety of quarters which demonstrates that there is a degree of openness to redress on the part of the white minority which could successfully be cultivated. However, they also point out that

...framing redress in racial terms only is not the strategically most effective way of securing white people's compliance. Where possible then, redress is least likely to face resistance where measures that serve to redress racial inequities can be phrased as anti-poverty measures rather than as means of reversing racial power and privilege, even if this is ultimately the goal.

And this would not necessarily alienate blacks, since 'there is significant potential black support for a pragmatic approach to redress...' reflected in both the overwhelming support for redress in principle and in the fact that black people 'do not see it as a priority to the exclusion of others'.

FOSTERING SOLIDARITY IN NATIONAL IDENTITY

This then suggests that the most obvious way to foster solidarity in national identity would be to use class as the defining criterion by which to advance redress. A class-based perspective was first formally advanced in the South African debate in a minority report of the Presidential Commission to Investigate Labour Market Policy (1996), written by well known South African academic economist, Nicoli Nattrass, but has subsequently been articulated by a range of stakeholders in the society. These stakeholders can be grouped in two distinct categories. The first, described here as the subversives and perceived to involve at least leading members of the official opposition and some members of the white community, advocate a class strategy that in the most cynical interpretations is seen as a means to deflect the implementation of an affirmative action strategy. In the more optimistic interpretations, this 'subversive' class strategy is perceived to involve a charity-oriented intervention directed at alleviating poverty and not fundamentally transforming the structural causal features that tend to reproduce racial inequalities within the society.⁵

The second set of stakeholders, however, has a greater legitimacy and need to be taken more seriously. Comprising mainly progressive intellectuals, this group effectively suggests that a class-based affirmative action would be much more effective in achieving the Constitution's desired ends (Adams 2000; Alexander 2006; Habib 2004). Their argument is founded on three pillars. First, these scholars point to the significant overlap between racial and class categories in South Africa and in particular stress the racial character of poverty in the society. A class-based substitutionist strategy would therefore primarily benefit black people. But the programme, they maintain, also has the additional benefit of overcoming the weaknesses of race-based affirmative action. Given that it would be defined by material criteria, it would not enable the better-resourced elements within the black community to monopolise the benefits facilitated by the affirmative action programme. It would also not enable the entrenchment or reifying of racial identities, which could become an obstacle to the constitutional goal of a non-racial society.

Yet this substitutionist class-based affirmative action strategy also has two significant weaknesses. First, it implicitly assumes that economic empowerment is the only element required in the affirmation of historically oppressed communities. But is not psychological liberation, the freeing of the enslaved mind, as essential as economic empowerment in this political project (see Biko 1978)? The proponents of this strategy are silent on this question. Second, this substitutionist class-based affirmative action, however well implemented, will simply not deracialise particular sectors of the society. For instance, the deracialisation of the ownership of South African corporates will not automatically result from this class-based affirmative action programme. Given the racial profile of poverty in the country, it could deracialise the lower echelons of the class hierarchy, but, as Ndletyana points out, one cannot assume that it will automatically do so for the upper echelons of South Africa's corporate structure. And deracialising this upper echelon of the class hierarchy is as important a moral and strategic imperative as is eroding the correlation between race and poverty in South Africa.

This suggests that no redress programme founded on a single defining criterion, whether race or class, is likely to succeed in realising all of South Africa's constitutional obligations in this regard. Only an initiative constructed on more nuanced terms, incorporating both race and class, is capable of addressing South Africa's complex needs. This could take two

forms, one of which is already under consideration in official circles and partially implemented in South Africa. This is a programme with a race-based redress agenda, yet heavily qualified by class criteria. An example of this is the broad-based BEE programme. Under pressure from the ANC branches and the tripartite alliance partners, the government has been compelled to broaden the benefits of its race-based economic empowerment agenda. In effect this has meant skewing it in favour of less well-resourced sections of the disadvantaged community.⁶ The net effect is a race-based redress programme qualified by class criteria.

An alternative could be a substitutionist class-based redress agenda supplemented by more specific race-based initiatives. This class-based redress programme would primarily be to the benefit of South Africa's poor, which are almost entirely black. In effect, then, the programme would have the twin effects of deracialising and eroding poverty in South Africa. Where objectives like the deracialisation of South Africa's corporate ownership structure are unlikely to be impacted upon by this substitutionist redress agenda, more race-based initiatives could be implemented. Again, existing initiatives could serve as an example. The sectoral charters are essentially a race-based initiative where different sectors of the economy have been allocated targets for black ownership. The leading corporates in the relevant sectors are expected to facilitate this goal with their own resources. The lever encouraging them to do so is continued eligibility for government business, procurement and licences for mining the nation's national resources. The benefit of this comprehensive redress agenda is the ability to focus limited state resources on poor and marginalised communities, while using the regulatory powers of the state to condition the private sector to use its resources to deracialise the market economy.

DERACIALISATION, EMPOWERMENT AND POVERTY ALLEVIATION

We would favour this nuanced class-defined redress programme, supplemented by race-based initiatives, rather than the race-based programme qualified by class criteria that is currently under consideration and partly being implemented by government. Both could have very similar deracialisation, empowerment and poverty alleviation effects. The latter initiative, however, is more vulnerable to reifying racial identities, an outcome which would be

an obstacle to the construction of a non-racial identity in South Africa. The former, we believe, is more facilitative of realising the twin objectives of South Africa's Constitution: to effect redress for those who have been historically disadvantaged while simultaneously building a cosmopolitan, non-racial nation. In effect, it is more directed at addressing the national question in South Africa.

The approach suggested here goes against the grain of both the thinking of government and that of its critics. The former believe that a race-defined redress is the only option available for non-racialising South Africa. Its critics either deny the need for redress or recommend class to be its organising principle. The chapters in this volume, we believe, provide evidence that challenge all of these perspectives. They suggest that not only is government incorrect to assume that merely race-defined redress can achieve deracialisation, but also that the current implementation of redress might be subverting other constitutional goals to which it is committed. But this book also provides trenchant criticism of the critics' perspectives. In addition to arguing that the necessity for redress cannot be contested, it suggests that the critics' recommendation of a single class-based redress mechanism is too crude and not sufficiently nuanced to enable the government to achieve its twin constitutional objectives: addressing historical injustice and building a national cosmopolitan identity. In contrast, its alternative approach, which stresses the organising principle as being class, although being supplemented by specific race-defined initiatives, is a much more comprehensive way of achieving redress that is also compatible with South Africa's constitutional goal of building a cosmopolitan united nation.

It should be noted that the success of this South African experiment to address historical injustice while simultaneously building a cosmopolitan identity is important not only for policy making and implementation, but also holds value for debates on national identity in the domestic and global academies. At present there are three intellectual traditions evident in this debate. The first, known as the assimilationist tradition, defines the nation in advance and demands compliance for membership. It is a view dominant in the present right-wing political administration in the United States, and is common to some of our own political elites, especially those espousing a narrow Africanist perspective. For both, their nation is defined in advance. For the former, to be American is to speak English, espouse Christian values, and

be defined by a Protestant ethic. For the latter to be African is to have certain skin pigmentation, speak an African language, and adopt certain collective cultural values. Anybody who wants to belong to the nation must reflect these characteristics and adopt these values or suffer exclusion.

A VISION OF COSMOPOLITAN NATIONALISM

The most prominent academic expression of this nativist discourse outside the borders of this country is Samuel Huntington's *Who are We? America's Great Debate*. Defining American identity as being defined by the English language, Christianity, religious commitment and Protestant values, he insists that newly arriving immigrants to America's shores, especially those from Mexico and Latin America, sacrifice their own traditions, culture and language and assimilate as a condition for membership in the nation (Huntington 2005). For Huntington, the nation is defined in advance. It can be multi-ethnic and multiracial provided that new citizens sacrifice all they are and assimilate into a traditional 'white, Anglo-Saxon, Protestant' (WASP) definition of what it means to be American – speak English, advance Christian values even if you practise another religion or are an atheist, and behave in a Protestant way which valorises the market, individualism and republicanism.

The second intellectual tradition, known as multiculturalism, views the nation as comprising cultural, ethnic and racial groups of varying sizes, and desires to prompt a conversation and facilitate tolerance among them (see Barry 2001: 112–154; Kukathas 1995). It is a vision commonly advanced in Britain and has echoes in our own Freedom Charter. Again, it is a perspective advanced by many of our political and cultural elites across the political divide. Every debate in our society is saturated with 'I am an Afrikaner', 'African', 'coloured', 'Indian', as if these can truly be homogenous constructs. Moreover, this perspective prioritises the interests of cultural, economic and political elites within these groups. So the 'Afrikaner' gets defined by a 'Van Schalkwyk', a 'Giliomee', a 'Rupert', and an African by an 'Mbeki', a 'Zuma', or a 'Ramaphosa'. In this vision, the aspirations and interests of the poor are forgotten.

Both perspectives are dangerous for South Africa and fly in the face of its historical evolution and the philosophical foundation of its Constitution. This is because both ignore the principal lesson of academic research on identity in the 1980s, namely that all identities are myths. They might be necessary

myths, but myths all the same, and can be re-fashioned and reconstructed to serve alternative purposes.

This, then, leads to the third intellectual tradition that speaks to what nations are and how they are constructed. This cosmopolitan perspective, to which this volume is partial, begins from the assumption that the history of humanity is one of intermingling and integration, one of constant evolution and re-creation. A recent academic expression of this intellectual tradition, again focused on the American experience, is Aristide Zolberg's *A Nation By Design: Immigration Policy in the Fashioning of America*. Zolberg's vision of the American nation is very different from that articulated by Huntington. In a path-breaking study of immigration policy in the United States, he demonstrates how the official definition of being American itself transformed with changes in immigration policy as a result of political, economic, security, and social imperatives. Zolberg suggests that with the new immigration policy adopted in 1965, America 'definitively abandoned attempts to constitute itself into a "WASP" nation and redefined itself as a pan-European one, pledging allegiance to a flag under a deity that was Catholic and Jewish as well as Protestant' (Zolberg 2006: 436). It would be worthwhile recognising that this same legislation 'simultaneously erected an unprecedented barrier to the immigration of West Indian Blacks and Mexicans, expressly identified as problematic from an integration perspective' (Zolberg 2006: 436).

Nevertheless, despite this, the study provides one of the empirical pillars for demonstrating the feasibility of a cosmopolitan nation. It indicates in perhaps the most dramatic of ways how the nation itself can be redefined and re-imagined. Of course this process generates its nativists who try to defend the old conception of the nation. But like the racists of old, these new nativists will in the course of time be delegitimated and their ideas will pass into history. This is so long as their ideas are continuously challenged and critiqued. After all, the transformation of the globe, captured under the ideological rubric of globalisation, blurs national boundaries, integrates peoples, and conditions humanity to evolve in a cosmopolitan direction.

In any case, the cosmopolitan tradition in South Africa recognises that all of the country's citizens arrived here on this southern tip of Africa as a product of history; a history of conquest and exploitation, struggle and freedom, migration and assimilation. South Africa's Constitution recognises this and assumes that all its residents are South African, whether they are descendants

of the San and Khoi who originally walked this land, the Nguni and non-Nguni people who migrated from the continental hinterland, the European boers and entrepreneurs who came to colonise, the Mozambican and Swazi miners who were forced to live as migrant workers on the country's mines, the east European Jews who fled persecution, and the children of the Indian migrants who were forced to relocate as plantation workers to the British colonies of southern Africa some 150 years ago.

More importantly, the Constitution does not define the nation, other than identifying the democratic values and ethics that are essential to bringing it into being. This silence represents recognition that the nation cannot be defined for all time. It constantly evolves as new people join and new cultural values are assimilated and spread. The nation is defined for a historical moment by all who want to be a part of it. This is a vision of cosmopolitan nationalism. It is a vision consistent with South Africa's Constitution and its history. But it is a vision that also comes with responsibilities. It is a vision that should inspire and demand feelings of solidarity, and willingness by the advantaged of all colours, to sacrifice a little for the inclusion of the marginalised.

If this vision is realised, then it would hold value not only for South African citizens, but also for non-racial democrats across the world. This is because in this globalised world there are powerful political impulses that have emerged in North America, western Europe, and in the developing world, which are pushing in the direction of a narrow religious, racial or cultural nationalism. The rise of such nationalisms would of course be disastrous for it would herald the realisation of that most dangerous of fantasies, the 'clash of civilisations', that the political and religious right across the world has become so fond of predicting. For those across the globe who believe in an alternative future, one of a common humanity and a human fellowship, a successful South African political transition would become a beacon in the global struggle against bigotry and cultural chauvinism.

Notes

- 1 *The Sunday Times*, 8 July 2007.
- 2 *The Sunday Times*, 3 July 2007.
- 3 Note that President Mbeki and the Western Cape provincial government contested this version of the events, although there were a number of medical personnel who confirmed it.

- 4 For an account of contextual rationality, see Weick (1996).
- 5 See, for example, *Sunday Times*, 3 August 2003, A Leon, Africans who would close ranks are following in Verwoerd's footsteps.
- 6 Just one recent example is the selling of shares in cellphone giant MTN to members of the public, and the placing of a limit on the number of shares that any one individual could purchase. This strategy prevents a small group of already wealthy individuals from buying up large blocks of stock in supposed BEE deals.

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