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General Editor
Peter Randall

REPORT OF THE POLITICAL COMMISSION
OF THE STUDY PROJECT ON CHRISTIANITY
IN APARTHEID SOCIETY

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SIGNATORIES TO THE REPORT OF THE
SPRO-CAS POLITICAL COMMISSION

THE FOLLOWING MEMBERS of the Commission sign this Report in their individual and personal capacities, and not on behalf of any institution:

T.V.R. Beard	Senior Lecturer in Political Studies, Rhodes University
Nancy Charton	Lecturer in Political Studies, Rhodes University
T.R.H. Davenport	Associate Professor of History, Rhodes University
R.M. de Villiers	former editor, *The Star*
W.B. de Villiers	Transvaal Regional Secretary, the Progressive Party
A.B. du Toit	Senior Lecturer in Political Philosophy, University of Stellenbosch
A.M. Hugo	Professor of Classics, University of Cape Town
Leo Marquard	author and historian
A.S. Mathews (chairman)	Professor of Law, Natal University
C.F.Beyers Naudé	Director, Christian Institute of Southern Africa
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Oscar Wollheim*	former member of the Cape Provincial Council
Donald Woods	editor, *Daily Dispatch*

CONSULTANTS:

Japie Basson M.P.
Dr G.F. Jacobs M.P.

*I support the broad direction of the report, especially where it indicates a movement towards a more open society. I do not agree with the majority report in its trend to lay emphasis on the group especially where such groups are based on artificial lines of colour and not on common interest. I further dislike the suggestion that such colour groups should be consolidated and extended by the creation of more Group Areas.
(Comment by Dr Oscar Wollheim).

PREFACE

SIX COMMISSIONS of the Study Project on Christianity in Apartheid Society (Spro-cas), established in mid-1969 under the sponsorship of the South African Council of Churches and the Christian Institute of Southern Africa, were asked to examine our society in the light of Christian principles; to formulate long-term goals for an acceptable social order; and to consider how change towards such a social order might be accomplished. The fields of study covered by the commissions were economics, education, law, politics, society and the Church.

The Political Commission could have compiled an exhaustive catalogue of the horrors of the apartheid society, followed by a ringing denunciation and a clarion call to the whites to share their power and their privilege via an extension of the franchise on a common roll. This has been done frequently in the past, with a singular lack of public impact.

Instead, the Commission embarked on the infinitely more difficult task of exploring various political alternatives in depth, and of formulating proposals for change in line with its criteria of 'compatibility with Christian principles and practicability in the historic present'.

The proffered strategy for a transition from the present political position will arouse controversy: in such a controversial field, this is to be expected.

For those who study the reasoning that has led the Commission to its conclusions and who consider these conclusions objectively, this report has very real value. It offers a realistic and constructive way through the darkness that seems to lie ahead, and for this reason South Africa will have much cause for gratitude to the members of the Spro-cas Political Commission.

The commission held four full meetings between August 1969 and February 1971.

The following participated in all or some of these meetings:

Mr J. du P. Basson, MP (consultant), Mr T.V.R. Beard, Mr Leo Boyd, Dr Edgar Brookes, Mrs Nancy Charton, Dr Z. de Beer, Mr R.M. de Villiers, Dr W.B. de Villiers, Mr A.B. du Toit, Prof. A.M. Hugo, Dr G.F. Jacobs, MP (consultant), Mr G.G. Lawrie, Mr Leo Marquard, Prof. A.S. Mathews, Prof.

D.B. Molteno, Rev. C.F.B. Naudé, Dr W.F. Nkomo, Mr Alan Paton, Dr R. Turner, Mr Philip van der Merwe, Dr David Welsh, Dr O.D. Wollheim and Dr Denis Worrall.

The Commission expresses its appreciative tribute to Dr Nkomo, whose untimely death early in 1972 deprived the whole country of a powerful and reasoned wisdom. The members of the Commission are deeply grateful for the fact that Dr Nkomo attended each of its sessions, making his rich contribution to the often prolonged and wearying discussions. Prof. D.B. Molteno's death, at the end of the year, likewise robbed the country and the Commission of a lucid and penetrating intelligence.

Prof. Hugo was elected chairman at the Commission's first meeting, but ill health caused him to stand down and Prof. Mathews filled this position for the subsequent life of the Commission. Mr Justice Moloto accepted membership of the Commission but was unable to serve it in view of a banning order placed on him. Dr Rick Turner, whose creative participation in the work of the Commission was invaluable, as it was for the Spro-cas Economics Commission, was banned by the South African Government as this report was about to go to press. Dr de Beer withdrew from the Commission before its task was completed. Mr Lawrie left the country in 1971. Several members of the Commission had not responded to the draft report by the time of going to press: one wrote on 31 July, 17 August and 4 October, 1972, promising his comments within a few days each time, after which correspondence ceased.

The final signatories to the Report of the Commission are listed at the end of the Report.

A number of people outside the immediate membership of Commission assisted its work.

They include Mr E. Goldstein, Mr Radford Jordan, Prof. M.H.H. Louw, Prof. J.R.L. Milton, the Rev. Danie van Zyl and Prof. W.B. Vosloo, to whom grateful thanks are extended.

Nearly 40 working papers were produced for the Commission's consideration, some of them being second and third revisions of original drafts. A number of the working papers have been published in *Anatomy of Apartheid* and *Directions of Change in South African Politics,* two of the Spro-cas Occasional Publications. The help given by the writers of all these papers is gratefully acknowledged. A full list of the working papers is given at the end of the report.

The drafting of the final report of the Commission was entrusted to a committee consisting of Prof. Mathews (chairman), Mr A.B. du Toit, Mr R.M. de Villiers, Mr Peter Randall and Dr David Welsh. Their report, having been amended and approved by the Commission, is now offered to the people of South Africa.

May 1973

Peter Randall
Director, Spro-cas.

PART ONE

THE ETHICAL FRAMEWORK

Chapter One

INTRODUCTION

BECAUSE IT WAS concerned with so explosive an issue as the distribution of political power in a multi-racial society, the task of the Political Commission was probably the most formidable of all the Spro-cas assignments. Every South African has had experience of the intense emotions of fear and anxiety and prejudice aroused by any discussion of political rights.

The Commission's problem is simply stated: because it believes that a system which is not firmly based on government by consent and consultation carries within itself the seeds of certain destruction, the Commission sought to suggest or devise a formula which would give all South Africans a meaningful voice in the country's affairs at all levels of administration and policy-making. To be of any value at all however, it was essential that what it proposed had to be practical and to stand at least a reasonable chance of acceptance and implementation under prevailing conditions.

In other words, this was not a theoretical exercise in which the search was for the ideal political system. The Commission realised it had to keep its feet firmly on the ground, take cognisance of the facts of life as it found them (not as it would wish them to be or as they might be in twenty or fifty years' time given certain assumptions), and then point the way to peaceful change and also suggest how the transition might be attempted. Once again the Commission had to be realistic and practical, and had constantly to bear in mind the fact that it had to make its assessment and recommendations within a specifically Christian framework.

This framework was delineated at the first meeting of the Political Commission in August, 1969, when it formulated and adopted a statement of the Christian doctrine of man in these terms:

1. Man is created in the image of God. From this we derive our conviction of the sanctity of every human person.

2.   We fully recognise that the relationship of men to God and their fellow-men has been broken and that we have to live and struggle in a sinful world; but we also recognise the work of redemption in Christ and the living hope this gives us of renewal, reconciliation and peace.

3.   Although the fullness of love and justice lies in the future, when the Kingdom of God will be completely realised, we are nevertheless called to work with our whole being now towards the maximum of justice and love in all human relationships. These conceptions of love and justice lead us inevitably to the acceptance of the Golden Rule and to a real sense of the brotherhood of man.

The Commission's terms of reference were explicit: to enunciate the ethical considerations applying particularly to political life; to assess the present political situation in South Africa in the light of these considerations; and finally, to consider the political and constitutional implications of (a) an equitable sharing of political rights, and (b) a removal of discriminatory laws and practices in South Africa.

It very soon became obvious that on two basic matters at least there was common ground: on the need to abolish race discrimination on the one hand and, on the other, on the right of all people to share in political power. There was agreement, too, on the fact that political change should come about by peaceful means, not by violence. The urgent need for change was generally accepted, for, as Dr Welsh points out in his chapter 5 on the current situation, unless structural changes are made in the political system, South Africa faces the gravest perils and there is even a danger that the entire sub-continent may become engulfed in a race war whose possibilities of escalation are incalculable. For this reason it is important to analyse the various possibilities for change: this is done in Chapter Five.

At the same time there was widespread agreement with the observation of the Spro-cas Economics Commission that the link between power and wealth is basic to our problem and that the redistribution of wealth must go hand in hand with the redistribution of political power - a point to which Professor Mathews draws attention at the end of his chapter on the basic ethical principles.

From there on, however, the divergence of opinion on the most effective and practical ways of achieving these very broad ends was sharp and covered almost the entire spectrum of current political thinking in South Africa. This becomes clear in Mr Andre du Toit's analysis of the basic issues underlying the conventional distinction between apartheid and integration, or separate development and the common society, leading up to the Commission's

formulation of a multiple strategy for the transition towards a more just political and social order.

The Commission is aware of the fact that it is quite impossible to produce proposals for political change in South Africa which will satisfy all shades of opinion. It hopes, however, that it has managed to point one reasonable way in which South Africa may be peacefully transformed from a racial oligarchy in which political and economic power is vested almost entirely in white hands into a democratic society in which power will be justly shared. All it would add, particularly for the benefit of those who disagree with it, is that no formula or system which does not accept and embody the ethical principles enunciated in the next chapter stands any real chance of success.

Chapter Two

THE BASIC ETHICAL PRINCIPLES

Introduction

WHILE THE POLITICAL Commission was primarily concerned with the political alternatives and the task of breaking the impasse in South African political thinking, it recognised from the outset that its recommendations should rest upon, and be informed by, a foundation of Christian ethics. At an early stage of its discussion the Commission sought to determine the primary ethical concepts which would guide its examination of the complex dilemmas posed by the political situation. The ethical concepts which the Commission found to be fundamental to its work were the principles of justice, freedom, equality, love and brotherhood, individual sanctity, co-operative and individual responsibility, and the attainment of ethical ends exclusively through ethical means. At a lower level of generality, the Commission isolated three important ethical concepts which may logically be derived from the primary concepts and which appear essential for the realisation of the primary ethical principles in actual human society. These derived concepts are the Rule of Law, protected civil rights, and effective participation by subjects in the government of the society. No member of the Commission has ever argued that the primary and ethical concepts could find expression only in one kind of political system, but it was recognised that certain specific systems or sets of political arrangements violated some or all of the ethical principles. It was also recognised throughout, as will appear in the ensuing discussion of the primary and derivative ethical concepts, that a number (if not all) of the fundamental principles are too vague and unspecific to be of use without further analysis and that they frequently conflict with each other. The following discussion is an attempt to give a clearer content and scope to the basic ethical principles and derived concepts.

THE PRIMARY ETHICAL CONCEPTS

Equality

The principle perhaps most clearly related to Christian teaching and ethics is the principle of the sancitity and value of each individual human being. The Gospels are instinct with this faith, every man being conceived as created in

the image of God and therefore entitled to respect as an end in himself. In the atmosphere of the New Testament no man is unimportant and none may be used as a mere means to an end. It seems to follow that in this sense all men are equal and entitled to equal consideration. It is more difficult to see how this principle of equality can be realised in political life. The Commission is aware of the many difficulties inherent in the notion of social and political equality. Some of these difficulties may be cleared away or at least reduced by the following statement of propositions relating to equality which the Commission accepts:

(a) By equality the Commission does not mean that all men are of equal ability or endowment; rather, it means that in the public domain all men are entitled, as a general principle, to equal treatment.

(b) Though there are a number of grounds on which inequality of treatment in the public domain may be justified (e.g. age, mental incapacity etc.), the Commission rejects inequality of treatment based on the irrational grounds of race, religion, national origin or belief.

(c) Policies aimed at achieving or promoting equality may conflict with certain other basic claims, e.g. the claim to individual freedom. Thus Acton has said: 'The passion for equality made vain the hope for freedom'. In such a conflict between equality and freedom, one principle may have to be qualified in the interests of the other.

The most difficult problem to which the equality principle gives rise is the problem of determining the respects in which men are entitled to absolute equality of treatment. The Commission accepts, as a statement of the minimum scope of the equality rule, that all men, regardless of race, colour or creed, are equally entitled to the impartial administration of justice (i.e. to equality before the law) and to equality in personal, civil and political rights. Deviations from the principle of equal claims to personal, civil and political rights are tolerable only as temporary expedients in mixed societies with people of different economic and social development, and then only if the departures from principle are aimed at bringing about a full equality.

The Commission is well aware of the definitional and substantive difficulties in the claim for equality of treatment in the economic and social spheres of life. Few would urge that equality of income for all members of

society is a desirable or an attainable social goal, although there is much truth in the view that wide gaps in income are inimical to political and social stability, especially where they coincide with the lines of racial or ethnic cleavage *(1)*. Equality of economic and social opportunity is an acceptable principle, but it should be qualified in the light of the fact that this may be insufficient in a society where sections of the population have been subjected to discrimination over a protracted period. In such cases mere removal of the legal obstacles to equal advancement will leave those entrenched in positions of power and privilege in more or less the same commanding position.

Genuine equality requires a minimisation of inherited privilege, whether on a class or racial basis. It means, for example, that privileged access to education be abolished *(2)*. We commend the words of R.H. Tawney:

> *to criticise inequality and to desire equality is not, as is sometimes suggested, to cherish the romantic illusion that men are equal in character and intelligence. It is to hold that, while their natural endowments differ profoundly, it is the mark of a civilised society to aim at eliminating such inequalities as have their source, not in individual differences, but in its own organisation, and that individual differences, which are sources of social energy, are more likely to ripen and find expression if social inequalities are, as far as practicable, diminished.* (Equality, *London, 1952, p. 49*).

Since de Tocqueville's posing of the problem, philosophers have grappled with the antithesis between the principles of equality and freedom. The Commission is aware that a harsh and vigorously enforced equalisation process may seriously curb individual and corporative freedoms and so produce a society characterised by dull conformity and inertia. Moreover, an enforced equality may run counter to, and diminish the scope of, the principle of equality of opportunity. The paradox can be resolved only by the strategy employed in striving towards the goal of equality. Such a strategy requires a continual weighing up of the potentially conflicting claims of equality and freedom so that a fine balance is struck and maintained.

In these circumstances the Commission is aware that while equality must be an aim of society, however difficult its attainment might be, it must be pursued with moderation (which must not be construed here as a euphemism for inaction or a lack of concern) and with consciousness of the other principles which may come into conflict with it.

Freedom

Like equality, freedom can also be derived from the moral value and importance of each human being which presupposes at least a certain area of individual choice. Freedom is also derivable from the primary concept of responsibility which implies the opportunity to make a reasoned choice between conflicting alternatives. Freedom is by itself a large and undefined concept even in the sphere of politics with which the Commission is basically concerned. In politics freedom may be understood in two different senses which, though they may be related, may also conflict with each other. Man's claim to freedom is, in the first place, a demand that he, to some degree, preferably as widely as possible, be accorded an area free from external restraint or coercion. Without an inviolable area in which expression and action are not subject to control by other individuals or groups (including the state) we could not speak of freedom. Freedom in this negative sense (sometimes called 'freedom from') is generally expressed in constitutional political language in the form of:

  (a) Personal freedom, i.e. freedom from assault, arbitrary arrest or confinement and from unreasonable searches and seizures.

  (b) Civil liberties, i.e. the right to freedom of belief, expression and association.

The Commission believes strongly that these freedoms should be enjoyed by all and that their denial, except for legitimate purposes, is a violation of a primary ethical concept of a Christian society. The problem of determining what are 'legitimate purposes' which justify inroads into these freedoms is difficult but not as insoluble as the opponents or faint-hearted supporters of liberty sometimes suggest. We believe that the following propositions may serve as a useful guide:

1. The curtailment of personal and civil liberties in times of peace should not go beyond those which have been traditionally accepted in free societies as legitimate, e.g. arrest on criminal charges of a precisely defined nature, confinement on the grounds of insanity, etc.

2. Any such curtailments, again in times of peace, must always take place in accordance with due process of law.

3. During genuine emergencies (i.e. the outbreak of disorder) limitations

on personal and civil liberties may be necessary but should be temporary and limited to the exigencies of the situation.

Freedom is understood in a second sense which is usually described as positive freedom (or 'freedom to'). In this sense freedom is perhaps better described as power - power to shape and determine, or at least to influence the shaping and determination of, the conditions in which one lives in society. Freedom in the sense of power has been a potent force in the liberation of Africa and has tended to submerge freedom in the other sense, sometimes according to the doctrine that restrictions imposed upon a people by itself are preferable to an individual freedom guaranteed by others. The Commission believes this to be a false positing of alternatives and supports the notion of a balanced positive and negative freedom, which may best be achieved by the fullest possible participation of citizens at all levels of the decision-making processes of the polity. But, at the same time, positive power must not destroy or paralyse the personal and civil liberties which make up freedom in the negative sense. The key to their reconciliation is *self-government* which incorporates both the notion of power and the institutions of personal and civil liberty which are essential to a system of rational decision-making by citizens and officials of the society. Self-government is meaningless unless supported by freedom of the person and by freedom of expression and association; without these freedoms no informed decision is really conceivable.

Justice

That the policies of a government, not least the government of a Christian country, should be directed towards the achievement of justice, is a proposition that hardly requires re-assertion. Justice may be understood in a broad or in a narrow sense. The demand that there be justice in the broad sense is a demand that government policies and practices should be fair and just between all citizens and groups of citizens. This will include the requirement of an equitable distribution of the material and non-material goods of the society (distributive justice), and a machinery to redress any imbalances caused by harmful actions of subjects or groups of subjects (retributive justice). In a narrower sense, justice refers to a set of institutions and procedures which afford the citizen a reasonable guarantee that his complaints and grievances will be adjudicated upon by impartial tribunals applying fair and rational procedures. The distinction between justice in the broad and narrow sense corresponds broadly with the notions of substantive due process and procedural due process of American jurisprudence. The Commission's prescription for justice in the substantive sense is reflected largely in its re-affirmation of the primary concepts of freedom and equality already dis-

cussed. Its recommendations for justice in the procedural sense are elaborated in more detail in the section on the 'Rule of Law', one of the derivative principles discussed below.

The attainment of justice in society clearly implies the maintenance of order as a prerequisite. Justice is inconceivable without order. The Commission therefore recognises that every government has a duty to create conditions in which there will be 'law and order' and in which the citizens will enjoy security in the sense that they will be protected from violence, subversion, terrorism and other activities destructive of social life. However, order and security are not to be achieved through injustice or by sacrificing justice. Properly conceived, order and justice are not alternatives but rather interdependent. While order is a prerequisite of justice, justice will contribute to a stable order. A society which denies justice will certainly create the conditions of disorder and undermine the security of the citizens of the society. Therefore, while no sensible government will ignore the requirement of order, it will equally devote itself to the promotion of justice - both for itself and for its role in establishing the conditions of an ordered and secure society. Moreover, justice is to be sought for the whole society for nothing undermines security and order more effectively than the denial of justice to a substantial group or segment of the society.

An appreciation of the interdependence of order and justice enables us to put the so-called right of self-preservation in its correct perspective. A government, on behalf of its community, is obliged to preserve itself and the community against unlawful and violent attacks by disaffected groups. But 'self-preservation' (which here strictly means *security)* is best achieved by extending the benefits of the society to all sections and groups, that is, by ensuring justice for all. 'Self-preservation' is also used in a second and unacceptable sense in which it implies the preservation of the entrenched power and privilege of one group in the society. In this form self-preservation may in the long-run prove self-destructive both for the privileged group and the wider community even if the advantages of the former are bolstered by all the paraphernalia of 'law and order'. The community is best preserved by a just social policy supported where necessary by security measures. Only a temporary and insecure self-preservation is likely to be achieved through excessive reliance on coercive measures.

Love, Brotherhood, Responsibility and the Use of Ethical Means

Love and brotherhood are not specifically and directly political notions but rather qualities or value aspirations which should desirably characterise political life. The difficulty about both love and brotherhood as *political* values is that they call for a positive response towards one's fellowmen which, unlike the negative claims to freedom and equality, can hardly be expressed in

the political arrangements of the society. To some extent the same difficulty attaches to the concept of responsibility. The Commission recognises that responsibility is a necessary correlative of freedom but it is difficult to legislate for it since, unlike the rules and institutions protecting freedom, enforcement of responsibility is hardly conceivable. The principle that legitimate ends should be pursued only by ethical means is strongly supported by the Commission. 'Freedom', it has been said, 'must be practised as a means if it is to be achieved as an end'. No principle is more destructive of decent government than the principle that a good end may be brought about by immoral means. The institutional expression of the requirement that government proceed by ethical means is to be found partly in the Rule of Law which is discussed below.

DERIVATIVE ETHICAL CONCEPTS

The Rule of Law *(3)*

The principle of the Rule of Law is an aspect of the Western and Christian ideal of justice. As an institution the Rule of Law has many valuable purposes and functions, amongst them the following:

1.   It serves to limit arbitrary governmental power and to diminish the possibility of the abuse of political authority;

2.   it helps to ensure that conflict situations, especially those between the citizen and the state, will be dealt with in a fair and rational way;

3.   it leads to certainty and predictability, and therefore to a more rational ordering of affairs, in the area of its operation;

4.   when operating effectively, it gives to the citizen the assurance that disputes with others, including the government, will be resolved justly according to fair procedures. This feeling that disputes will be justly resolved contributes to security and loyalty in the state.

The Rule of Law has sometimes been defined in such narrow terms that its usefulness is almost entirely lost. In the restricted sense, it means that governmental actions must be authorised by a validly enacted law. Since the actions of Hitler and Stalin fall within this conception of the Rule of Law, it is one which may readily be discarded. At the opposite end of the scale, there are broad definitions of the Rule of Law which make it stand for 'good government' in the widest sense. In these definitions the Rule of Law is merely an

alternative expression for a set of moral principles applied to government and public life. When the Rule of Law is so infused with a vague and beneficent philosophy of individual and social justice, it loses contact with the notion of law (and therefore its juridical significance) and ceases to be an objective criterion to which fair-minded men of differing political persuasions can give allegiance. An acceptable definition must avoid the pitfalls of both the narrow and over-broad approaches.

The dilemma can be overcome only by focussing on the concept of legality which lies at the heart of the notion of the Rule of Law. Legality implies government through standards-more or less fixed and certain and announced beforehand so as to afford·a guide to conduct. (Legality is distinguishable from legalism which implies only that there is a valid law authorising what is done) *(4).* The following quotation emphasises the profound connection between the Rule of Law and the principles of legality:

> *The Rule of Law stands for the view that decisions should be made by the application of known principles or laws. In general such decisions will be predictable, and the citizen will know where he is. On the other hand there is what is arbitrary. A decision may be made without principle, without any rules. It is therefore un-predictable, the antithesis of a decision taken in accordance with the Rule of Law'.* (Committee on Administrative Tribunals and Enquiries, cmnd. 218 (1957), paragraph 29).

Because the Rule of Law is a doctrine of constitutional law, it must be taken to express the principle of legality primarily for the *political* aspect of the state/citizen relationship and not also in the economic and social areas of government. (In these areas, though it is permissible in a metaphorical sense to speak of the Rule of Law, wide discretionary authority is inevitable. There should desirably be some restraints on the exercise of such authority, but the use of power in the economic and social fields cannot be controlled by the certain standards that are possible in the field of constitutional rights and liberties). This is why Dicey, in his famous treatise on the Rule of Law, con-centrates on the rights of speech, movement and meeting in dealing with in-fringements of the Rule of Law. If we thus delimit the area of the operation of the doctrine it comes to mean:

(a)   that the citizen's right to freedom of the person, expression and association, subject to traditional and narrowly defined limitations

(such as the laws governing defamation and treason), shall be honoured by the state;

(b) that governmental action affecting such rights shall be authorised only in terms of general laws which prescribed specific standards for interference with, or limitation of, such rights;

(c) that adjudication over such rights, and permissible interferences with them, shall be in the hands of impartial tribunals (preferably the ordinary courts) which shall act according to fair trial procedures (or due process of law).

Point (c) shows that an important aspect of the Rule of Law is the citizen's right to have a hearing before an impartial and independent tribunal when he alleges an unjustified interference with his constitutional freedoms.

The foregoing definition of the Rule of Law expresses a formal ideal which in practice must be realised through appropriate procedures, institutions and techniques. The institutional or procedural side of the Rule of Law can best be described in relation to the legislature, the executive, the judiciary and the criminal law.

The Legislature

Here the principal requirement is that the legislature express its will in terms of general rules which are reasonably specific in their application. The rules of the legislature must not invade the fundamental liberties of the citizen, except for limited periods during emergencies.

The Executive

The main guiding principle is that the executive must be subject to law in the sense that its actions are limited and controlled by specific provisions of law. Moreover, the executive should not have the power to enact inroads into the basic freedoms. It is of high importance that the right of the executive to govern according to emergency provisions should be tightly limited and controlled by law. Finally, the delegation of legislative authority to the executive must be within narrowly defined limits laid down in the enabling statute. There must be various institutional checks upon the exercise of that authority, including judicial supervision and review by parliamentary committees appointed for the purpose.

The Judiciary

The most important institutional requirement of the Rule of Law is that of

an independent judiciary to administer the rules. The judiciary must act in accordance with fair trial procedures or, as it is sometimes called, due process.

The Criminal Law

In relation to the criminal law the Rule of Law means that there must be certainty in the definition of crimes and that the laws must not be retrospective. In the words of the American Supreme Court: 'All are entitled to know what the state commands or forbids'. Moreover, the rights of the accused on arrest and during trial (for example, the right to counsel and bail) must be adequately protected by the laws.

The branch of law known as Administrative Law is best dealt with separately and not as part of the Rule of Law even though there is a certain amount of overlapping between the principles of each *(5)*. Many of the actions of government officials and agencies, though not falling within the area covered by the Rule of Law, should nevertheless be subject to some or other form of legal control. The control has traditionally been exercised in common law jurisdictions by the courts applying the ultra vires doctrine (acts must be within the delegated powers) and the rules of natural justice (everyone is entitled to a fair hearing and no one may be a judge in his own cause). Under the scope and influence of the continental system of administrative law, the techniques of control are being extended in many Western societies and attention is being given to the proper development of a separate branch of administrative law. Similar policy changes are badly needed in South Africa.

Guaranteed Civil Rights

The expression 'civil rights' refers to the individual freedoms of the person, of speech, movement and association and to the principle of equality before the law *(6)*. We have already seen that the Rule of Law is very largely concerned with the protection of these freedoms and also, to a limited extent, with the equality rule. It is also worth noting that self-government implies individual freedom and equality which may accordingly be regarded as inherent in the notion of democracy. Quite clearly, then, the Commission strongly supports the principle of guaranteed civil rights.

The Commission would like to see such rights guaranteed in a written constitution and enforced by independent courts. It is well-known that the constitution of the United States incorporates a court-enforcible bill of rights. Despite the tremendous and awe-inspiring exception of the civil war, the people of the United States have in general had the spirit of reverence for law, and their bill of rights still stands, an effective barrier against despotism, after an interval of one hundred and eighty years. Nevertheless, the Commission recognises that constitutionally protected civil rights have been trampled underfoot or undermined in other societies and that without the necessary

social foundations constitutional enactment will be inadequate to secure recognition of the basic civil liberties *(7)*. Even in the United States, which has the best record of countries with entrenched bills of rights, it was possible for many decades to frustrate the civil rights of the black minority. The Commission's support for entrenched civil liberties is therefore not accompanied by any illusions about the efficacy of constitutional enactment. At the same time the Commission believes that the guarantee of civil rights is a goal to be striven towards and that the incorporation of such rights in a constitutional instrument may at least have an educative value in the community.

Effective Participation in Government

The basic ethical principle of freedom (especially in its positive sense) implies that all the governed must effectively participate in government. It is clear that the African, Indian and Coloured groups in South Africa do not at present enjoy effective participation in the government of the country. One of the Commission's major tasks is to make proposals for effective participation by all groups which will accord with Christian ethics and, at the same time, take proper account of the realities of the South African social situation. Since much of the subsequent part of this report will concern this problem, little more need be said at this stage. However, certain basic principles which will guide the Commission in this search may be stated at this stage. First, whatever transitional arrangements may be necessary, no proposals for participation which will be unfair or inequitable as between different race groups are acceptable. Second, effective participation at *all* levels of government for all groups must be worked out. Finally, political proposals for any group or segment of society can never be satisfactory unless adequate economic arrangements are also proposed for that group or segment *(8)*. Political programmes cannot be divorced from economic and social realities.

FOOTNOTES

1. See *Towards Social Change,* report of the Spro-cas Social Commission, p. 161.
2. See paragraph 2.11 of *Education Beyond Apartheid,* the report of the Spro-cas Education Commission, p. 9.
3. See the discussion on the Rule of Law at various places in *Law, Justice and Society,* the report of the Spro-cas Legal Commission, for example Chapter 4 and Chapter 9.
4. See discussion by John Dugard in *Law, Justice and Society, op. cit.,* p. 32-33.
5. See discussion by Colin Kinghorn in *Law, Justice and Society, op. cit.,* Chapter 8 ('Apartheid and Administrative Bodies').
6. See discussion by D.B. Molteno in *Law, Justice and Society, op. cit.,* Chapter 9, pp. 90 et seq.
7. *Ibid,* p. 96.
8. See Recommendations in *Power, Privilege and Poverty,* the report of the Spro-cas Economics Commission, pp. 102-112.

PART TWO

THE PRESENT POLITICAL POSITION

Chapter Three

THE PRESENT POLITICAL
POSITION IN SOUTH AFRICA

SOUTH AFRICA'S political system is a racial oligarchy in which all significant political power is vested in white hands (1). In terms of the South Africa Act of 1909 a compromise was effected whereby the Cape Province was to be allowed to retain its non-racial qualified franchise, while the Transvaal, the Orange Free State and Natal retained their own franchises which, save for some marginal exceptions in Natal, were exclusively white. The Cape's non-racial franchise was 'entrenched' in the Union Constitution and could only be altered by means of a two-thirds majority of both Houses of Parliament voting together. The theoretical right of any Cape voter, of whatever race, to be elected to Parliament was removed - only white persons could sit in the Senate or in the House of Assembly.

Erosion of Black Rights

Subsequent to Union the influence of the African and Coloured vote was diluted by the enfranchisement of white women and the abolition for white voters of certain qualifications for the franchise that existed in the Cape and Natal. In 1936 the United Party government under General J.B.M. Hertzog removed African voters from the common roll in the Cape and substituted for this a type of communal representation whereby Africans could elect seven white representatives to Parliament. At the same time a Natives Representative Council was established with purely advisory powers.

In 1951 an attempt was made to remove Coloured voters from the common roll, but it was not until 1956, after a protracted constitutional struggle, that the legislation aimed at this end was validated. Again, these common roll voting rights were replaced by a type of communal representation whereby Coloured people could elect four white representatives to the House of Assembly.

In 1959 the Promotion of Bantu Self-Government Act extinguished the limited communal representation accorded to Africans. (The Natives Representative Council had been abolished in 1951, having adjourned *sine die* some years prior to this). In 1968 the Separate Representation of Voters Amendment Act abolished Coloured representation in the House of Assembly and in the Cape Provincial Council. In terms of the Prohibition of

Political Interference Act of the same year, racially mixed political parties were made unlawful, and it was also made unlawful for a person of one racial group to give any political assistance to persons of another group.

It is clear from this brief summary that the Republican Parliament is now representative of white political interests only. It is of course true that provision has been made for separate African representation in political institutions that are developing in the 'homelands' and for Coloured and Indian representation in the Coloured Persons Representative Council and the South African Indian Council. We shall later consider the extent of the powers accorded to these embryonic institutions and their possible effectiveness at present and in the future. Suffice it to say here that at present they are only partly representative and that they possess severely circumscribed powers.

The fount of power in South Africa is still the Republican Parliament. We believe that this will continue to be the case however much power is devolved to separate political institutions created under the apartheid policy as presently envisaged. It follows from this that inequality and injustice are built into the existing political system. If, as we assert, all adults are entitled to a measure of effective political participation, the historical development of South Africa's franchise shows a sustained, progressively exacerbated breach of this principle, which was never securely entrenched in the first place. From having a very limited, but nevertheless significant, measure of influence in the political system, African and Coloured voting influence has been reduced to zero. Instead of the previous small amount of substance they are now offered shadow-votes in bodies which are incapable of satisfying their legitimate political aspirations.

We wish to make it clear that we are not laying the blame for this injustice exclusively at the door of any one political party: the erosion of black political rights stems from processes that are inherent in the social system that has developed in South Africa. (A fuller explanation of these processes is given in Chapter 1 of the Spro-cas Social Report and Chapter 5 of the Spro-cas Economics Report).

White Power and Privilege

In using their voting power to further their own assumed interests the white electorate has not behaved very differently from electorates in other political systems. The vote is primarily an instrument which is used, or can be used, to elect representatives who are believed to be sympathetic to the voter's interests. In one important respect the political process is an allocative one whereby goods and services and resources are distributed by the state. The manner of this distribution is affected to a high degree by the distribution of political power in the society. Enfranchised groups can use their electoral

power to apply pressure on Parliament and so ensure that, at the very least, they are not excluded or discriminated against in this allocative process.

It follows from this brief discussion that if the political process in South Africa is dominated nearly completely by white interests the allocative process will be bent in their favour. This is not to say that the unenfranchised sections of the population are completely excluded; but it does mean that they are usually discriminated against. This is clearly seen in land legislation, laws affecting jobs, and the provision of amenities. Differential grants, subsidies, and allowances as between white and black are found, inter alia, in education, old-age pensions, disability grants, and grants under the Workmen's Compensation Act *(2)*. The white population is, in effect, a ruling group or a ruling caste, and, like ruling groups elsewhere, they have used their monopoly of political power to buttress and further their own interests primarily. The consequence has been the outpouring of a steady stream of discriminatory legislation aimed at protecting white interests *(3)*. Furthermore, the unenfranchised groups are denied an arena in which their needs and grievances can be effectively voiced.

The effort over generations to perpetuate white privilege has had deleterious effects upon the freedom of all South Africans, but especially blacks. To maintain a position of political and social privilege for a small minority of the whole population requires the use of force over and above that needed for the peaceful administration of a free society. In these circumstances invasions of freedom and breaches of the Rule of Law are inevitable concomitants. When large sections of the population are subject to discriminatory laws and an inferior status they will challenge the situation and seek to attain for themselves a greater measure of equality. The response has been to curb the freedoms of those who make the challenge.

Breaches of Ethical Principles

In African administration South Africa has a long history of extraordinary executive powers being wielded over Africans. The Natal Code of Native Law of 1891, for example, provided for detention without trial for periods of up to three months. A similar provision was contained in a Cape statute of 1897 applicable to the Transkeian Territories. The Code's provisions in regard to executive powers were taken over by the Bantu Administration Act of 1927, which provided also for what has been described as a system of 'executive despotism' governing Africans. In its amended form the State President is Supreme Chief over all Africans in the Republic. He may amend the Natal Code of Bantu Law which enumerates his powers as Supreme Chief; he may proclaim laws for the scheduled Bantu areas; and he may remove tribes, portions of tribes, or individual Africans from one locality to another without regard for the *audi alteram partem* principle. These are but some of the

striking powers conferred upon the executive by this statute. In citing them we
wish to emphasise the point that the conferring of such sweeping and
dangerous powers is a long-standing feature of South African governmental
practice.

Several laws in South Africa provide directly for invasions of personal
freedom. Most notably these are the provisions for detention without trial
contained in the security legislation enacted in the 1960's. Thus in terms of the
Terrorism Act of 1967 provision is made for indefinite detention without tital.
In all of these cases *habeas corpus* is not applicable: the detained person has
no right to see his lawyer, his doctor, his friends, or to have his case reviewed
by a court of law. He is entirely at the mercy of the state.

No less serious in principle are the invasions of personal freedom contained
in the Suppression of Communism Act of 1950, as amended. The Act has
been used not only to suppress the small Communist Party but also against a
wide variety of opponents of racial discrimination. Frequent use has been
made of the power to 'restrict' or 'ban' persons who, in the opinion of the
Minister of Justice, are furthering the aims of communism. Communism is
defined in the widest and vaguest terms in the Act. In terms of a restriction a
person may be confined to a particular place, he may not attend gatherings,
he may not be quoted, he may not belong to certain organisations, and he
may be debarred from practising certain occupations. Such orders are usually
imposed for five-year periods, but they may be, and often are, re-imposed.
These are obvious and serious incursions of personal freedom: and they are
not subject to review by any court of law. The Minister's opinion is final.

Quantitatively the various measures restricting Africans' movement and
known collectively as the 'pass laws' constitute the major invasion of personal
liberty. In 1969-70 no fewer than 643 897 Africans were prosecuted for alleged
offences under these laws, which are an intrinsic part of government policy,
seeking to ensure that the 'white' urban areas do not become more populated
by settled Africans. The pass laws can be effectively enforced only by the
methods which are practised: constant spot checks by police and other
officials, and mass raids. Any other method involving less rigorous
implementation would defeat the aim of the pass laws because it would enable
Africans to remain illegally in prescribed areas.

Civil liberties have also suffered. Freedom of belief is seriously cir-
cumscribed by the Suppression of Communism Act. The vague and 'open-
ended' nature of the Suppression of Communism Act, combined with the
possibility of other executive actions that cannot be curbed (such as detention
without trial or refusal of a passport) seriously mute freedom of belief and of
expression. The person who holds views that dissent from those of the
governing party - be they communist, social democratic, liberal or other -
inevitably feels insecure and restrained. The harmful consequences for

political discussion and for political criticism, which ought to be valued and protected by the government, are obvious. A member of a Communist or other Marxist party ought to have the right, like any other citizen, to have his beliefs, to express them and to come together for non-subversive purposes with like-minded persons in a political organisation. Communist views may be unpopular in many quarters, but the requirement of an open society is that they be tolerated. Should a communist or a communist organisation transgress the ordinary laws of the land, prosecution will follow, as in the case of non-communist individuals and organisations.

Freedom of association is one of the hallmarks of the open society. Without it democratic government cannot be said to exist and, no less important, the inculcation of attitudes favourable to the support of democratic institutions is rendered difficult. Invasions of freedom of association in South Africa have taken several forms. First, there is the banning of organisations under the Suppression of Communism Act and the Unlawful Organisations Act of 1960. Organisations banned in terms of these statutes are: the Communist Party, the African National Congress, the Pan-Africanist Congress, and Defence and Aid. We do not deny that circumstances may arise in which the state may legitimately proscribe an organisation. One which was, for example, conspiring to break the law and was proved by a court of law to be doing so, could not reasonably expect to be accorded continued freedom to exist. Nevertheless we must point out that when political organisations do attempt to subvert the state this is often *prima facie* evidence of a serious need for reform in the political system.

A second form of invasion of the freedom of association are the various curbs on the holding of meetings. In many cases inter-racial meetings are rendered impossible by the provisions of the Group Areas Act; other statutes and regulations are deliberately aimed at frustrating political opponents of the government from holding meetings. Thus, in terms of emergency regulations promulgated in the Transkei in 1960 *and still in force,* official permission is required for meetings at which ten or more persons will be present.

A third major invasion of freedom of association is contained in the Prohibition of Political Interference Act of 1968. As mentioned above this makes it impossible for racially mixed political parties to exist, or for persons of one race group to assist or to address a political party consisting of members of another racial group. The provisions of this statute forced the Progressive Party to limit its membership to white persons, and caused the Liberal Party to disband because it refused in principle to segregate itself.

A fourth example of the denial of freedom of association lies in the trade union movement. In terms of the Industrial Conciliation Act racially mixed trade unions were no longer permissible. A number of unions with mixed

memberships have been allowed to continue but only by Ministerial exemption and not as of right. Africans have not been denied the right to form trade unions, but these unions are not recognised by law and may not participate in the machinery for industrial conciliation and collective bargaining provided for by statute. Strikes by African workers are illegal and one may say, therefore, that their freedom of association in this respect cannot be consummated. In the history of working class movements else-where it has been the twin rights of association and of striking that have been regarded as the major attainments. Strikes naturally may have disruptive effects but they constitute an ultimate weapon without which labour is un-likely to attain the dignity and the bargaining power to which it is entitled. (The question of trade unionism is dealt with more fully in the Spro-cas Economics Report, Chapter 4).

Our discussion of breaches of the ethical concepts which were enumerated at the beginning of this Report and to which we subscribe has not en-compassed all that we consider to be wrong and unjust in South African society. We have focused upon those examples which have an especial re-levance for the political system. The other Spro-cas Commissions have des-cribed in their respective spheres those aspects which do not comply with the requirements of a just society *(4)*.

Law and Order

Much of the legislation we have described above lies ostensibly within the field of security. It is justified by its architects as necessary to combat sub-version, communism and terrorism (or some combination of all these), and it is presented as a programme to maintain order. We do not dispute the importance of order as a goal of society. Indeed a society in which order has broken down is a society in which the freedoms to which we aspire are not able to exist. The assumption upon which the case for draconian security legislation is often based is that freedom and order are necessary antitheses. But this is not so. It is often the case that order is threatened because men are denied the measure of freedom to which they are entitled. By securing to them these freedoms the threat to order may be removed. Freedom and order, in other words, are complementary concepts and a nice balance must be struck between them.

Moreover, order is not an end in itself any more than the state is an end in itself. The aim of the orderly society and of the state ought to be to enhance the freedoms and the welfare of its citizens, and to improve the quality of life. In its vigorous onslaught on what it has construed as subversive elements the South African government has concentrated largely on short-term measures aimed at eliminating these elements. We do not wish to deny that subversion has been attempted, but we do state emphatically that strong-arm measures

(such as the Terrorism Act) are likely to prove futile as long-term solutions to the problem, as well as being subversive of the freedoms and justice which ought to be society's primary goal. The only satisfactory way in which subversion can be overcome is to remove the structural causes of popular discontent.

Order of a kind and of a questionable permanence has indeed been maintained in our society, but it has extracted a high toll in terms of freedom. Over wide areas civil liberties have been eclipsed and the Rule of Law put in abeyance. The Security Police and the Bureau for State Security operate with what appears to outsiders as an infinite scope. Informers are believed to be at work in every corner of society; it is widely believed that telephones are tapped and that mail is interfered with. All these activities create a widespread fear in our society that these security agencies are steadily becoming a law unto themselves.

Our conclusion is that the panoply of measures taken to promote the security of the state has obscured the real issue. South Africa's dilemma in this respect is not the supposed antithesis between order and freedom: it is the real conflict between supporting the existing social structure and ideas and actions that strive to change it. The Suppression of Communism Act and other measures of its kind are only peripherally or tangentially concerned with their ostensible aims: the real aim is to shore up the existing unequal order and to frustrate the evolution of a more just order. A closely related parallel is to be found in the field of censorship, which is ostensibly primarily aimed at curbing pornography and other undesirable literature or art forms; but with seeming inevitability its major concern becomes an attempt to arrest the spread of new ideas.

Political Prisoners

The Commission notes that the authorities do not recognise the category of 'political prisoner'. It notes also, however, that persons who are convicted of offences under the various security laws (such as the Suppression of Communism Act, the Unlawful Organisations Act, the General Laws Amendment Act, the Terrorism Act and others) and are sentenced to periods of imprisonment, are not deemed to be eligible for remissions of sentence, which may be granted to prisoners, or for amnesties, which have been declared on special occasions.

The effects upon those who are imprisoned under these statutes are likely to be a serious constraint on future efforts at the reconciliation of South Africa's conflicting groups. In many cases the persons convicted have committed acts which, although declared to be offences under the law of the land, carry no moral stigma for those who commit them. Many, in fact, may well have construed it as their moral duty to commit them. They are what has been called

'prisoners of conscience'. In some legal systems offences of this kind are treated specially and more leniently than other categories of offences, the rationale being that the offenders did not commit them for personal gain or out of wickedness.

The Commission is deeply concerned at the bitterness that is assuredly growing among those who have been convicted of security offences in South Africa. In addition their families often endure hardship while the bread-winner is in prison and, in many cases, after he is released and becomes a 'marked man'. In many respects South Africa has a tradition of showing lenience towards political prisoners. For example, *all* of the persons (in-cluding three, Leibbrandt, Visser and van Blerk, who had had their death sentences commuted) convicted of various security crimes between 1939 and 1945 and still serving sentences were released from jail in 1948. The govern-ment justified this step in the interests of lessening bitterness.

If such clemency could be shown to this group, why cannot it be shown to the many persons who have been given long terms of imprisonment for offences hardly more serious than those committed in the earlier period?

The Commission has stated its view that the large number of persons convicted under the legislation mentioned above is in itself indicative of a fundamental disequilibrium in the political system. In the long run this dis-equilibrium will have to be righted if South Africa is to enjoy abiding peace as a free society.

Centralisation of Government

An important aspect of the political trends we have been describing is the growing centralisation of government *(5)*. The limited devolution of power to bodies such as the Transkei Legislative Assembly or the Coloured Persons Representative Council has partly obscured the massive accretion of power at the centre. Provincial councils and municipalities have steadily lost their powers to the central government, and functions of government have steadily been re-allocated on a racial basis, creating huge 'states-within-states' such as the Department of Bantu Administration and Development and the Department of Coloured Affairs. The process of centralisation has the deleterious effect of sapping initiative by making provincial and local authorities mere instruments of policies they did not frame and spenders of monies they did not raise. Concentrations of power are inherently dangerous, while a decentralisation of power or a more pluralistic distribution of power, we believe, contributes to a freer society.

Effects on the Whites

So far our analysis of the injustices and inequities inherent in the political system have focused upon the wrongs done to the unenfranchised groups and

to those who seek a more decent society. But what are the effects of domination upon those who enforce it and who believe that they gain by it? We believe that the effects are insidiously corrosive and destructive of the values that are enjoined by Christian ethics. The defenders of apartheid frequently invoke the rhetoric of self-preservation as the first law of life, but this comes oddly from men whose religious symbol is the Cross and whose Saviour set the supreme example of self-sacrifice. White South Africans should ponder once again the great truth that whosoever will gain the whole world will lose his own soul, and recognise that bondage creeps cancer-like throughout a whole society unless it is checked *(6)*. The maxim that freedom is indivisible may be a cliché, but it is a fundamental truth supported by generations of human experience.

White South Africans enjoy one of the highest standards of living in the world. If they look across the fence to their black and brown fellow-South Africans they will see horrifying evidence of malnutrition, poverty, crime and social dislocation. We do not suggest that no whites are concerned about these social pathologies, but we do assert that the sense of urgency which ought to galvanise them into action in the face of a cumulative national disaster is lacking. Their privileges and their lack of genuine contact mute their feelings of common humanity and desensitise them to the needs and wishes of those of a different colour. Their awareness of others is refracted through a racial prism. This is the inevitable result of what has been described as the 'racialisation' of society.

The rhetoric and the actions aimed at the goal of self-preservation are having catastrophic effects on white society. They create the laager mentality which breeds values that are the antithesis of love, compassion and humanity. Toughness, discipline, obedience, and conformity instead become the esteemed virtues when a collective paranoia grips society; and qualities such as individuality, creativity and spontaneity suffer in turn. We must warn in the strongest terms that the growth of a militarist spirit is a serious cancer which, if unchecked, will nullify any claims which white South Africans may have to being custodians of the Judaeo-Christian tradition.

The injustice of apartheid lies fundamentally in the assumption that the end justifies the means. The implementation of policy has in many instances shown a scant disregard for the feelings of those most affected by it. For example, established communities have been destroyed by the Group Areas Act, under the Resettlement of Natives Act, and in terms of so-called 'black-spot' removals. The classification of people in terms of the Population Registration Act has often involved hateful probes into a person's 'racial' origin, resulting sometimes in tragedies. Most monstrous of all is the perpetuation, indeed the extension, of the migratory labour system whereby hundreds of thousands of Africans are denied ordinary family life *(7)*.

We must assert that the most vital tenet of Christian ethics is the infinite moral value of every human personality. The Gospels are imbued with this faith, and the practice of Christ, who could face the Gadarene lunatic without condescension and Pontius Pilate without servility, is decisive. The early Church, as it is revealed to us in the Acts of the Apostles and in the Epistles, followed the same lines. No man in the spirit of the New Testament is unimportant, and none may be used as a mere means to an end. Men are men, not 'labour units' nor pawns in ideology, but men.

Apartheid is justified as necessary to reduce racial friction. 'Good fences', it is said, 'make good neighbours'. There is a plausibility about this argument which renders it attractive. In the South African context, however, it is vitiated because the neighbour with the biggest property decided where the fence should be, how much it should cost, who should pay for it, and who should erect it. Apartheid is not the product of a negotiated agreement between the affected parties - it has been the unilateral decision of the most powerful group in the society, acting with its own interest uppermost in mind.

FOOTNOTES

1. Compare, for example, Chapter 1 in *Anatomy of Apartheid* (Spro-cas 1970); *Power, Privilege and Poverty* (Spro-cas 1972), p. 103; Chapter 1 in *Towards Social Change* (Spro-cas 1971).
2. See 'Patterns of Poverty' in *Towards Social Change*, pp. 24 et seq.; 'Unacceptable Practices' in *Education Beyond Apartheid*, Chapter 5; 'The Facts of Inequality' in *Power, Privilege and Poverty*, Chapter 3.
3. See *Towards Social Change*, p. 29.
4. *Education Beyond Apartheid* (1971); *Towards Social Change* (1971); *Power, Privilege and Poverty* (1972); *Apartheid and the Church* (1972); *Law, Justice and Society* (1972).
5. See *Power, Privilege and Poverty*, pp. 55-56.
6. See 'Internal Ideological Captivity' in *Apartheid and the Church*, the report of the Spro-cas Church Commission, p. 18-25.
7. See *Migrant Labour in South Africa* by Francis Wilson (Spro-cas 1972) and Chapter 8 of *Power, Privilege and Poverty*, ibid.

Chapter Four

POLITICAL ASPECTS OF

SEPARATE DEVELOPMENT

IN THE 23 YEARS since 1948 it is possible to discern two emphases in the policy of separate development. On the one hand, decisive moves were taken to reduce and eliminate such political rights as blacks possessed in relation to the central parliament, provincial councils and municipalities. The municipal franchise rights enjoyed by the Coloured people in the Cape for over a century have finally been extinguished. On the other hand, however, there have been moves, especially over the past decade, to try and channel African, Coloured and Indian political aspirations into separate political institutions. In the case of Africans these institutions are territorially-based, in the sense that they are located in the 'homelands'. Indian and Coloured people have no such territorial focus and the policy towards them is an awkward and ambiguous one of 'parallelism'.

We should note that serious attempts have been made to place South Africa's racial policies on an ethically defensible footing. This was forced upon South Africa by the changes that had occurred in the world after 1945. Empires crumbled, first in Asia and then in Africa. Colonial nationalism asserted itself and native peoples took over the reins of government in former colonial territories. South Africa could not stand aside from these trends; within its own borders militant black nationalism reflected the international trend. Racial discrimination, inherent in the colonial relationship, was no longer supportable, at least in the crude form in which it was practised in South Africa. It was the late Dr H.F. Verwoerd who sought to change South Africa's racial policies in such a way that, while the traditional social structure of South Africa would remain relatively unaffected, the black population would be guided to a form of national political self-determination. Dr Verwoerd made it clear that he did not think that racial discrimination was tenable on a long-term basis. Such racial discrimination as was practised would be maintained but it was temporary and would give way when the whites had discharged their duties as guardians and African political self-determination had been achieved.

The tenets of the apartheid policy are so well-known that we need do little more than isolate some of the major ones. The fundamental premise is that Africans in the 'white' areas shall have no political rights in those areas: such

political rights as they enjoy must be exercised in relation to political institutions in the Africans reserves or homelands. Political development in the homelands is based upon the Bantu Authorities Act of 1951, which made chieftainship the fulcrum of future political evolution, and the Promotion of Bantu Self-Government Act of 1959, which, apart from abolishing the communal Parliamentary representation accorded to Africans, established the framework for the emergence of eight 'national units' based upon the homelands. Provision was also made in the latter statute for linking homeland authorities with citizens of such homelands who were in the urban areas of the 'white' sector of the country. In terms of the Bantu Homelands Citizenship Act of 1970 a form of dual citizenship for Africans was introduced, in terms of which they would become citizens of homelands, while remaining citizens of the Republic under international law.

The Homelands

The reserves which constitute the territorial basis of separate development as applied to Africans are demarcated in terms of the Natives Land Act of 1913 and the Bantu Land and Trust Act of 1936. In terms of the latter statute 7 250 000 million morgen of land were to be acquired by the South African Bantu Trust to augment the existing reserves. By the end of 1970 nearly one and a quarter million morgen of land had still to be acquired. When it has been acquired the Bantu areas will amount to 13,7% of the Republic, including all the homelands.

The policy of demarcating reserves for Africans has a long history. In order to put present policies into historical perspective we point out, first, that the present reserves are by no means co-extensive with the lands traditionally occupied by African tribes in the eighteenth and nineteenth centuries. No historian of repute would deny that substantial alienation of African land occurred in the past *(1)*. It is a fact of consequence as many Africans remain bitterly resentful of this alienation.

Secondly, it should be noted that the demarcation of reserves in 1913 was not designed so much to protect African land rights as to prevent Africans from acquiring further land in predominantly white-owned areas. This was very clearly spelt out by the South African Inter-Colonial Native Affairs Commission of 1903-05 which made the recommendations concerning land segregation that were subsequently given legislative expression in the Native Land Act of 1913.

Thirdly, these reserves have historically served two major functions: that of a pretext for withholding significant political and other rights from Africans in the 'white' areas; and that of 'reservoirs of labour' for the remainder of the country.

In considering the application of separate development attention must be

paid to what appears to us to be a major difficulty: the fragmented nature of the African areas. In 1955 the Tomlinson Commission reported that the African areas were 260 'unconnected localities', and it recommended that they be consolidated into more cohesive blocs:

> *Save for a few blocs like the Transkei and Vendaland, the Bantu areas are so scattered that they form no foundation for community growth. Even if the potentiality of the existing fragmentary areas is such that it can provide the entire Bantu population with a means of living, this fragmentation can result in nothing else than a supplementary growth attached to the European community. The fragmentary pattern also results in scattering and consequent incoherence between historically and ethnically related Bantu ...*

The Tomlinson Commission's recommendation was that these numerous scattered localities be consolidated into 'heartlands', corresponding to the 'national units' recognised by the Commission. In its comments upon the Commission's report the government, however, dismissed this recommendation as impracticable and unacceptable. The homelands, therefore, may not all be single, cohesive blocs of territory but could consist of several blocs. Consolidation, in other words, will not eliminate the fragmented nature of the reserves, but merely reduce it. The Zulu homeland, it has been officially said, may comprise five or even seven blocs. Senior official spokesmen, while acknowledging that the ideal would be a single area of land for each homeland, deny that the inability to achieve this ideal detracts from the overall merit of the policy of separate development. It has been stated that there are many instances where a people has not possessed a single, geographically contiguous homeland - the United States, Great Britain, Pakistan and Indonesia are cited as examples. We believe, however, that the analogies drawn are, to say the least, tenuous.

Government spokesmen have acknowledged that the problem of achieving consolidation (even upon the relatively limited basis envisaged) is an immense, time-consuming and expensive one. If it has taken from 1936 to 1972 to buy land in 'released areas' under the Bantu Trust and Land Act (and the process is not yet complete), how long will it take for the consolidation of the African areas to reach a stage at which independence can be granted? And how meaningful can independence be to an under-developed, impoverished state whose constituent territorial units may number five or seven, to cite the projected constellation of the Zulu homeland?

As a basis for our subsequent evaluation of the moral acceptability and the

political viability of separate development it is of crucial importance to examine the declared aim and possible developments concerning future relationships between the 'white' Republican state and the eight African homelands in the light of declared policy. The critical question is: to what extent does policy envisage the separation of the races? The idea of total separation can be dismissed. As early as 1950 the then Prime Minister, Dr D.F. Malan, said that, while total separation was an ideal, it was not practicable and therefore was not part of his Party's policy. No subsequent policy declaration has modified or qualified that statement. Separate development may envisage the granting of political independence to African homeland states, but it envisages also a continuation of the historic pattern of economic interdependence between black and white.

It is obvious that the programme of separate development falls far short of the conception of 'total separation'. Although no homeland has been granted anything like real independence we readily concede that this may occur. Indeed it is quite possible that the Transkei, where political development has proceeded furthest, may be granted sovereign independence within a short time, if it so requests. But what will this independence mean? We submit that the nature of the Transkei's economic dependence upon the rest of South Africa is so great that it will be little more than an appendage or a 'client-state'. A Cabinet Minister, Mr W.A. Maree, was reported in 1966 as saying that:

> *the economic necessity of maintaining close economic ties with South Africa was the greatest guarantee that self-governing Bantu territories would follow a policy of good neighbourliness towards white South Africa, even when they achieved independence ... the Bantu realised that if they were to seek alliances with Russia or Red China, the Republic could close its borders with them and this would mean their economic undoing. (Cape Argus,* 10 March, 1966).

There have been various projections of population growth in South Africa which are highly pertinent in considering the country's political future. The Tomlinson Commission said in 1955 that development schemes in the African areas should create annually 50 000 jobs in secondary and tertiary activities. If this were achieved, according to the Commission, by the year 2000 these areas would be able to accommodate 70% of the total African population, which by that date would amount to 21,3 million persons. Whites, on this projection, would number 4,5 million, Indians 1,3 million, and Coloured people 3,9

million. Recent population projections have suggested, however, that the figures upon which the Tomlinson Commission based its calculations were far too low, and the probable growth rate of the African population was grossly under-estimated. The South African Statistical Yearbook for 1966 estimated that by 2000 the population could be 27,9 million Africans, 7 million whites, 5,8 million Coloured people, and 1,2 million Indians. Even these figures have been held to be too conservative by other projections.

To date the economic development of the homelands has been derisory. In 1968 it was stated officially that between 1960 and 1966 industrial enterprises created in the African areas had provided employment for a total of 945 Africans. Even the five-year development plan announced by the Bantu Industrial Corporation in April, 1970, is unlikely to make much impact upon the situation. It was estimated that over this five-year period employment would be created for 24 000 Africans. A highly respected economist, Dr G.M.E. Leistner, has estimated that the homelands would never be able to absorb more than eight to nine million Africans in the next 20 years. This would not even absorb the natural population increase in the homelands. It has been estimated that border industries provide employment for over 100 000 Africans *(2)*.

Despite these figures it was officially stated in 1971 that 50,1% of the African population were living within the boundaries of their respective home-lands. In giving this figure the Minister of Bantu Administration and Development said also that of the 49,9% within the 'white' areas a substantial proportion were migrant labourers. The Deputy Minister of Bantu Administration and Education said that 173 000 African workers were trans-ported from their homes in the homelands to their places of employment in the 'white' areas each day. It would appear that the government is according high priority to creating mass transport schemes between the homelands and places of employment outside the homelands. In a significant number of towns in the Transvaal, Natal and the Eastern Cape, African townships within the 'white' areas are being dis-established and the inhabitants moved to nearby African areas. Moreover, it must be pointed out that Africans moved in this manner are then included in the number of Africans regarded as domiciled in the homelands, although the breadwinners work in the 'white' areas.

It is clear from these considerations that separate development does not envisage separation or disengagement in the economic sphere. The hard realities of economic interdependence make this impossible *(3)*. It makes little difference to these realities if Africans (or at least a substantial proportion of them) are domiciled in the homelands. The ultimate aim of separate development, according to Dr H.F. Verwoerd, is a commonwealth of South African states consisting of 'a white state ... along with various Bantu national

units and areas (or states if you like'). Furthermore he said:

> *these states can nevertheless have a bond, the bond of common interest. Such a bond has even become the modern ideal in Europe, viz., in the economic sphere where they are trying to form a common European market. It is the idea to retain political independence with economic interdependence.*

The Position of Urban Africans

The status of Africans in the white' urban areas is crucial to the policy of separate development and, indeed, to the political future of South Africa. Official policy towards the urban Africans has long been based upon the idea that Africans in these areas were 'temporary sojourners' while their 'proper' domiciles were in the reserves. Since 1948 the elaboration of the apartheid policy has entrenched this basic principle, underpinning it with an increasingly rigorous application of influx controls and other measures aimed at reducing the security of Africans in the urban areas. Free-hold tenure and home ownership, for example, are not permitted; African traders work with severely circumscribed scope; African professional people (to the extent that they are permitted) also face pressures to establish themselves in the homelands; and pressure has been exerted to ensure that settled African community life in the towns becomes increasingly difficult. In recent years official policy has increasingly been aimed at migratising African labour as far as possible: the ideal 'labour unit' in terms of policy is the single, male contract labourer who works in the 'white' area for one year and then returns to his homeland. In accordance with this policy provision for increased family housing in the townships has been frozen, and the emphasis has been changed to the provision of hostels for 'single' men and women *(4)*. The expansion of facilities for secondary education in the urban areas has been curbed, policy being that such expansion ought to take place in the homelands.

In view of this policy there can be little surprise that insecurity is woven into the fabric of African society in the towns. Apart from the complex tangle of influx control and other regulations, African townsmen have to contend with poverty, criminality, and other symptoms of social dislocation. Philip Mayer, a social anthropologist, recently presented field data showing that the existential experience of life in white cities, as at present regulated, is enough in itself to produce in any African man, woman or child an acute sense of pariah status *(5)*.

According to official census figures, approximately 35 per cent of the African population is currently in 'white' urban areas. This figure does not include those Africans resident in towns inside the homelands but within

commuting distance of existing 'white' towns. There are many examples of such towns which have been deliberately established as dormitory suburbs for 'white' towns. Thus the townships in East London are being dis-established and their inhabitants moved to Mdantsane, some 13 miles away in a Ciskei reserve. Similarly, the town of Umlazi is geographically and economically a part of the Durban metropolitan complex, but it is actually located in an African reserve. At least one million Africans are domiciled in these dormitory suburbs situated in reserves, but they are not included in the census figure for the number of urban Africans.

In spite of official efforts to curb the townward movement of Africans a substantial proportion of the urban African communities consists of people who are urban or 'town-rooted' in the sociological sense. Many in this category have severed ties with their 'homelands' of origin, and few express much interest in the prospects of development taking place there. Indeed, the urban African population taken as a whole has shown little interest in or has evinced positive hostility towards such features of official policy as 'ethnic grouping' or the establishment of chiefs' representatives in the towns.

From the point of view of policy-makers it is the Africans in those towns that are not close to homelands that constitute the most serious problem. They are anomalies in terms of the theory of separate development, but they are also vital parts of the human resources which are necessary to ensure the continued economic progress of South Africa - without which any accommodation of the racial problem is likely to be a remote possibility. The problem is seen in an acute form in the Western Cape where, since the enunciation of the so-called Eiselen Line' doctrine in 1955, it has been the official policy to reduce the African population to zero. It was stated in 1967 that the African population of the Western Cape as of August, 1966, was to be reduced annually by five per cent. But this has not been achieved. On the contrary the number of African workers has increased. Thus in mid-1969 the number was 118 231, while by mid-1971 the number was 147 815 *(6)*.

The Commission notes that individual supporters of separate development have questioned the viability of the policy towards urban Africans. It has even been proposed that Soweto - an African urban area comparatively far removed from a homeland- should be declared a 'homeland' in the interests of getting around the awkward problems posed by the implementation of official policy. But the proposal has been rejected by the government.

If the urban African population is of critical importance to the policy of separate development, it is of equal importance to the long-run political stability of South Africa. It is in the urban areas that the best educated and most sophisticated Africans generally reside. Unless some formula for a genuine redress of their legitimate grievances can be found, the racial alienation which is so marked a feature of the townships must increase, and

make impossible any long-run accommodation of the races in South Africa.

Position of the Indian and Coloured People

The application of separate development to the Indian and Coloured people is complicated by absence of any areas which could be termed the 'homelands' of either group. At the outset we wish to emphasise that the idea of creating a 'homeland' for the Coloured people is entirely preposterous and and must be summarily rejected. As far as the Indian people are concerned, the outlines of the government's intentions are vague, although, no doubt, the evolution of policy must follow that applied to the Coloured people in most respects. We note, with approval, that the earlier view that Indians ought to be repatriated *en masse* to India has been abandoned. The large majority of Indians are South African-born and wish to be regarded as South African citizens.

Traditionally the Coloured people enjoyed a measure of civic equality in the Cape. It has been argued that this 'equality' was meaningless, that it obtained for them only minimal bargaining power, and that they became 'a football' in 'white' politics: they were 'appendages' of the white group. Although it is true that the Coloured people never enjoyed real equality with whites, it is equally true that they valued their political rights and fought vigorously to retain them. It is clear that the real reason for the removal of Coloured voters from the common electoral roll in the 1950's was not in any sense because they were 'unfit' for the franchise, but rather because the ruling National Party feared that Coloured voters might help to vote them out of power.

The creation of the Coloured Persons' Representative Council, although it provides for universal adult suffrage for Coloured people in all provinces of the country, cannot be a meaningful substitute for direct representation in the central parliament. We recognise that the Council may be accorded more powers than the very limited ones it possesses at the moment; we recognise that official spokesmen have emphasised that the Council is not the terminal point in the Coloured people's political evolution. Indeed, the Prime Minister, Mr B.J. Vorster, has said that the question of the Coloured people's future relationship with the whites will have to be decided upon by the next generation. But the final aim of policy remains obscure.

The present policy towards the Coloured people is described, vaguely, as parallelism. It is defended as a half-way measure between 'integration' (meaning, in this context, a restoration of direct representation in parliament) and separation (i.e. the creation of 'homeland'). The policy has been officially described as the creation of a state within a state'. The possibility of there being two sovereign states within a single territorial area is unintelligible and is in fact rejected by the government.

Mechanisms for linking the Coloured Persons' Representative Council with the central parliament are being considered although no indications have been given of what form this linkage might take. Although there is reason to believe that a segment of opinion within the National Party finds the present policy indefensible and would consider the granting of some form of representation to the Coloured people in the central parliament, the overwhelming majority of government supporters reject this at the moment. The reason for this rejection relates to the reason cited earlier for the removal of Coloured voters from the common roll: the ruling party fears the consequences of a bloc of Coloured voters in elections to the central parliament. Put in another way, ruling groups are unlikely to consider the extension of the franchise to unenfranchised groups when they can expect only that such extension will damage them electorally.

These are stubborn facts about the mechanics of South Africa's political system. The implications for the political future of the Coloured people is that significant reforms in the direction of representation in Parliament are unlikely to be forthcoming in the foreseeable future. Exactly the same may be said of the Indians' political future.

Conclusion

During 1972 it was evident that a measure of unity was developing among the leaders of the representative institutions created by the government in furtherance of separate development. Chief Gatsha Buthelezi has led the way among Bantustan leaders in voicing demands that could be satisfied only by a substantial modification of, or indeed by the abandonment of, separate development. Similarly the major parties in the Coloured Persons Representative Council have called for far-reaching change.

It is likely that this incipient unity will grow. It may be that the different leaders will not permit themselves to be 'outbid' by one another in articulating popular grievances regarding poverty, migrant labour, influx control, and the crucial question of land distribution. In respect of land there are two major issues: one concerns the fundamental justice of a dispensation that secures to the African population 13,7% of the Republic; the second, while related to the first, concerns the problem of consolidating the fragmented reserves into more cohesive blocs of territory.

Demands emanating from black leaders in government-sponsored institutions are likely to spiral as the leaders (like all politicians) endeavour to increase their legitimacy. It is difficult to see how the government can curb this without at the same time destroying any credibility which their policy may have. If the policy is further implemented and more powers are given to the homeland governments, the likelihood that the Republican government could act against homeland leaders whose statements cause embarrassment is

further reduced. It is also unlikely, given the further development of policy, that the present formal and informal restraints on meetings between the different leaders can for long be enforced.

While one may doubt the extent of united bargaining power that could emerge among the black leadership, it would nevertheless be a powerful moral voice that could be a serious embarrassment and create more doubts among Nationalists. It could on the other hand lead to a backlash and an attempt to curb further development, or to the imposition of financial sanctions.

It has been a theme of our analysis of existing policies that they do not lead to separate societies. It has been shown that separate development means, primarily, separation in the political and social spheres. Economic integration or interdependence is regarded as an unalterable state of affairs. (This does not, of course, mean that segregationist measures cannot be applied in economic contexts - the industrial colour bar has a long history and its abolition is not readily foreseeable). Probably half of the African population will still be in the 'white' areas by the year 2000, and of the remaining half a substantial proportion will still be dependent upon employment opportunities in the 'white' areas.

The crucial question which protagonists of separate development must answer, which they have not attempted to do satisfactorily, is this: *can political separation give meaningful rights of national self-determination to people who are inextricably linked to, and utterly dependent upon, a wider, multi-racial society?*

An example that is sometimes quoted as an analogy to the future constellation of South (or Southern) African states is the Treaty of Rome whose signatories formed the European Economic Community. The circumstances are utterly different. In the first place, each of the states was, to a greater or lesser extent, a developed, industrialised nation. Secondly, membership of the Community was, in the case of each state, the decision of democratically elected parliaments. In South Africa a single, industrialised economy was built up in a unitary state by the joint efforts of people of all races. Moreover, the decision to enforce political separation was a unilateral one, taken by a single party in the face of bitter opposition from all other segments of the society.

The European Community is no analogy, but its existence does suggest one ray of hope for South Africa's bleak-seeming future: the member-states of the Community were only 30 years ago at war. That the hatreds and bitterness that the war occasioned could be muted and doused to the extent that an economic and political association such as the Community could be contemplated and established is surely a hopeful portent that nationalisms, however virulent, are not incapable of change.

Another analogy that has been used is the assertion that Africans who work

in the 'white' areas of South Africa will be comparable to the migrant workers from, say, Southern Italy who work in, say, West Germany. They are domiciled in Italy and exercise their political rights in relation to Italian political institutions even though they may not be in Italy. The African worker, resident in Soweto but exercising political rights in relation to the Transkei, it is said, is in an analogous position. The comparison is so tenuous and threadbare that it does not require rebuttal *(7)*. However deep the conflicts between our different peoples may be, they are yoked together in an indissoluble bond that impels co-operation. Analogies of the kind cited above are utterly spurious, and serve only to obscure the pressing problems we face and to create further ill-will between races.

FOOTNOTES

1. See, for example, C.W. de Kiewiet: *South Africa - A Social and Economic History* (London, 1937), p. 80 and M. Wilson and L. Thompson (eds.): *Oxford History of South Africa* (O.U.P. 1971), Vol. I.
2. See Chapter 7 of *Power, Privilege and Poverty,* report of the Spro-cas Economics Commission, for further data.
3. See Chapter 8 ('The Common Economy') in *Power, Privilege and Poverty, op. cit.*
4. See F. Wilson: *Migrant Labour in South Africa* (Spro-cas/ SACC, 1972), especially Chapter 4.
5. P. Mayer: *Urban Africans and Bantustans* (SAIRR, 1972), p. 6. See also N.C. Mangyani: *Being-black-in-the World* (forthcoming from Spro-cas), especially Chapter on 'Who are the Urban Africans?'
6. Hansard 1972, Col. 712.
7. An effective rebuttal is, however, given in F. Wilson, *op. cit,* Chapter 7.

Chapter Five

THE POSSIBILITIES OF CHANGE

WHITE DOMINATION has maintained itself in a society of great dynamism and volatility. In the space of one hundred years South Africa has been transformed from an agrarian society into an industrialised one. Traditional societies have been uprooted and absorbed into an industrial-type civilisation. These social and economic processes have not undermined the foundations of white rule but they have effectively integrated the various population groups into an interdependent economic system.

The African population has suffered the substantial breakdown of traditional social systems, widespread alienation of tribally-occupied land, and a loss of autonomy. Undoubtedly their contact with the 'white' society has had its enriching and beneficial aspects - few Africans would deny this. But in assessing the historical evolution of our racial problem it must be emphasised that the urge or the imperative towards the making of a racially interdependent society came largely from the side of the white. Dutch and English alike combined in their efforts to draw African labourers into the multi-racial society that they were creating. And the bonds that were created in this continuing process are unbreakable.

African Nationalism and Black Consciousness

African responses to white rule have taken various forms, but we wish to focus upon the phenomenon called African nationalism. Its roots in South Africa go back into the nineteenth century when missionary teachers began to produce a class of educated and Christian Africans who soon questioned the morality of a social and political order which, outside the Cape Colony, denied them any measure of racial equality. From these beginnings the mass African political movements arose, reaching their zenith in the 1950's.

It is perhaps misleading to refer to the phenomenon as 'nationalism' because this implies a sense of separateness and an emphasis upon separate racial and cultural identity which was largely absent from African political organisations for much of their life-spans. Historically their thrust was towards attaining recognition for Africans as equal or potentially equal citizens in a common society. This thrust was not aimed racialistically against whites as a group. With few exceptions (and these in later times only) the

major African political leaders in South Africa have believed firmly in inter-racial co-operation.

The temper of African nationalism rose steadily, especially after 1945, in the face of systematic and consistent refusals by successive white governments to countenance any African demands or even to acknowledge that Africans had any legitimate grievances which could be redressed only by fundamental changes in racial policy. It is hardly a matter for surprise that by 1960 (when the African National Congress and the Pan-Africanist Congress were pro-scribed by law) African nationalist movements had become 'extreme'. It is regrettable, even tragic, but again not surprising, that after 1961 some African political leaders despaired of attaining their ends by peaceful and lawful means and resorted instead to violence, including the use of guerilla tactics.

It is a dismal and deplorable commentary on censorship in our country that most of the books of consequence on the subject of African nationalism in South Africa, especially the writings of Africans themselves, may not lawfully be read and circulated. The vast majority of whites remain in ignorance about the essential facts of the phenomenon and they believe it to be an intrinsically evil, communist-inspired movement aimed, in the final analysis, at driving non-Africans into the sea.

Circumstances may indeed have driven Africans to espouse ideologies that are unpalatable to most whites, as well as to many Indian and Coloured people, and there certainly was communist influence upon the African National Congress. But these considerations should not be allowed to obscure the essential facts about African nationalism: historically it was essentially a moderate movement, aiming at the gradual extension of civil rights to Africans, a movement whose beliefs were based squarely upon Christian notions of morality and the brotherhood of man.

In a survey (which the authors, Dr D. Worrall and Mr E. Bertelsmann, ack-nowledged might not be a complete reflection of African opinion), nearly 90% of the 226 African respondents denied that there was a general feeling of goodwill between white and black in South Africa. Only one-quarter of the respondents chose South Africa in response to the question: 'In what country, including South Africa, would you choose to live if you had a choice?' *(1)*.

Another survey, conducted by Mr M.L. Edelstein, used a sample of 200 Soweto matriculation pupils. The findings showed that 70% of the respondents would prefer to live in South Africa under a multi-racial government rather than in South Africa under a white government or in a homeland under tribal government. Sixty-one per cent of the respondents said that they would not accept a good job in the homelands if it were offered to them, 88% rejected the practice of ethnic grouping in Soweto, and almost the same percentage would prefer black South Africans to form one nation irrespective of tribal origin. Ninety per cent of the respondents expressed a

wish to have more social contact with whites *(2)*.

These findings indicate a great deal of discontent with the present social order, but nevertheless, in the case of the latter survey, a willingness to co-operate with whites in an open society. It may well be, however, that the spread of 'black consciousness' or 'black power' among Africans and, indeed, among Indian and Coloured people as well, may contribute to an even greater polarisation of the society, with significant political implications.

Black consciousness is a much-misunderstood doctrine. Its major object is to overcome the 'dependence complex' which many blacks manifest in relation to whites, and to assert the black man's self-reliance and his sense of his own worth *(3)*. In this respect it bears similarity to other types of nationalism, including Afrikaner nationalism; and these goals are unexceptionable. The danger is, of course, that the positive aspects of the doctrine may be submerged in a wider stress upon racial separatism for its own sake. Although the exponents of black consciousness vehemently and sincerely deny that they are 'racists in reverse', the probability is strong that it will harden into a racial exclusiveness should legitimate black grievances remain unredressed.

The Question of Enfranchisement

The present political deadlock is the result of the tensions that follow when unenfranchised groups apply pressure to their rulers to extend the franchise to them. Unenfranchised groups or 'out-groups' seek political emancipation, but whether they are emancipated depends upon the particular circumstances of each society. Historically, ruling groups have extended the franchise in specific, definable situations. A leading political scientist, S.M. Lipset, has said of the rise of the working class as a political force in Western Europe *(4)*:

> *As the workers organised into trade unions and legal or semi-legal political groupings, the upper classes gradually made concessions to the demand for adult suffrage. Sometimes these concessions were a result of the fear of revolution; at other times they were owing to fulfilment of the democratic ideology of a victorious liberal group; and often they resulted from the efforts of one or another party to increase its base of electoral support. Conservatives felt they could rely on the votes of the religious, traditionally minded peasantry in many countries.*

In England the extension of the franchise began with the great Reform Act of 1832 and proceeded gradually until universal adult suffrage was achieved in

the twentieth century. But, in contrasting this relatively smooth, evolutionary process with any analogous possibility in South Africa, it must be noted that the conditions of the two societies are entirely different. The English population was racially, culturally and linguistically homogeneous, and the monarchy served as an over-arching source of unity. These conditions are largely absent in South Africa, and the cleavage between the enfranchised and unenfranchised is extremely wide. Economic factors further complicate the cleavage in that white and black are separated by huge gaps in income. Indeed it has been said that the gap between the wages paid to skilled and unskilled workers (a distinction which coincides largely with the racial division) is higher in South Africa than in any other industrialised country *(5)*.

The tensions that result from this inequality in income are exacerbated by the pattern of associational life. For the most part South Africans meet on an inter-racial basis in economic contexts only where inequality (such as the master/servant relationship) is the norm. Associations of all kinds (trade unions, sporting clubs, learned societies, social clubs, etc.) are racially homogeneous - in some cases this is required of them by law. This means that the potential linkages between the different groups are weakened and the fundamental cleavages in the society are not muted by any degree of cross-cutting membership in associations. The major exception to this pattern is the Church *(6)*. Many denominations are multi-racial in character, but it is only rarely that the full implications of this are brought home to ordinary members of congregations. How many Sunday Schools, youth guilds and women's auxiliaries have racially mixed memberships? The answer is very few. The social tissue that could possibly mitigate racial and inter-group tensions is thus very weakly developed, and little stands in the way of complete racial polarisation.

The social mechanism by which the franchise was increasingly extended in nineteenth century England does not operate in South Africa. In England the major political parties attempted to widen the base of their electoral support by enfranchising new strata of the population. Thus the Reform Act of 1867 extended the vote to the upper strata of urban working classes whom the Conservatives hoped would be a source of electoral support. In South Africa the mechanism has worked in the opposite direction, and the franchise has been retracted in its range so far as black voters are concerned.

It has been a traditional fear of Afrikaner nationalists that opposition parties would use black votes to tip the electoral scales decisively against them. The direction of change has therefore been towards the neutralisation and subsequent elimination of the influence of African and Coloured voting power in 'white' politics. This pattern is most unlikely to change while the National Party remains in power. The view that different colour and ethnic groups must exercise political rights in relation to their own political

institutions has become entrenched in the ideology of separate development. The seal was set upon this approach by the Prohibition of Political Interference Act of 1968.

We have attempted to show how the factors that facilitated evolutionary political development in Western European societies are largely absent in South Africa. We note further that African workers have been strongly discouraged from forming trade unions and such African trade unions that have emerged are not recognised by law. Moreover, the government has taken pains to ensure that the activities of these unrecognised unions are severely circumscribed. Strikes by African workers are prohibited by law and vigorous steps are taken to frustrate strike action. Trade union organisers have been banned under the Suppression of Communism Act. In these circumstances African workers have not been in a position to begin to flex their economic muscles and bargain for economic and political rights. The widespread strikes among the Ovambo   and the strikes among African and Indian workers in Natal at the beginning of 1973 have led us to reconsider what possibilities there are in such economic action having political effect, i.e. could the black population, by using its economic bargaining power, extract political concessions?

No firm conclusions can be drawn. There have been in the past other occasions when Africans have gone on strike, as for example on the gold mines in 1946. Also in 1960 nearly the entire African labour force in Cape Town went on strike for nearly two weeks after Sharpeville. Similar strike action occurred in other centres. In none of these cases, however, were political concessions granted.

The wave of strike action in Natal early in 1973 may be the harbinger of similar action in other industrial centres. Where a strike results in some alleviation of economic grievances (although this has not always been the case) it is bound to have a ripple-effect. A country-wide general strike involving 4/5's of the labour force would undoubtedly produce political concessions (assuming the state did not resort to massive coercion) but the chances of this occurring seem to us to be slender. It would involve organising on a large scale, the accumulation of substantial strike funds to feed the striking workers and their dependents, and would have to be sustained for at least a month.

Localised strike action, even if the ripple-effect does occur and unrest spreads, is of its very nature sporadic and spasmodic. It is not a unified flexing of black economic power. The strikers may be visited with repression, including penal action, mass dismissals, and the planting of informers in factories who could ascertain who the ring-leaders were (whereupon action could be taken against them) or could inform the authorities in advance of incipient strike action.

Strikes will undoubtedly occur and they may well secure economic gains for the strikers as well as engender a greater spirit of militancy. They serve also to underline to whites the extent of black poverty and the flagrant exploitation of workers in a Christian country.

The Unlikelihood of Revolution

The fear of revolution, if it ever existed, has receded as the state's armed might has increased. A highly efficient police and military machine is the ultimate guarantee of the state's security. In addition to this, radical opposition groups have been banned by law and the efficient, tentacular activities of the security police make it extremely difficult for any of them to regroup on an underground basis, let alone to build up the mass support which an overthrow of the state would require.

Political scientists, historians and sociologists have written a great deal about 'revolutionary pre-conditions', and the Commission has had the benefit of the wider perspective on the subject. It is clear from the comparative material that South Africa is not on the brink of revolution and nor is it likely to be so in the foreseeable future. In his classic study of revolution in four societies, Crane Brinton writes:

> *No government has ever fallen before revolutionists until it has lost control over its armed forces or lost the ability to use them effectively; and, conversely, no revolutionists have ever succeeded until they have got a predominance of effective armed force on their side. (Crane Brinton,* The Anatomy of Revolution).

In the South African situation such possibilities are at present remote. South Africa is not directly comparable to societies such as Algeria, Cuba or Vietnam. It should be remembered, however, that banned organisations such as the African National Congress, the Pan-Africanist Congress and the Communist Party are committed to the use of various forms of violence to overthrow or subvert the state. It is probable that there will be sporadic outbursts of sabotage and guerilla activities, but these are unlikely to do more than stiffen white resistance to any meaningful political change. It is also probable that spontaneous outbursts of violence will occur in urban townships and rural areas, but their effect is likely to be limited and local.

We are precluded by the spirit of the Message to the People of South Africa, by our self-imposed terms of reference, and by the law of the land, from advocating violence as a technique of political change. The task which the Commission has set itself is to explore the possibilities of peaceful change. We are aware, however, that many sincere people in South Africa and abroad

hold the view that the situation is so intractable that only recourse to violence will achieve significant political change. The tragic fact is that over the past decade a considerable number of South Africans of all colours have, in desperation, resorted to sabotage, guerilla tactics and other forms of violence. It is inevitable that in future years others will do so as well.

The Ethics of Violence

The ethics of violence is a vexed question about which sincere and moral men have held diametrically opposed views. Most Christians and most believers of all the world's great religions have accepted the righteousness of the 'just war', and few would dispute the state's right to deploy force against criminals. Practically all the important political thinkers in the Western tradition uphold the right of revolt as an ultimate sanction against the tyrannical ruler.

Further, it cannot be denied that some of the classic revolutions of history have unshackled and liberated previously suppressed or fettered groups in the societies in which these revolutions have occurred. Few would censure the architects of the French Revolution or of the American War of Independence; and the *maquis* who fought the Nazis in occupied Europe, or the conspirators who attempted to assassinate Hitler, are praised as brave people and not condemned as wicked terrorists.

In our own society there is an unhappy legacy of violence, and in turn, there are many examples of revolts against constituted authority. These revolts are not nowadays condemned as moral outrages: on the contrary, they are often sanctified with the status of noble and heroic deeds. The first Anglo-Boer War of 1881 serves as an example: it was the response of the Transvaal burghers to a brazen act of imperialism - the British Annexation of 1877. A distinguished historian, Professor F.A. van Jaarsveld, describes the effects of the war in the following terms *(7):*

> *The Transvaal people's sense of their own national worth was stimulated by the First Transvaal War of Independence. Together, they had achieved greatness; they had suffered together and fought together, and had sacrificed their lives and material goods in the interests of spiritual values. For this reason, the flag, the fatherland, the nation and freedom were extolled sentimentally ... Lustre was added to the name of 'Boer' and 'Afrikaner'; and this applied not only to the Transvaler but to all Afrikaners wherever they might live. They thought with pride on war successes such as Amajuba, and recalled how a handful of burghers had defeated the mighty Albion.*

The revolts of 1914 and 1922 and the subversive activities engaged in by the Stormjaers between 1939 and 1945 could be adduced as further examples of recourse to violence in what were perceived by those responsible as intolerable situations. It is untenable to condemn *on moral grounds* those who see no alternative to violence as a means of change if at the same time one refuses to condemn those who were similarly motivated in the situations cited. Either violence can be justified *in some situations* by some universal criteria or it must be totally condemned in all situations.

These are highly abstract considerations, and in any particular situation opinions will differ sharply on whether violence is in fact the only way in which significant change will be achieved. The question may theoretically be open to answer by objective and dispassionate analysis, for example, of the force available to the contending parties; but in practice the answers will be coloured by the subjective views of involved parties.

Prima facie, violence negates the Christian virtues of love and hope, and it may represent the abandonment of hope. But we quote the striking words of Archbishop Helder Camara of Recife, Brazil, a man who witnessed the turbulence and the challenges of his own society:

> *Let me say it naively and simply: I respect men who, driven by their conscience, decide to use violence - not the cheap violence of the drawing room guerilla, but the violence of those who have testified to their sincerity by sacrificing their lives. It seems to me that Father Camillo Torres and Che Guevara deserve as much respect as Martin Luther King. Those whom I accuse are the real perpetrators of violence, those who, on the right and on the left, offend against justice and make peace impossible. For myself, I must go the way of a pilgrim of peace. I should much rather be killed than kill.*

In abstract and philosophical terms we are forced to agree with the conclusion that violence can be justified in situations where there is no alternative means of changing an intolerably unjust situation in which violence is done spiritually and materially by unjust rule, *and* where there is a reasonable chance that violence may succeed in its aims *and* achieve a more just social order. Such situations are likely to be exceedingly rare. We believe that the great danger of violent revolt is that it will brutalise both sides and thus render oppressor and oppressed indistinguishable.

We must reiterate that in discussing the possibilities of revolution we have not, in any sense, considered it as a desirable form of change in South Africa.

On the contrary, our efforts are directed towards exploring the possibilities of peaceful forms of change. Even if revolution in South Africa were a real possibility, which we do not think it is, we believe that the cost in terms of human life, suffering and bitterness which a revolutionary civil war in South Africa would involve, would be overwhelmingly great.

In discounting the possibilities of revolution we do not wish to contribute to a sense of complacence. The very fact that groups of people (however misguidedly) feel driven to violent action is in itself indicative of a serious disequilibrium in the political system. It may be said, of course, that these bands of guerillas and other revolutionaries are small and unrepresentative of the feelings of the African population among whom they are likely to find their major source of support. This may well be true, but nevertheless there is no telling how this may change in the future if nothing is done to redress the grievances of the African people and to assure to them the dignity which is violated by the policy of apartheid. Moreover, even if at present guerilla activity is limited in scope and is contained relatively easily by South African armed forces, the extent of this activity could increase and yet more budgetary funds would have to be diverted to military and police purposes away from other purposes, such as education and welfare, upon which they might be better spent.

Economic forces

The assumption (or the hope) is often expressed that economic forces will erode apartheid, forcing the dominant group to make political concessions. It is argued that there is a contradiction between economic goals, such as sustained growth and profit maximisation, and the maintenance of white supremacy in the labour market. Pressure on the colour bar in industry will increase as the shortage of skilled labour becomes even more serious. The colour bar will increasingly be punctured or modified in order to allow blacks to perform more semi-skilled and skilled work. This will give them greater bargaining power, even a stronghold over the economy because their indispensability will have increased. Demands based upon this economic indispensability will be made for political concessions, which will have to be granted unless stagnation or even disruption of the economy is to follow.

Another argument holds that the sustained growth of the South African economy will make it increasingly less true that there is insufficient wealth to go around. According to Mr M.C. O'Dowd, 'the desperate clash of interests between group and group becomes less acute, while a sense of community of interests centering around an expanding economy which is beginning to have something in it for everybody starts to assert itself'. Gradually a climate develops in which political reforms are possible, and ultimately radical reforms, including political ones, are carried out. According to O'Dowd,

South Africa entered the second stage of industrialisation, during which inter-group conflicts become less acute, around 1960. He concludes *(8):*

> *Finally, about 1980, one can look for the radical constitutional reform, corresponding to the Second Reform Act in England and President Wilson's programme in the United States ushering in the period of high liberalism corresponding to the 1870's and 1880's in England, the roaring twenties in America, La Bella Epoch in France, the present time in Japan and (probably) Italy.*

Several fundamental difficulties with this optimistic theory are evident: first, it ignores the many serious criticisms of W.W. Rostow's theories on which it is based; secondly, it appears to suggest that 'high liberalism', or at least a more flexible, less repressive regime is the automatic (although there may be time lags) concomitant of the economy's movement into the stage of mass consumption. Although S.M. Lipset has argued that the ability of democractic political systems to remain stable and democratic is facilitated by high levels of economic development, it by no means follows that industrialisation and economic maturity automatically propel a society towards democracy. Karl de Schweinitz has argued that the 'Euro-American route to democracy is closed' because the democratisation of these societies:

> *was historically stimulated by the independent growth of the entre-preneurial and labouring classes which placed persistent and ineluctable demands on non-democratic political leaders for the extension of political rights. Now it is much more difficult for these classes to acquire an existence independent of the state. If the state is non-democratic, as it is likely to be in impoverished societies, the growth process will not throw up those autonomous centers of power and pressure which in the previous century acted as vehicles of political reform (9).*

South Africa is not an impoverished society, but the extreme centralisation of power, the shackling of economic life, and the destructive assaults on what may have developed as autonomous centres of power, make the situation inimical to a climate in which political bargaining and democratisation can flourish.

It may be the case that the heightened indispensability (they are indispensable already) of black and brown workers will increase their bargaining power, but we do not see any way in which this will be automatically converted into political influence that can exact political reform. The attainment of political bargaining power in this way requires organisation in trade unions and the ability of these unions to call effective strikes - the ultimate weapon of organised labour. But it seems perfectly consistent with the processes already observed in South Africa for the colour bar in industry to be lifted *(but not abolished)* in such a way that black workers enter more skilled posts without endangering the supremacy of white workers and without permitting the black workers to organise into effective unions. Substantially the same conclusion has been reached by the Spro-cas Economics Commission *(10)*. In other words, their economic power and its possibility of exacting political concessions will remain latent: black workers will not be permitted to flex their economic muscles for political ends.

Such is the entrenched power of whites that the existing order of society will be able to contain the undoubted contradictions between economic and political goals. Dangers may arise, however, if economic growth does not keep pace with population increase. Estimates have suggested that by 1980 several million Africans will be unemployed. It could be the case that the unemployed will manifest rebellious tendencies but it is doubtful, given the strength of white South Africa's police and defence forces, that a serious threat will be posed. But, we emphasise, this assessment should not be construed as an encouragement to complacent thought.

South Africa and the International Community

South Africa's isolation in the modern world can be deduced from the fact that not a single state is publicly prepared to express its agreement with the policy of apartheid. Of course there are wide differences among member states about how the United Nations should deal with apartheid. Many states either abstain from voting or vote against more extreme motions calling for international action against South Africa, but these are differences of tactics and strategy: no state accepts apartheid. Along with these manifestations of hostility there is the concerted effort to have South Africa expelled from a wide range of international organisations. In sport, too, many countries have refused to maintain relations with South Africa until she eliminates racial discrimination from her sporting life.

One aspect of international pressure against South Africa has been the effort to mount economic sanctions. This movement has so far not been of more than marginal significance in purely economic terms because none of South Africa's major trading partners has been willing to co-operate. A full-scale application of sanctions would imply the blockading of the Southern

African coastline and, possibly, the subsequent armed invasion of the country. Such a contingency is obviously a remote possibility for the foreseeable future. The cost of such an operation would be prohibitive, and the requisite degree of unanimity among the powers supporting it would be hard to attain.

We are obviously not in sympathy with any such proposal: our concern in this context is to indicate whether we think that there is any chance of the proposals being implemented, and we must conclude that the chances are slight. It is only in the event of some conflagration or major upheaval actually starting in South Africa that pressure for international action may become hard to resist. In, say, thirty years time the world will have become a far smaller place; racial discrimination will have become even more of an anathema than it is now. Pressures will continue to grow on foreign firms who have investments in South Africa unless significant changes are made in official policy. If such changes are not made, and these other processes continue unabated, an outbreak of violence in South Africa or some other catastrophic event may well result in some kind of concerted and comprehensive international action against South Africa. Viewed from the present perspective it is, of course, impossible to see how the international community will change, especially in terms of great power alignments, or what kind of action might be contemplated.

We earnestly counsel against any feeling of complacency among whites: the unexpected *could* occur. Moreover, South Africa's vulnerability to international pressure is increased by the South-West Africa issue, often described as 'South Africa's Achilles Heel'. Until this issue is resolved, those states wishing to force action against South Africa will have a ready lever at hand. It may be that the possibilities of such action are constrained by the factors suggested above, but, again, we remind our white readers that the world is a rapidly changing place: the unexpected *could* occur, and the pressures on foreign investors could increase to such an extent that the possibility of economic withdrawal could become politically significant.

Over the past decade South Africa has made a determined effort to break down the hostility which her policies evoke among independent black states. Our concern here is not to unravel the mixture of political and economic motives that have given rise to this policy, but rather it is to ask the question: is the outward policy likely to have any significant effects upon South Africa's domestic policies?

Near-neighbours such as Botswana, Lesotho, Swaziland and Malawi have little option but to refrain from hostile attitudes or policies towards South Africa, in view of their economic dependence (which varies in each case) upon South Africa. None of the states, however, nor any of the other African states that has contemplated 'dialogue' with the South African government, has

expressed agreement with separate development. Even the most well-disposed leader, Dr H. Kamuzu Banda of Malawi, has justified his policy as a means of undermining apartheid. It may well be that further states will respond to South African initiatives. But we believe that their numbers will be few because most of the member states of the Organisation of African Unity accept the view that 'dialogue' with South Africa is dangerous because it gives to apartheid a legitimacy that it does not deserve.

The effects of the outward policy on South Africa's domestic racial policies are not likely to be of critical significance as a source of change. It may be, however, that the contacts fostered in pursuance of the policy will effect some breakdown of the ignorance which so many white South Africans show about the problems of the independent black states of Africa. The Commission expresses a hope, rather than a prediction, that a more sympathetic insight will come to prevail. It is also possible that the much-publicised meetings between white and black leaders (including those of the Bantustans) will accustom whites to seeing blacks in positions of authority and to the idea of equal-status contact between people of different colours. If the Prime Minister can entertain black dignitaries at a lavish banquet, why should the ordinary white citizen not be enabled to entertain the ordinary black citizen (or *vice versa)* in a correspondingly more modest way?

The Commission expresses its regret that more attention was not paid by South Africans to the Lusaka Manifesto of 1969. This document was signed by the leaders of fourteen East and Central African countries, including Zambia and Tanzania. The point about the Manifesto was its emphatically expressed preference for a negotiated solution to the problem of the white-ruled countries of Southern Africa. The Manifesto said:

> *Our objectives in Southern Africa stem from our commitment to this principle of human equality. We are not hostile to the administrations of these states because they are manned and controlled by white people. We are hostile to them because they are systems of minority control which exist as a result of, and in the pursuance of, doctrines of human inequality ... Our stand towards Southern Africa thus involves a rejection of racialism, not a reversal of the existing racial domination. We believe that all the peoples who have made their homes in the countries of Southern Africa are Africans, regardless of the colour of their skins, and we would oppose a racialist majority government which adopted a philosophy of deliberate and permanent discrimination between its citizens on grounds of racial origin.*

It may be said by some that these are hollow words and that the signatories betray themselves by not explicitly and avowedly repudiating violence. But this misses the point that the whole tone of the Manifesto is remarkably conciliatory. South Africa exists in a continent which is overwhelmingly hostile to the idea of racial discrimination, and any evidence of a conciliatory spirit should be welcomed. The Manifesto suggests that a modification of policies in South Africa in the direction of a more open society would do much to remove the grounds of that hostility - providing of course that the modification were genuine and sustained. It is of little avail to protest that other states have no business to meddle in or to pass judgment upon the internal affairs of another state. Racial discrimination has become an issue which stirs a large proportion of mankind to disgust - in these circumstances the principle of non-interference counts for nought.

Conclusions

So far our analysis has suggested, on the one hand, a fundamental disequilibrium in the political system; but, on the other hand, it has also shown that the possibilities of far-reaching political change (specifically, the sharing of political power in a common society) are, to say the least, slight. In other words South Africa is in a political deadlock. We do not under-estimate the magnitude or complexity of the problem. There are few precedents in history (and those few are not comparable to South Africa) where an entrenched and privileged minority has voluntarily shared power with the majority. Moreover, there may be reason to believe that the inter-group conflicts in South Africa have created, and will continue to create, such bitterness that a democratic political system is unlikely to survive. Democratic government, whether unitary or federal, presidential or parliamentary, requires a measure of common sentiment among its participants - the voters. Such common ground will be exceedingly hard to create in South Africa.

We must nevertheless urgently warn against the consequences which the present trend of policy and government will undoubtedly entail if it continues. In attempting to shore up and defend their position the whites have arrogated to themselves absolute and unqualified powers. The Rule of Law and civil liberties are in abeyance over wide sectors of South African life. The Security Police has shown disturbing signs of becoming an *imperium in imperio*. While South Africa is not a totalitarian society, there are disturbing and ominous signs that it could rapidly degenerate into some form of totalitarianism. This, we submit, could be the ultimate price of racial privilege.

There is a much-quoted maxim that freedom is indivisible. The growth of the authoritarian spirit has already done untold damage to the rights and liberties of all South Africans. The critical range within which political opposition is permissible has retracted rapidly there is a serious danger that

the trend may continue unchecked, gathering a momentum of its own. We do not deny that violent and unlawful action aimed at the overthrow of the state has been attempted. We have attempted to explain its structural causes, although we have not condoned it.

We emphasise that unless structural changes are made in the political system there are grave dangers facing South Africa: it may degenerate into a 'garrison-state', a type of totalitarian society in which all the liberties of all the citizens are stifled; or there may be violence. Southern Africa has become a political bloc. Guerilla opponents of the South African government regard it as such, and see Southern Rhodesia and the Portuguese colonies of Angola and Mozambique as the front line. South Africa has responded by undertaking co-operation in security matters beyond her borders. There is a long-run danger that the entire sub-continent may become engulfed in a race war whose possibilities of escalation are incalculable.

FOOTNOTES

1. *Rapport,* 14/3/71.
2. M.L. Edelstein: *What do Young Africans Think?* (SAIRR, 1972), p. 113-114.
3. See, for example, B.A. Khoapa: 'The New Black', in *Black Viewpoint* (Spro-cas Black Community Programs, 1972) and N.C. Mangyani: 'A Note on Black Consciousness', in *Being-black-in-the-world* (forthcoming from Spro-cas, 1973).
4. S.M. Lipset: *Revolution and Counter-Revolution* (London, 1969), p. 181.
5. *Power, Privilege and Poverty,* the report of the Spro-cas Economics Commission, p. 21.
6. *Apartheid and the Church,* the report of the Spro-cas Church Commission, p. 71.
7. F.A. van Jaarsveld: *The Awakening of Afrikaner Nationalism,* p. 179.
8. M.C. O'Dowd: 'The Stages of Economic Growth and the Future of South Africa', n.d.
9. K. de Schweinitz: *Industrialisation and Democracy* (New York, 1964) p. 10.
10. *Power, Privilege and Poverty, op. cit.* pp. 60-70.

THE TREND of our report thus far has been to suggest that while South Africa's policies and the ordering of society violate our ethical presuppositions, there is seemingly little prospect of significant political change in the foreseeable future. Our analysis of the South African political system has pointed to a state of deadlock, a situation of limited flexibility. The seriousness of this log-jam and its likely duration is a matter for debate.

We must stress, however, that we do not regard the situation as hopeless. Hope is the virtue that must sustain Christians in the most intractable of situations. Moreover, our analysis has underlined the volatility and dynamism of South African society. These qualities make it impossible to arrive at hard and fast conclusions about the future. History cannot be predicted in the way that the course of certain natural phenomena can.

Indeed, a study of political evolution in different societies at different times leads one to the conclusion that the proclaimed intentions of governments are seldom realised in ways that their leaders might anticipate or desire. Moreover, we have noted certain forces of change whose strength may grow and which may be harnessed to the task of creating a more just order.

We cannot believe that white South Africans enjoy being regarded as pariahs of the modern world; nor can we accept that they are completely impervious to moral condemnations of the racial privileges they enjoy. Their fears of being 'swamped' by a black majority are understandable, but these should not be permitted to cloud their judgment of what constitutes long-term security. Fear is a natural human emotion and inevitably it will be a restraint upon political, economic and social change. But change is also inevitable. White South Africans must realise that their apparently impregnable position in the Southern African sub-continent is, in the final analysis, an illusion. They can achieve security only by admitting their black fellow-citizens to an effective share of political participation and by collaborating with them in building an open society whose foundations are justice, liberty and mutual esteem.

The security they might win from such a social order would be genuine and enduring. It would require sacrifice, courage and the casting out of fear - for there can be no guarantee that hoped-for sequels will ensue. But the challenge is a great one: the major problem of our times is the world-wide inequality of black and white. South Africa is a microcosm of this world, and if South Africans can rise to the challenge their contributions will not only have been to their country but also to mankind.

PART THREE

THE PROBLEM OF POLITICAL

ALTERNATIVES

Chapter Six

LONG-TERM GOALS AND THE
PROBLEMS OF TRANSITION

IN THE PREVIOUS section of this Report we have attempted to give an objective and factual analysis of the present political situation in South Africa, and to envisage as dispassionately as possible the likely political developments of the foreseeable future: not so much what we would *want* to happen, as what we *think* will happen. There would have been no sense in producing this Report at all, however, if we had thought that the future was already conclusively determined once and for all. It will be obvious that the deliberations of the Commission had to proceed from a basic belief that the future of South Africa could still be influenced for better or worse, and that it might even be decisively changed by the concerted and responsible actions of its citizens. It is, indeed, with a view to our collective responsibility for our political future that we submit this Report to all the people of South Africa.

The first prerequisite in committing ourselves to any kind of political action is to get clarity on both the objectives and the course of action itself. More specifically this concerns two inter-related sets of problems:

1. We can, and perhaps must, bring about change in South Africa, but change towards what? What kind of society or political system is to be our goal? We have to clarify our political ideals as to the *long-term goals* which guide our more immediate decisions and plans.

2. By what means can these ideals be achieved? What kind of change will further development in their direction, and what are the available opportunities and obstructions both in the short-term and the long-term? In terms of our ultimate objectives these might be called the *problems of transition.*

Ethical Acceptability

Our choice of the long-term goals of political change cannot be an arbitrary one but must be related to our ethical commitment as Christians and democrats. In Chapter 2 we have indicated what we take to be the ethical

framework applying particularly to political life. It will be clear that our future ideals must be formulated in the light of these norms. This means that our general ethical criteria of freedom, equality, justice and effective participation in government will now have to be spelled out in concrete political terms with specific reference to their significance in South African conditions. To a certain extent this has already been done in the section on 'Breaches of Ethical Concepts' in Chapter 3, but that was, in the event, primarily a negative evaluation. Also, it was focussed primarily on present practices, conditions and laws rather than on future policy objectives. What we now have to do is thus to expound the concrete political meaning of our primary ethical concepts in *positive* terms as an ethically acceptable long-term political goal.

This is, in effect, what is required by the third of the terms of reference which the Commission adopted at its first meeting, viz. -

'to consider the political and constitutional implications of

(a)   an equitable sharing of political rights; and

(b)   a removal of discriminatory laws and practices in Southern Africa'.

Practical Feasibility

Ethical considerations are not the only kind applicable to policy objectives. Even in proposing long-term goals we cannot merely say what we want or consider desirable - that is, if the enterprise is to be a politically serious one. We must also require of a policy objective that it be practicable, if not necessarily in the immediate party-political context, then at least in the context of the larger social and political structures.

The Commission has indeed at all times in its deliberations wished to avoid the dangers of wishful thinking or superficial panaceas. We believe that we must bear witness to the full political and social implications of the Christian notions of love and brotherhood, the sanctity of the individual, etc., and of the democratic political principles of freedom, equality and justice to which we subscribe. These are our ethical norms and must inform our political ideals and actions, no matter how far removed from present political practice they seem to be. But we also believe that it would be futile and even irresponsible to profess these ideals unless we seriously consider, at the same time, how they can effectively be brought about in the very complicated and even harsh realities of the South African situation, as described in Part Two.

In this context it is surely right to insist that politics is the art of the

possible, a matter not of pure theory but of practice. What would be wrong would be to define the 'possible' solely in terms of the existing situation and then to dismiss as 'utopian' our Christian and democratic ideals. On the contrary, 'utopian thinking' may perform the serious and necessary task of questioning and illuminating the very 'possibilities' of our situation through envisaging radical alternatives to it *(1)*. In this way a morally informed utopian thinking could make a valuable contribution toward changing our political practice in contrast to that concern for 'solutions' which so often tends to become a matter of mere speculation. Still, the requirement of practicability must also mean that the problems of transition are at the very heart of the matter. In this spirit a statement was accepted by a sub-committee of the Commission at an early stage of its proceedings to the effect that, inter alia:

> *The problem facing us is not only what the best 'solution' may be in theoretical terms, but also how the transition from the present political situation, with its special difficulties and limitations, is to be achieved.*

Alternative goals and alternative strategies

The problem of alternatives is a complex one. It involves both questions of means and of ends, so that we are confronted with a whole series of different though inter-related choices.

(a) We may disagree concerning our long-term goals as such. Fundamentally different kinds of societies or political systems may be proposed as eventual objectives. Which of these are acceptable or unacceptable, and why? Obviously this is of crucial import to the whole question of 'alternatives', but even so it rarely amounts to a straight choice between different future goals. A prior problem is that we may be uncertain of the very nature and meaning of any given goal, or disagree about its relation to our ethical norms. Our first task must accordingly be to clarify the full import of the various relevant political ideals, and only then can we sensibly commit ourselves to the pursuit of one or the other of these.

b) We may disagree whether it is sensible or necessary to specify long-term goals at all. The Commission was strongly urged not to attempt 'blueprint solutions' but rather to think in terms of

'directions of change'. It is vain to attempt an anticipation of the future, particularly with so immensely complex a problem. Moreover, in elaborating our future goal, we might easily come to think of it as the one and only kind of society or political system that may be called Christian or morally acceptable. This would indeed be a confusion of our general criteria with a specific objective: in subscribing to a definite political principle as normative we do not claim the superiority of a particular political system to the exclusion of all others.

The sub-committee of the Commission agreed that :

We accept as a basic principle that people of all groups in South Africa should be brought into meaningful participation in political life.

We do not believe that this principle is realised in the present political conditions in South Africa, nor do we believe that the application of it can be identified exclusively with only one political system or approach.

On the other hand, it remains of decisive importance whether the probable long-term consequences of a particular 'direction of change' will or will not be morally acceptable in these terms. We have to commit ourselves to some course of action, and this cannot be evaded by pleading ignorance of the all too complex future; the final outcome will indeed only be known to coming generations, but the moral responsibility is ours. We must therefore give the closest possible investigation to the full import of any proposed 'direction of change'. This should not be seen as a futile attempt to predict the future, nor as an arrogant prescription of the one and only morally acceptable long-term goal. It may perhaps be viewed as a comparative evaluation of the projections which, in the circumstances, are implied by different programmes of change.

(c) We may also disagree concerning the problems of transition and, in fact, about the very nature of the 'transition' itself. Thus it may be assumed, for example, that the actual 'transition' itself either will be, or else should be envisaged as, a rapid all-embracing change of the overall institutional system. Or the 'transition' may be viewed as an evolutionary process, starting with actions within the present

system and with piecemeal adaptations thereof, and extending to an open-ended projection of conceivable major changes in, and continuing accomodations of the institutional system in the future.

Now clearly these disagreements as to the evolutionary nature, or otherwise, of the transition will depend largely on our views concerning the merits of the different *political means and strategies* which, in the circumstances, they would require. These methods may again be controversial in their own right. Thus certain methods for bringing about change, such as violent revolution or totalitarian state-control, may be considered to be unacceptable irrespective of the objectives for which they are used. Other courses of action, such as using the legitimate channels of parliament or the courts, may be deemed to be intrinsically desirable. But here again the issues are not always so clear-cut. First, the meaning of, for example, parliamentary action is rather different within a system of majority government as compared to a situation where there is only a limited or a sectional franchise; and a revolution aimed at doing away with a totalitarian rule is not to be equated with a revolution wanting to institute it. Again, with certain exceptions, as in the case of consistent pacifism, a course of action is rarely decided in terms of the unacceptability of the method only. More usually we have to consider its effectiveness relative to a given end, as well as the availability of other alternative courses of action. If we are not to fall into the trap of the end all too easily justifying the means, however, we must insist that the moral acceptability of the political means be given the greatest possible weight *(2)*.

It may perhaps be added that the unacceptability of the means does not necessarily reflect on the validity of the end which is being pursued. Thus we had to reject the current practice of apartheid and the implementation of government policy as unacceptable breaches of our ethical concepts. Are we then also committed to an outright rejection of all separation as such? How can we even begin to consider this as a direction of change without thereby endorsing present injustice and discrimination? A policy cannot be judged, however, in terms of its present applications only but must also be seen with a view to its overall purport and objectives. Our condemnation of its present implementation therefore cannot absolve us from the duty of considering the long-term goal of separate development *as such*. On the contrary, the problem of political alternatives must include an investigation of the acceptability of this goal as a political ideal. Of course, it will be most pertinent to

this to inquire whether the injustices that have been perpetrated in the name of this goal are also necessary to its pursuit.

(d)   It follows that the precise relations obtaining between the alternative long-term goals and the alternative available strategies can be both crucial and controversial. Moreover, we must also distinguish between the (intended) goals of a given strategy, and its eventual (perhaps unintended) consequences. On both counts, we may have to face up to difficult decisions. Agreeing to a specific long-term goal, say a free and non-discriminatory society, we may yet disagree concerning the various ways in which it may be reached. And given a certain course of action, e.g. electoral and constitutional reform, its probable long-term consequences may be a matter of dispute.

In sum, the problem of alternatives is not always a clear-cut question of black and white, good and bad. It can involve a very subtle and disturbing unravelling of the Gordian knot. Thus, if we accept, for example, that the steps taken towards a given policy objective need not have any exclusive links with that long-term goal only but may well be put to other uses, we can begin to view, for instance, the political infrastructure created in terms of separate development as providing possible power bases against continued white dominance. What would then be the alternatives? Are we fighting apartheid or endorsing it? Only a close investigation of the precise issues which are involved, in the context of available opportunities and probable consequences as well as proposed objectives, can begin to answer these questions. In this we must be doubly careful of the easy dichotomies imposed by loose popular thinking.

Apartheid vs. Integration

The problem of political alternatives in multi-racial South Africa is popularly supposed to consist in a choice between 'apartheid' and 'integration'. This dichotomy is widely held to be an exclusive one; in addition, it is often believed, both by supporters of government policy and by some of its severest critics, that both courses also have an inherently escalating tendency. Any specific measure of integration (or apartheid), it is thus said, must 'logically' lead to further stages in the same direction, and it would not be possible to stop this process anywhere short of the ultimate result of complete integration (or total apartheid). A choice between various short-term measures is thus not merely related to the alternative long-term

goals but is in effect associated as closely as possible with their supposed long-range consequences.

What then, we may well inquire, are these alternative long-term goals precisely supposed to be? An answer is not easily forthcoming. On investigation we soon find that, if pressed, the notions of 'apartheid' and 'integration' are vague, shifting in meaning, not to say incoherent and down-right contradictory. 'Integration', for example, is perhaps most often thought of as ultimately leading to both racial amalgamation (the biological fusion of the races) and to black majority rule - thus easily combining the contradictory notions of a non-racial society and a racial dominance. The widely different processes of, for example:

  (i)   modernising and centralising the economy,

  (ii)   the social mixing of individuals of divergent backgrounds,

  (iii) the structural functioning of society,

  (iv)   social assimilation (the admission of previously divergent groups or individuals into common social institutions) and/or acculturation (the change or replacement of cultural traits as a result of cultural interaction),

  (v)   common electoral systems, etc.,

are all subsumed as so many facets of one comprehensive development as the so-called 'economic', 'social' and 'political' aspects of 'integration'.

The contrasting pole of 'apartheid' has of course been proposed in all the shades and varieties of 'segregation', 'parallelism', 'partition', 'separate development', 'multi-nationalism', etc., etc. Both official government policy and the future projections of the theoreticians of apartheid have changed over the years, and even now there is no unanimity or clarity on long-term goals, for example the long-standing controversy concerning the eventual place of 'petty apartheid' in the grand scheme of future development. In short, in any serious consideration of the problem of alternatives the all too easy dilemma of either apartheid *or* integration simply will not do; our problems are both more complex and the available options for change more varied than that.

It is of some significance that, compared to the supposedly exclusive alternatives of total apartheid and complete integration - whatever these might mean - the declared policies of all white political parties, including present government policy, are 'mixed' in various degrees. Thus the colour

bar, for example, is clearly not a 'pure' apartheid measure at all, but an uneasy compromise of racial discrimination and economic integration. Individuals have from time to time proposed 'consistent' schemes, for example, for whole-sale partition of the country, but these have never really been taken seriously. Rather than to absolutise one aspect only, it might be more sensible to recognise that in the complex South African society we have to do with important forces furthering 'integration', particularly in the economic sector, as well as stubborn 'segregatory' forces, operating mainly from the socio-cultural and political sphere. Can these conflicting forces under no cir-cumstances be reconciled? Must one of them finally and completely prevail? There are different political approaches proposing to deal with these in-tractable problems. There are also different views on what would constitute a stable and acceptable resolution of these strains belabouring our South African society - and there we begin to touch on the real problem of alternatives.

'Common Society' vs. 'Plural States'

On a somewhat more sophisticated level than that of the popular political slogans of 'apartheid' and 'integration', the problem of alternative political ideals is often put as the choice between the 'Common Society' and the 'Plural States' approaches as two divergent directions of change. It is essentially in these terms that the sociologist Prof. S.P. Cilliers proposed his recent theoretical analysis of the political dilemma of South Africa (3). It is also in these terms that the problem of alternatives was repeatedly put to the Commission, particularly by Dr Denis Worrall (4). Indeed, this view of the problem of alternatives at times dominated the discussions of the Commission with various members urging that the Commission should unequivocally come down on one or other side. But there was also a growing feeling within the Commission that as an all-embracing dichotomy the opposition of the 'common society' to the 'plural states' approach was misleading and con-fusing: its terms were vague and ambiguous, it obscured many of the important issues which were at stake and tended to obstruct constructive new proposals.

What precisely is this alternative between the 'common society' and the 'plural or separate states' ideals supposed to be? Clearly it is not merely equivalent to that of the popular alternative of 'integration' and 'apartheid'. As Hoernlè already saw, the ideal of 'separation' is not to be confused with 'segregation', i.e. the traditional practices of social and economic dis-crimination: the latter is a technique for domination by a minority within a multi-racial state, and the former would ideally involve a. partition into equally autonomous nation-states (5). Similarly the ideal of the 'common society' need not necessarily involve an endorsement of social integration in

the sense of assimilation, but might be consonant with a large measure of cultural diversity.

Still, there obviously is a basic connection between this contrast of the two directions of change and the popular opposition of 'integration' and 'apartheid' in party-political terms. The alternative of the 'common society' and 'separate states' ideals is perhaps best seen as emphasising *the long-term or future ideals of present policies*. Thus Dr Worrall has linked the 'common society' approach with the policy of the Progressive Party, and the 'plural states' approach with the policy of the National Party as those to which both are committed. Depending on the content given to these two ideals this may or may not be a correct reading of the policy implications of these two parties. Conversely, if an explicit formulation of the goals of the 'common society' and the 'plural states' commitments is not forthcoming, this view of the problem of alternatives amounts to its reduction to an endorsement of inter- mediate strategies only, i.e. to a choice between the approaches of these two political parties. Surely this is taking too narrow a view of our problem. We should not confuse the possible options of the white electorate with the political alternatives available to the country as a whole. Or, to put the matter somewhat differently, it is rather unhelpful to lump together, as this view would seem to require, all policy objectives from those of the Progressive Party through the defunct Liberal Party or present (Coloured) Labour Party to the banned Communist Party, ANC and PAC as so many varieties of the 'common society' approach. It is hardly likely that they are all committed to one and the same future political ideal, even if they are all opposed to the present white domination.

In fact, on closer investigation it soon appears that the very nature of the alternative which is supposed to obtain between the ideals of the 'common society' and the 'plural states' is often understood in different terms. Even a cursory review raises a number of very different issues as central to it. Some- times, for example, advocates of the ideal of the 'common society' particularly emphasise that:

(i)   all racial groups in Southern Africa are irrevocably bound up in a common destiny. They are all involved in and dependent on a single dynamic economy, and whether or not any Bantustan will attain independence in terms of present government policy will not materially affect this. On this point the proponents of the 'plural states' approach maintain that, on the contrary, giving political independence to the ethnic homelands provides a means for defusing the impending racial conflict: instead of a disastrous all-or-nothing conflict for control over the whole of South

Africa each man (or nation) can be master of his 'own' domain. Without, for the time being, going into the details of this controversy, it seems to raise a number of important issues, such as what the unit of analysis shall be (the whole of South Africa, or a residual part of the present Republic?) and where the 'key' to the future of our race relations is to be found (in the urban economic centres or in the rural ethnic homelands?) Or it may be argued that the vital issue is whether any particular group (e.g. the whites) has the right of privileged access to any of South Africa's main resources, in particular of control over the central economy, or whether there should be common access to all of South Africa's resources.

Others have defined the crucial issue contested between the two approaches more specifically in terms of

(ii)   the formal political systems of representation. Thus Dr Worrall puts the choice between the directions of change as follows: 'either power can be shared on a basis of eventual (if not immediate) adult suffrage with representation in a parliament of a common society; or power can be transferred on a basis of adult suffrage with representation in different parliaments corresponding to separate parts of the country'. This amounts to a contrast between the political mechanisms of an extension of the franchise within the present political system, as against partition, i.e. the creation of additional representative systems. It should be noted that the sharing or transference of powers envisaged here does not necessarily involve a redistribution of economic resources and wealth.

Prof. S.P. Cilliers, on his part, emphasises particularly

(iii)   the degree of structural integration of the social system in terms of the sharing or not of a common value system within a given society. A shared culture and value system provides the overall binding force for a society and the necessary legitimation for the political order of a nation-state; if lacking it can at best result in a 'state without a nation' *(6)*. The nature and extent of the fundamental processes of socialisation (i.e. the internalisation of basic social values through education, etc.) are seen as decisive for the stability of the political system(s).

Others again, like Prof. M.H.H. Louw (in a paper presented to the Commission), contrast

(iv)   the homogenised society without strong sub-groups and with an over-riding loyalty of individuals to the total society, with the plural society in which individuals identify primarily with their sub-groups, which may enjoy a large measure of cultural and political autonomy. Here the emphasis is on cultural diversity and ethnic politics, or their absence.

What are we to make of these four different versions of the alternative? There are obviously certain overlappings and convergences, despite the difference in emphasis on the economic, political, social or cultural spheres. It may even be that these very different issues are all simply various and related aspects of a single comprehensive problem which we can summarise as *either* the 'common society' *or* 'plural states' in all these four senses: But they may also be different issues which do not stand or fall together in just this way.

In fact, when we turn to the responses to this proposed exclusive alternative of contrasting directions of change we do not find a clear-cut division along these lines but rather a surprising variety of attitudes. There are of course those who wish to choose for whatever they happen to understand by the 'common society' and against the 'plural states', and vice versa; but others have suggested possible 'hybridisations' of the two approaches. Prof. Cilliers, of course, holds that *both* approaches should be evolved at the same time, the one for the ethnic homelands, the other for the rest of the country. Dr Alan Paton has come to believe that 'the goal of the common society must now be striven for in the framework of separate development', although it is not clear that he intended this remark in the sense it has been given by some of his critics. At various times the merits of federalism as a distinctive approach that could combine elements of both the common society and separation have been urged. We may well begin to wonder what the 'alternative' political ideals at stake really are; or whether they should not rather be defined in different terms. To begin with we must attempt to get more clarity on the nature of the various ideals as such.

The Ideal of the 'Common Society'

The ideal of the 'common society' as a long-term goal certainly merits the Commission's closest scrutiny. Here, in a succinct and attractive phrase, we would seem to have the alternative to that apartheid society which we have found unacceptable in terms of our ethical criteria. Though we may agree in rejecting apartheid, however, our present task is to give a positive expression to our hopes and aspirations for the future. Can we endorse the notion of the common society as adequately and unambiguously describing that future ideal? That depends, of course, on its precise connotation.

The exact meaning of the term 'common society', however, is both elusive and controversial. It is not a recognised international or traditional concept indicating a well-defined political institution or philosophy, unlike say 'nation-state', 'parliament' or 'liberal democracy'. The notion of the common society has not yet been articulated systematically or in any depth: it is of fairly recent and local origin, and even so it has already been used in a number of rather different senses. In 1941 Hoernle complained that while 'common citizenship' had traditionally been opposed to segregation by liberals as their policy, the phrase itself 'leaves far too vague all kinds and forms of relationship between the races other than access to the same franchise' *(8)*. The situation has not changed much since then.

It would seem that the term 'common society' came into use primarily as an expression of opposition to the systematic implementation of apartheid legislation, with its underlying separatistic view of society, after 1948. Thus, the Institute of Race Relations in 1950 subscribed to 'common citizenship by individuals of all races' as a goal for racial policy. This was at the time of the prolonged constitutional struggle for the removal of the Coloured people from the common roll, and the Institute particularly emphasised the common franchise on a territorial basis as indispensable to 'common citizenship', and rejected communal representation as incompatible with it *(9)*. In 1956 Dr Ellen Hellmann in her presidential address to the Institute defined the shared or common society in appreciably wider terms as 'a society in which, by the systematic extension of economic, social and political opportunities, all the rights the society has to offer can be won by its citizens on the basis of achievement and worth but not of colour alone' *(10)*. In her view the common society, though one single multi-racial community, will be a 'culturally uniform society' with 'shared, western institutions' *(11)*. It is interesting that at about the same time the Tomlinson Commission envisaged the common society, as an alternative to separate development, in much the same terms as encompassing acculturation and social assimilation and even racial amalgamation as much as an integrated political structure *(12)*. In contrast, Prof. Z.K. Matthews laid particular emphasis on the point that a 'common' or free and non-discriminatory society was not incompatible with pronounced cultural diversity *(13)*. Apparently he considered that the sharing of civil and political rights was to be conceived of mainly in constitutional terms. But it is just at this point that Prof. D.V. Cowen, also in 1961, in his book *The Foundations of Freedom,* had to point out that, prior to all political efforts at constitution-making, we have to reckon with the sharing of common interests and sentiments in a true functional community. These are determined by 'the underlying social and economic forces', and we must look to the integrated economic system, our common Christianity and the diffusion of Western civilisation as unifying forces in the building of a common society *(14)*. How-

ever, in the recent estimate of Prof. S.P. Cilliers, who agrees that we must primarily define the common society in terms of a shared value system, the prevailing social structure in South Africa is such that it would not be possible to have evolutionary and stable progress towards a unified society for the whole of the country, that is, including the tribal homelands *(15)*.

A closer analysis will show that even in this cursory historical review of the origins of the terms at least three different components go into the various visions of the common society. First, there is the ideal of a *non-discriminatory, open and democratic society*. In this sense it is obviously linked very closely with our ethical criteria of equality, freedom, effective participation in government, etc., and the Commission found little difficulty in accepting the common society as its long-term goal in this sense. The term common society, however, carries other senses as well, which are more difficult and controversial. For, secondly, it is linked with specific political institutions or constitutional provisions such as the *common roll* or the single unpartitioned state. In this sense subscribing to the ideal would mean to oppose any electoral system based on plural or communal rolls, or the possibility of partition, as unacceptable in principle. It is also problematical to what extent this notion of the common society might be compatible with any measure of federation, if at all. Thirdly, it refers to the socio-economic and cultural spheres, to the sharing of interests, values and beliefs among the members of society. In this sense the ideal of the common society may mean a furthering of the processes of *social assimilation* and *acculturation* as opposed to the prologation of *cultural and ethnic diversity*. It will be equally relevant to determine whether, and to what extent, such processes are in fact taking place in society, as well as to decide whether, for example, the 'melting pot' is indeed an acceptable long-term goal.

In its investigations of the common society as a possible long-term goal, it soon became clear to the Commission that these various components do not necessarily go together. It was pointed out to the Commission that, for example, the common roll, a unitary constitution and universal franchise were evolved, and could be implemented, independently of each other. Both manhood suffrage and the common roll could be implemented, or not, in a federal system, or in the separate states resulting from partition, as well as in a unitary state. In the discussions of the Commission it also emerged that there was a marked disagreement on whether or not the common society entailed a negation of cultural diversity as such. Some members certainly understood it to imply approval of the processes of assimilation and acculturation. Others were adamant that 'the aim of the common society programme is not to produce a cultural melting pot'.

Further important disparities were revealed in the course of our investigations. Thus, for example, though the notion of the common society is

taken as encompassing a 'common economic system', this is not by any means intended in a socialist sense. It is not at all clear, however, why this should be so. Certainly the ideal of the common society must entail that the wealth of the country should be shared on an equitable basis, and here the socialist model would be an obvious candidate. Nevertheless very few, if any, liberal proponents of the common society have been even willing to consider socialism as a future goal. What, then, is the economic system of the future common society supposed to be, and how is it to effect the equitable sharing of wealth? Here, of course we are touching on a fundamental dimension of the problem of alternatives which so far has been obscured by the customary dichotomies of 'apartheid' and 'integration', or 'separate states' vs. 'common society'.

In short, it will be necessary to re-open the critical investigation of each of these various issues encompassed (or obscured) by the composite ideal of the 'common society' if we are to come to a responsible evaluation of the problem of political alternatives.

The 'Plural State(s)' Approach as a Direction of Change

It might seem to be doubtful that the Commission could even consider the ideal of a 'plural state(s)' system sympathetically, since this might be interpreted as endorsing the injustices and discrimination of the present apartheid society. However, as we have pointed out, a policy cannot be judged in terms of its present application only but must also be seen with a view to its overall purport and objectives. Accordingly the Commission attempted as dispassionate an investigation as possible into the possible merits of this ideal as a long term goal, particularly as expounded to the Commission by Dr Worrall. In the event it proved to be an even more elusive notion to pin down clearly and unambiguously than that of the 'common society'.

For a start the 'plural state(s)' approach has a rather ambiguous relation to the official government policy of separate development. On the one hand it is linked to the policy of the National Party as that to which this party is committed, and presumably it could thus be equated with the long term goal of this policy. On the other hand, however, Dr Worrall's view is that *the objectives* of the National Party, as stated, do not go far enough to satisfy the advocates of a plural-state system'. It follows that we cannot take the official policy statements of the present government on the intended goals of separate development as a definite guide to the full meaning of this approach. But where are we then to get a reliable statement of it? At various times the National Party has been urged to a more consistent and radical implementation of its policy by, amongst others, the Dutch Reformed Church, 'liberal' Nationalists, the 'Woord en Daad' group of Potchefstroom, and academicians like Prof. N.J. Rhoodie and Dr Worrall himself, with in each case rather different aims in mind. It may well be salutary, as Dr Worrall

argues, not to spell out attempted 'solutions' or 'blueprints', but even if we are only thinking in terms of broad 'directions of change' it is necessary to get clarity on matters of principle and not to evade the crucial issues.

Thus, in the first place, it is far from clear what is meant if the 'elimination of discriminatory norms' is seen as a primary goal of the 'plural state(s)' approach. Dr Worrall refers in this connection to Hoernle's distinction between 'segregation' and 'separation', but it is not clear whether the implication is that the 'plural state(s)' approach is aimed at the goal of total separation, or whether it is presumed that homeland partition will in some way facilitate the passing away of segregatory practices in the common area. A rather similar difficulty arises in connection with the popular distinction between petty apartheid and grand apartheid, and the frequent suggestion that the full implementation of the latter will eventually lead to the elimination of the former. It is not clear whether in this view the dispensable petty apartheid refers merely to the provision of separate facilities etc., or whether it includes all aspects of apartheid outside the homelands and thus, for example, the whole system of migrant labour and influx control as well. In any evaluation of the 'plural state(s)' approach it will be of decisive importance whether it is reconcilable with these pervasive features of the present apartheid society (and of the projected policy of separate development), or not.

In general the exponents of the 'plural state(s)' approach tend to be all too silent or evasive on the position of the urban Africans, and in fact of all the other population groups within 'white' South Africa. Present government policy is, of course, that all Africans will be provided with citizenship in a homeland, whether or not they have ever resided there. It is not clear whether Dr Worrall's statement of the basic principle of the 'plural state(s)' approach, that 'power can be transferred on the basis of adult suffrage with representation in *different parliaments corresponding to different parts of the country'* envisages that someone permanently resident in Soweto may have representation in a parliament corresponding to the Transkei, or whether it would rule this out. In passing Dr Worrall does hint at the possibility of a communal council 'as a way of linking groups domiciled outside of their homelands', but this only raises the further questions whether, and how, a representative institution without territorial base, such as the present Coloured Persons' Representative Council, could be in accordance with the 'plural state(s)' system and its basic mechanism of partition. In fact, must the present official policy of 'parallelism' for the Coloureds be regarded as a deviation from the principles of the 'plural state(s)' approach, or as an anticipation of its implementation towards the urban Africans?

Similarly it is rather too vague to leave it completely open whether this approach is supposed to lead to 'a collection of states in Southern Africa

associated with each other only through their proximity, a commonwealth of Southern African States, a confederation of Southern African states, or a very loose federation of Southern African states'. This amounts to a fundamental ambiguity whether partition or federation is the basic principle in this particular response to the politics of diversity. Of course partition and federation can well go together in various combinations, but precisely therefore it is of considerable importance to know whether the creation of independent separate states is intended as an end in itself, or whether it is rather a matter of 'the creation of a multiplicity of political systems to match the pluralism - cultural, national and racial - of the (we may add: single and encompassing) South African society'. Separate states for separate societies, or a pluralistic political system for a pluralistic society? These are far from synonomous goals and in fact involve fundamental social and political alternatives.

This brings us to a final and decisive ambiguity, viz. the relation of the 'plural states' approach to what Dr Worrall terms the 'principle of sharing political power'. Strictly speaking, power cannot be 'shared' in separate states; at most it can be 'transferred' to a new political system. Nor is this a merely verbal quibble: the notion of 'sharing' would seem to entail the primary concepts of equality and justice, whereas the granting of 'independence' is necessarily related only to that of freedom, at least in a formal sense. Separate and independent states may be manifestly unequal in power; the overall distribution of resources and wealth may be grossly unjust.

More specifically, the question is whether the 'plural state(s)' approach is aimed primarily at the goal that *all* population groups should eventually have an equitable share of wealth, power and government, or whether it assumes that white interests are decisive, and merely seeks to provide the best means 'to accommodate non-white political aspirations' on that basis. And even if parity may perhaps be postulated as the eventual goal, the more immediate issue remains: *who* is to do the sharing? Are the 'plural states' to come about in accordance with a policy determined by the dominant white group, or by mutual and unforced consent? In short, is the 'plural state(s)' system intended as an alternative to domination, or does it seek to continue and entrench domination in a more sophisticated way?

FOOTNOTES

1.   See Richard Turner, *The Eye of the Needle* (Spro-cas, 1972). On the dialectical interaction of utopian ideals and political practice, see Denis F. Thompson, *The Democratic Citizen* (Cambridge U.P., 1970), p. 49f. Note: Richard Turner was banned in March 1973, and his book may thus no longer be disseminated or quoted.

2. Cf. Hannah Arendt, *On Violence* (London 1970), p. 4: 'Since the end of human action, as distinct from the end products of fabrication, can never be reliably predicted, the means used to achieve political goals are more often than not of greater relevance to the future world than the intended goals'.
3. S.P. Cilliers, *Appeal to Reason*, (Stellenbosch 1971), p. 3f.
4. D. Worrall, working papers presented to the Commission, Pol. 21, pp. 2, 33, Pol. 33, pp. 2-3. The latter has been published in *Directions of Change in South African Politics*, Spro-cas Occasional Publication No. 3, 1971.
5. R.F.A. Hoernle, *South African Native Policy and the Liberal Spirit*, pp. 168ff.
6. S.P. Cilliers, *op. cit.*, p. 2ff.
7. *Ibid.*, p. 9f.
8. R.F.A. Hoernle, *Race and Reason*, 1941, p. 158.
9. *Race Relations*, 1954, No. 1, pp. 16ff.
10. E. Hellmann, *In Defence of a shared Society*, p. 1.
11. *Ibid*, pp. 1, 2, 37.
12. *Summary of the Tomlinson Report*, Chapter 25, sections V, VI.
13. Z.K. Matthews, *Social Relations in a Common South African Society*, p. 18f.
14. D.V. Cowen, *The Foundations of Freedom*, Chapter 1 and 4.
15. S.P. Cilliers, *op. cit.*, pp. 4-6.

Chapter Seven

THE CRUCIAL ISSUES UNDERLYING

THE ALTERNATIVES

FROM THE CURSORY discussion of the problem of political alternatives given above we can only conclude that it is not very helpful to pose it in terms of 'integration' versus 'apartheid', or of its more academic variant of the 'common society' ideal as opposed to the 'separate states' approach. It has been shown that this interpretation of the political alternatives confronting us is in many ways highly misleading and confusing and that it often obstructs attempts at constructive proposals.

This is, of course, very much a negative conclusion to an already lengthy discussion. At the same time our analysis did produce results of a more positive kind. The various interpretations and variants of the problem of alternatives in terms of 'apartheid' versus 'integration', etc., did raise a number of crucial issues which we will have to face in any serious consideration of alternative political strategies and goals. They were often confused with each other or lumped together misleadingly in fallacious juxtapositions, but they certainly are relevant, and if we can sort them out systematically we will already have made considerable progress towards a possible restatement of the problem of alternatives.

For a summary of these various issues we must refer to the conclusions of our discussion in the last three sections of the previous chapter. It will at once be seen that the issues are of a great variety, both in kind, scope and level of generality, sometimes overlapping, at other times without any obvious connections at all. The moment that we no longer see them in the exclusive focus of being *either* commitments to a common society *or* presuppositions of apartheid, we are faced with a most disconcerting and perplexing array of issues, ranging from the political implications of the basic social structure of South African society, via the availability of different systems of representative government and problems of cultural imperialism and economic interdependence to the question of the equitable sharing of wealth, etc., etc. There is no obvious formula at hand for setting them up in just one set of alternatives, and we will have to deal with them one at a time in order to arrive at some more comprehensive set of proposals.

At this stage it may be helpful if we attempt to take a somewhat broader view in order to gain a better perspective. Thus far we have approached the

problem of political alternatives very much with a local South African focus. But in many respects the South African problems are, of course, far from unique, and in many other societies men of goodwill had to find ways of dealing rationally with similar intractable issues. Can we not profit from their experience? In which terms did they view the problem of political alternatives? We might profitably turn, for example, to the American political scientist Robert A. Dahl's list of the main options which are open for the resolution of conflict in societies where conflict is complicated by the presence of what Dahl calls 'different political sub-cultures' *(1)*. Summarising the finding of a survey on the nature and forms of political opposition in ten Western democracies, including the classic democratic model of Britain and also a number of more heterogeneous societies, Dahl states that there appear to be seven main ways in which conflicts involving 'sub-cultures' have been dealt with. These are: (i) 'normal' parliamentary politics with a change of government following electoral victory in a two-party system; (ii) violence and repression; (iii) secession or separation; (iv) mutual veto; (v) autonomy; (vi) proportional representation; (vii) assimilation. The first point of interest about Dahl's list is that though we will immediately have recognised some of the issues raised by our discussion of alternatives in strictly South African terms, others have not been touched on at all, or not explicitly (e.g. (iv), (vi) and (ii)). Also Dahl's options are clearly not meant to be mutually exclusive but may be combined in various ways. And, indeed, we do not find, for example, 'apartheid' or 'integration' as two of the seven items, but 'integration' would presumably correspond to a combination of at least (i) and (vii); and 'separate development' of (iii) and (v) - and perhaps (ii)! But why should a combination of say (iv), (v) and (vi) be excluded from consideration as a possible alternative? Would it count as opting against the 'common society'? (Does this really matter?).

A second point of interest concerning Dahl's list is the emphasis on and the wide variety of political models differing from the classical 'Westminster model' of liberal democracy. Almost automatically we tend to assume this as the only possible frame of reference for democratic politics, but surprisingly Dahl has to conclude, even on the basis of a survey of Western democracies only, that the British example of parliamentary government is a limiting or deviant case from the general rule *(2)*. This applies particularly to basic issues concerning minority groups, race relations, cultural diversity, etc., which may divide the whole society: 'In general, conflicts involving sub-cultures rarely seem to be handled - for long - by the normal political processes employed in other kinds of issues. For this sort of conflict is too explosive to be managed by ordinary parliamentary opposition, bargaining, campaigning, and winning elections' *(3)*. It would be rash to conclude that, therefore, 'integration' will never work in South Africa either, and that we are left with 'separate

development' as the only possible alternative. 'Apartheid' is an even more notorious deviant case within the orbit of the Western democratic world. We will simply have to look harder at the crucial issues and the available options in order to define a comprehensive set of proposals as a democratic alternative to present government policy.

In the ensuing chapters we will now proceed to deal systematically with the full range of crucial issues, always with a view to the general problem of political alternatives. We will determine our position as definitively as possible on each issue in turn, and taken together these might then constitute one set or several sets of recognisable political alternatives. We will deal first with issues raised by the basic structure of South African society and fundamental processes of social change, turn next to the questions connected with different possible systems of representative government and electoral procedures and finally with the problems of planning, centralised government and the redistribution of resources and wealth.

(i)   The Structure of a Multi-racial Society as a Source of Political Conflict

Assumptions about race and the nature of racial interaction often cloud our thinking about political alternatives in South Africa. It is often held that the peculiarly complex multi-racial composition of our population is at the core of our political problems. The democratic ideals and procedures which have been developed in homogeneous countries such as Britain, it is said, cannot be applied in a multi-racial South Africa, and we have to develop a politics of apartheid in order both to contain the otherwise inevitable racial conflict and to give scope for maintaining our separate racial (or ethnic) identities *(4)*.

On the other hand, critics of such 'racist' thinking have maintained that the politics of a multi-racial society can somehow be made to become 'non-racial': irrational prejudices, group interests, ethnic politics or nationalist movements can and should not intrude into government or politics. Political phenomena such as Afrikaner or African Nationalism and manifestations of 'Black Power' or 'white racism' are not so much to be taken into account as to be somehow eliminated from the political scene as a precondition for any acceptable policy. Otherwise - and here the extremes appear to meet - inevitable racial conflict will ensue.

We are here confronted with a basic, though also a limited issue: is there a special political significance to racial or ethnic cleavages in a society? It should be recognised from the start that this is, by and large, a factual question, to be answered with reference to the experiences of the various multi-racial societies. That is, we should not confuse it with the very different

question of racial discrimination. From an ethical point of view it may seem highly commendable to refrain from thinking in racial categories altogether, but to adopt an ostrich policy is not much of a help when faced with the manifest inequalities of an apartheid society. The question remains: *can* the group basis, and more particularly the salience of racial and ethnic issues, be taken out of politics? *Are* racial or ethnic differences sui generis as a kind of political cleavage? In precisely what sense is the basic structure of South African society different from that of, for example, Britain, and what are the political implications of this?

To deal with the most general question first, we may simply note briefly that there is no reason whatsoever for thinking that politics would ever not involve groups in one way or another. Classical liberalism has tended at times to conceive of politics exclusively in terms of individuals as opposed to the state, but this is precisely one of its most severe limitations. Empirical studies have exhaustively confirmed the pluralistic basis of modern democratic politics *(5)*.

This does not in any way imply, however, that any ultimate or basic significance attaches to distinctions of 'race' as such. Men can be distinguished from each other in terms not only of race but of class, sex, age, language, religion, ideology, property, power, etc., etc. Almost all of these have been the occasion of bitter and enduring group conflicts, often of catastrophic proportions. Racial cleavages have no monopoly of intractability or explosiveness.

If we avoid the mistake of concentrating exclusively on racial differences only, a moment's reflection will show that in the modern world of large-scale societies there simply are no 'homogeneous' societies at all. All modern societies are constituted of a multiplicity of institutions, religious communities, labour and professional organisations, ethnic groups, political parties, etc., with diverse values, interests and aims. The Western democratic countries, as much as any others, are all heterogeneous societies. Even in terms of ethnic groups alone, the United States, for example, can count on a far greater variety than South Africa, with the blacks only one more ethnic group next to the Jews, Irish, Italians, Poles, Mexicans, Puerto Ricans, Japanese, etc. What is so peculiar about multi-racial South Africa that the democratic ideals and procedures on which Americans pride themselves would not apply here?

The answer - for this is not a rhetorical question - is to be found in the overall *structure* of the two societies. Rather than the mere presence of the race factor or of cultural diversity as such, the crucial consideration is the question whether the various social cleavages, of which race may be one, are mutually reinforcing or whether they are cross-cutting and overlapping. Does the fact that in our society we are of different 'colours' also tend to coincide

with the facts that we speak different languages, have different religious and social customs, unequal political rights and economic status, play different kinds of games and do different kinds of jobs - or do we sometimes fall on the same side and then again on opposite sides of these lines of cleavage? In the latter case the social and cultural heterogeneity of our society would not exclude the forming of common loyalties and values: conflicts may arise between particular groups but the multiple and overlapping membership of individuals would tend to reduce the extent of any one conflict. In the words of the sociologist Lewis A. Coser, cross-cutting and 'multiple group affiliations of individuals make for a multiplicity of conflicts criss-crossing society (and) .. can result in a kind of balancing mechanism, preventing deep cleavages along one axis' *(6).* On the other hand where the boundaries between the various groups, racial or otherwise, tend to coincide these cleavages will reinforce each other. In that case conflicts arising at one level over specific issues may be rapidly generalised to other spheres, so that 'there is likely to be intense group conflict and forceful regulation of group relationships' *(7).* Here we are much closer to an understanding of our South African problem: it is not the multi-racial composition of the population as such, but what the German sociologist Dahrendorf has termed the structural phenomenon of *superimposition,* that is, the convergence of lines of group conflict *(8),* which has such grave political consequences. It is because our racial cleavages on the whole coincide with the lines of economic exploitation, political domination and social stratification that they have assumed such explosive significance - they are, moreover, the most easily visible and the least inter-changeable of these. But they need not be eliminated (or entrenched) in order to be defused; they are only part of a more basic problem.

In this connection it may be illuminating if we refer to two different theoretical models of society - those of 'democratic pluralism' and the 'plural society' - which have been developed with rather different actual societies in mind. The American school of political pluralists, arguing from their studies of the workings of the American democratic system, vigoriously deny that a heterogeneous society, be it culturally, racially or ethnically diverse, is by any means incompatible with democratic ideals or institutions. On the contrary, the pluralistic society is even held up, as the democratic ideal par excellence - but then with the important proviso that a multiplicity of groups and associations do not yet constitute a genuine pluralist society unless it is also characterised by cross-cutting memberships and multiple affiliations particularly of non-inclusive intermediate groups with accessible elites *(9).*

It is this phenomenon of cross-cutting cleavages and loyalties furthering common values between, and a competitive balance of, diverse groups which, so it is argued, ensures a stable domocracy and prevents major conflict or the disintegration of the heterogeneous society *(10).* On the other hand, deep and

mutually reinforcing cleavages, racial or otherwise, increase dissensus and divisive conflict and would seem to require non-democratic regulation or domination for the political stability of the society *(11)*. This latter conclusion is in important respects corroborated and complemented by the *theory of the plural society,* which was originally developed by J.S. Furnivall in his study of tropical colonies. In ethnically and culturally diverse societies such as those in in Netherlands India he found an almost complete social separation between the different groups within the same political and economic unit: 'they mix but do not combine. Each group holds by its own religion, its own culture and language, its own ideas and ways. As individuals they met, but only in the market place, in buying and selling. There is a plural society, with different sections of the communtiy living side by side, but separately, within the same political unit. Even in the economic sphere there is a division of labour along racial lines' *(12)*. Furnivall saw this plural society primarily as the product of colonial expansion, its economic exploitation and political domination: 'The union is not voluntary but is imposed by the colonial power and by the force of economic circumstance' *(13)*. On this analysis the racial and ethnic cleavages of the plural society, deep though they are, are thus not of themselves major sources of the prevalent conflict. As Malcolm Cross concludes, on Furnivall's theory 'neither racial divisions nor cultural variability form a plural society in themselves ... In all societies conflict takes place along economic boundaries but in a plural society racial and ethnic differences coincide with these divisions (or are *made* to coincide with them) so that instability is more likely to result' *(14)*.

Since Furnivall the theory of the plural society has been further developed into a generalised 'conflict' model of society with far wider applicability, in particular by the social anthropologist M.G. Smith. Smith also makes the basic distinction between a culturally heterogeneous society and a plural society: 'It is obvious that modern societies are culturally heterogeneous in many ways. They contain a wide range of occupational specialities, they exhibit stratification and class differences, they often contain ethnic minorities and their rural and urban populations have somewhat different ways of life' *(15)*. But they are not therefore plural societies, which, in lieu of social cohesion, are characterised by the domination by one of their segmented units, usually a cultural minority. Unfortunately, for it tends to confuse the issues somewhat, Smith defines his concept of a plural society theoretically in terms of what he calls a 'formal diversity in the basic system of compulsory institutions' *(16)*. He insists that these incompatible institutional systems of the groups concerned include those of property and the economy, and exclude only government. This implies that cultural pluralism is the major determinant of the structure of the plural society as against the primacy of economic forces in Furnivall's view *(17)*. It is even sometimes taken to

suggest that the theory of the plural society provides an alternative, for example, to class theory or the structural functional approach in giving a basic importance to the racial or ethnic factor *(18)*. But as John Rex has shown in his application of the theory of the plural society to South Africa, this is both an erroneous and superficial dichotomy. The economic system may indeed diverge from capitalist rationality, and the conflict between white and black workers may indeed contradict the Marxist analysis of class-conflict, but it is the needs of the peculiar system of labour exploitation rather than the cultural or ethnic diversity which is the major determinant of the structure of this unequal society: 'If there is division, the division can be seen to be functionally inter-related within an overall pattern of political conflict generated by the capitalist development of the country ... A specific kind of class struggle there undoubtedly is, namely one in which the classes are groups of varying histories and ethnic origins who enter the modern society with varying rights and degrees of rightlessness according to the kind of conquest or unfreedom which was imposed on them in an earlier period ... All the various groups and segments in this society are held locked together, albeit in a bitter conflict, not solely by the institution of government, but by a rapidly expanding economy and the exploitative labour system on which it depends' *(19)*.

If we now consider these two theoretical models of different kinds of society in the light of our ethical criteria we can perhaps restate our initial problem - i.e. whether there is a special political significance to the racial or ethnic cleavages and cultural diversity of our society - in a more fruitful form. As a heterogeneous society we are confronted with, on the one hand, the ideal of the democratic *open pluralistic society (20)* (pluralistic also in the sense of a wide diffusion of power throughout society) as opposed to, on the other hand, the reality of the *divided plural society* (plural not merely in the sense of the segmented nature of a racially or ethnically diverse society, but also in the structure of its exploitative domination by the white minority).

Put this way, the question becomes how and whether we can get from the one kind of society to the other; not, it should be noted, whether we should change a heterogeneous society into a 'homogeneous' one, but whether a transition is possible from a divided plural to an open pluralistic society. The difference in the basic social structure of the two types of society is so great that, as Leo Kuper notes, it would seem to preclude the possibility of an evolutionary change from the one to the other *(21)*. But, as Kuper also remarks, we should beware of taking polarised ideal type models as full descriptions of actual societies, and in practice the supposedly divided plural society, in the South African case as well, is also marked by elements of con-vergence, ambiguity and fluidity *(22)*.

The continuing industrialisation of the country, with its concomitant

increase in economic interdependence, is but one of the forces which is bringing about pervasive social and cultural changes in the traditional South African way of life. Kuper refers, for example, to 'the emergence of a small but growing class of African professionals, university graduates, and business-men; the affiliation of a majority of the total population to common religious denominations; and the growing practice by large numbers of all races of many elements of a common culture *(23)*. What are the full potentialities and consequences of this? Is it in fact possible that the basic structure of the society could be changed in the process and that the danger of divisive conflict could so be obviated? What kind of social processes and changes would this involve, and what are their long-range implications? Are these implications socially and politically acceptable? It is at this point that the whole mythology about the 'inevitable logic' of acculturation, assimilation and racial amalgamation enters into the argument with such disastrous confusions that the whole question concerning long-term goals and alternative ideals is short-circuited. This must accordingly be the second issue which we will have to sort out.

(ii) The 'Inevitable Logic' of Acculturation, Assimilation and Racial Amalgamation

To the supporters of this policy one of the most persuasive and persistent justifications of apartheid has always been that otherwise complete acculturation, assimilation and racial amalgamation - which are all simply assumed to be bad - will be the inevitable end-products of multi-racial inter-action. This raises two different sets of issues. In the first place there is the question whether this result, if it were to come about, would really be undesirable. We will turn to this in the next section on the various ideals of cultural diversity and assimilation. For the time being we will leave this aside and concentrate on the issues raised by the factual assertions concerning the supposed causal sequence obtaining between these various social processes. Clearly such processes as the change or replacement of cultural traits as a result of cultural interaction (acculturation), the admission of previously divergent groups or individuals into common social institutions (social assimilation) and widespread inter-marriage (amalgamation) are related and can be mutually reinforcing. This does not mean, however, that they necessarily constitute a unilinear causal sequence. Arguments about the 'thin end of the wedge' have consistently been used to justify even such specific and local acts of discrimination as excluding certain races from opera houses, professional and academic organisations etc. Obviously these are attempts to counteract precisely those tendencies towards new patterns of association

which might change the basic structure of a divided plural society into a more open pluralistic one, while at the same time postulating that the latter goal is to be taken as equivalent to full racial amalgamation.

On closer investigation of this argument a curious ambiguity begins to appear: the twin bogies of assimilation and racial amalgamation are apparently seen as both inevitable and impossible. The report of the Tomlinson Commission gives a striking example of this. On the one hand the Commission insists on the 'logic' and inevitability inherent in the evolutionary process of multi-racial interaction, with just one possible terminus ad quem: biological fusion. In the Commission's own words: 'The two population groups in South Africa are thus becoming more and more interwoven, especially in the cultural, political and economic spheres. Historical data tend to show that ... the following consequences may be expected from such intermingling of interests:

> cultural assimilation as the result of contact ...

> ... the development of a socio-economic stratification based not on colour ...

> cultural and economic equality leading to political equality ...

> ...increased social contact and association ...

> the ultimate result - though it may take a long time to materialise - is complete racial assimilation leading to the creation, out of the two original communities, of a new biological entity *(24)*.

This is, at any rate, a clear and definite enough projection. But it should immediately be noted that it is preceded by the qualification that it is a projection of 'evolutionary' development, where evolution is given an unusual sense, 'i.e. where social, economic and other factors have free play' *(25)*. We may be somewhat puzzled by this curious, not to say vague, concept of 'evolution', but what the Commission has in mind with this term becomes clearer in the next paragraph, where it is summarised as 'the developments and the consequences (which) ... may be expected when one community comes into contact with another, and a process of intermixing and assimilation is begun without conscious efforts to stop it or guide or force the process into a definite or contrary direction' *(26)*. In short, what we have here in the 'evolutionary' development is a projection of the course of multi-racial interaction in abstraction from the possible contributions to, or interventions

in, that process by any of the parties concerned! This is absurd and cannot be meant as a serious analysis of possible future developments in any sense of 'evolution'. And, in fact, the Commission immediately goes on to maintain most emphatically that 'the European people will not be prepared willingly to sacrifice their right of existence as a separate national and racial entity, (that this) must be accepted as the dominant fact in the South African situation' *(27),* and that therefore there is not any possibility of the projected 'evolutionary' development occurring in South Africa. We might well ask what the point is of the Commission's insistence on the logical inevitability of a historical process which is not going to take place at all! The 'thin edge of the wedge' argument is, in fact, not really concerned with the fictitious danger of a purely hypothetical goal of 'complete racial assimilation', but is rather a rhetorical device aimed at what the Commission calls the 'middle way'. That this is actually the real thrust of the Tomlinson Commission's argument becomes clear in their conclusion that 'the present so-called middle way leads, as we have already demonstrated, inescapably towards, integration' *(28).*

It might be more pertinent to ask, conversely, why it is necessary to impose the whole superstructure of apartheid legislation on South African society if it is indeed such a fundamental fact that the white group itself will maintain its 'identity' in the face of all contrary pressures or social changes. Surely then it should be unnecessary to entrench the existing racial cleavages by such drastic regulations and penalties! Why should apartheid be made compulsory in a divided plural society where the major components are determined to sustain it as such? The point is, of course, first, that the policy of apartheid is not primarily concerned with the preservation of socio-cultural 'identities' only, and, secondly, that the apartheid society is far from self-sustaining. We may indeed take the large number of laws passed since 1948 in an endeavour to 'prevent the evolution of a common society ... by the counter-assertion of the collective principle of racial or ethnic identity as the basis of all social organisation' *(29)* as an indirect indication of the contrary forces at work. These forces may not yet be sufficient to bring about anything like the open pluralistic model of society, or even to counteract the explosive potential of the divided plural society, but their social and political significance cannot be discounted.

Taken together these two points mean that the factual 'logic' of racial and cultural inter-action approaches neither the smooth escalation to full assimilation nor the self-sustaining apartheid society. What we have instead, certainly in the South African case, is a complex interplay of processes of acculturation or pressures towards assimilation and the contrary forces of ethnic politics and entrenched group privileges. It follows that the Tomlinson Commission's main conclusion, that 'the only alternatives available are, there-fore, either the path of ultimate complete integration (i.e. of fusion with the

Europeans), or that of ultimate complete separation', *(30)* is based on fallacious reasoning and equivocation. There would rather seem to be at least three basically different options for public policy as regards the complex facts and consequences of cultural and racial interaction:

1.   Public policy can adopt a laissez faire attitude, allowing scope for the continuing processes of acculturation and social change as well as for assertions of ethnic politics. To a certain extent this was the position in South Africa before 1948, and at times in the United States.

2.   It may attempt to counter the continuing processes of assimilation and acculturation as far as possible and to enforce various racial and ethnic cleavages by legislation, through administration and even by partition. This, of course, is what the policy of apartheid or separate development is all about.

3.   Public policy may aim at fostering the growth of common institutions and values, penalise racial discrimination where possible, and deliberately attempt to desegregate schools, residential areas, etc. This is somewhat the position in Britain, and latterly in the United States.

Certainly the merits of all three approaches are highly debatable, but none of them is dictated by the otherwise inevitable outcome of racial interaction as such. Again, it cannot be denied that the prospects of success for any one of them will be greatly affected by whether it is attempted to realise it in a basically divided plural society or in an open pluralistic society. But it is a complete non sequitur to argue, as the Tomlinson Commission does, that since a laissez faire approach may result in increased acculturation and assimilation in an open pluralistic society, therefore it, or a policy of desegregation, will lead to increased racial conflict in a divided plural society *(31)* or that such divisive conflict can only be contained by racial separation. The problem of explosive social conflict in a divided plural society is a real one, but not because of the supposed logic of racial assimilation; on the contrary, it is largely due to the fact that the racial and cultural cleavages are not countered by other cross-cutting associations and loyalties.

Moreover, there is still an important dimension missing from the whole argument. From the above it would almost appear as if the whole process of

'racial interaction', as well as the various options for different 'public policies' with regard to it, is supposed to take place in vacuo, and not, for example, in the context of the economic exploitation and political domination of a divided plural society. But the very meaning and role of the different public policies enumerated above depends on *whose* policy in *what* kind of society it is. Thus 1), the laissez faire approach, is in quite a different relation to the interests of the general societal public when it is the avowed rationale of the democratically accessible elite of an open pluralistic society, as compared to when it would be the ideology of the ruling elite of a dominant sectional minority in a divided plural society. Similarly 2), official attempts to ensure the preservation of ethnic 'identities', may well, if the context is that of a sectional monopoly of the major economic resources and political power, be construed as an ideological camouflage for continued sectional domination. Or, from the point of view of the *subordinate* groups in a divided plural society 2), separatism or 'Black Power', and 3), desegregation and integration, may perhaps be seen as ideological alternatives for mobilisation against the dominant power structure.

From this it will be clear that it would be equally fallacious to conclude that there are therefore no obstacles awaiting a policy of 'integration', if we should consider that desirable. In this connection it might be helpful if we briefly consider the course and outcome of the American experience of racial and cultural interaction. It should be remembered that this now concerns a heterogeneous society with a basically open pluralist structure, and with an avowed public policy which is either a laissez faire approach, or of a deliberate integrative kind - both of which are favourable conditions for acculturation and assimilation. Surely, here, if anywhere, the 'logic' of cumulative assimilation must apply? Indeed, the classic statement of the theory of progressive integration was formulated by the American sociologist Robert E. Park, who posited a model of a 'race relations cycle' which was supposed to progress irreversibly from the initial contact between different races, through competition and accommodation to eventual assimilation or amalgamation *(32)*. Park's theory was, of course, illustrative of the famous American ideal of the 'melting pot' which was supposed to absorb and transform the successive waves of immigration involving different ethnic or racial groups into the new American nation *(33)*. Rather more specifically, the political system worked in providing at first a way of accommodating ethnic political system worked in providing at first a way of accommodating ethnic politics, and then in two more successive stages to eliminate it by political assimilation following a more general social assimilation *(34)*.

The actual course of social and political events did not, however, bear out these expectations. The point about the melting pot, as Glazer and Moynihan observed in their well-known study of the different ethnic subcultures of New

York, is that it did not happen *(35)*. Attempts to sort out the reality from the theory of assimilation in American life have led to the conclusion that the 'melting pot' vision of America has been 'something of an illusion' *(36)*. The reality was far more complex, so that we have to speak at the very least of 'multiple melting pots' to arrive at the pluralism characterising the contemporary American scene *(37)*. Recent studies by political scientists of voting patterns have also shown the remarkable persistence of ethnic politics well beyond the stage at which they were supposed to be eliminated *(38)*. This does not mean that acculturation did not take place on a large scale, that the traditional cultural ways, values and life styles of the immigrants were not supplanted by common 'American' values, institutions and ways of life. The crucial point seems to be precisely that such acculturation (i.e. the change or replacement of cultural traits as a result of cultural interaction), at least in the American experience, does not necessarily imply social and political assimilation (i.e. the admission of previously divergent groups or individuals into common institutions). 'Assimilation', in the words of Edgar Litt, 'pertains more to a subjectively felt identification or attitude', and the social consequences and institutionalisation thereof, and need not correspond to 'objective' similarities or changes in customs, values or cultural patterns *(39)*. In short, individual and group choices and preferences intervene between the large scale social and cultural changes brought about by racial and cultural interaction (or economic development) and their eventual political consequences. The political and social 'identities' of groups are not determined merely by their 'objective' cultural differences or growing similarities, but also by what they choose to identify themselves with, how they define their own categories and the institutions and organisations through which they seek to pursue or maintain these. If we once again remember that this whole process is not just one of cultural preservation or interaction but is equally concerned with the maintenance of, or the liberation from, privilege, exploitation and domination, then we can begin to understand that the 'identities' of social, ethnic or racial groups are not eternal givens but functions of the historical processes in which men vie with each other for scarce goods, or struggle for political power. They should not be seen as some kind of metaphysical supra-personal entities but rather as rationalisations for maintaining group privilege, or programmes for revolution. In the words of Heribert Adam: 'instead of reifying cultural heterogeneity as a quasi-natural state of affairs, ethnic identifications should be seen as the result of efforts by under-privileged groups to improve their lot through collective mobilisation or, conversely, the efforts of a super-ordinate group to preserve the privileges they enjoy by exploiting subjected groups' *(40)*.

Here we can see why the position of blacks in the American society has been the occasion of such bitter and often violent strife. Their struggle for civil

rights has tended to diverge from the general pattern of ethnic politics in the United States, not so much because of the added factor of 'race', but because of their special history of poverty, exploitation and slavery. It is one thing for a certain level of ethnic politics to persist in an egalitarian open pluralistic society. It is a different matter if this becomes wedded to issues of domination or liberation, entrenched privilege and power. Clearly, in the context of the sectional domination and privilege characteristic of a divided plural society this can hardly be otherwise. Political scientists have argued that in these circumstances political cleavages are more intense and permanent, and less amenable to bargaining and resolution than, say, class or ideological divisions. In addition they are extremely susceptible to exploitation by political entrepreneurs *(41)*.

Moreover, once ethnic politics have been defined in these more militant terms they cannot easily be defused again. As Nathan Glazer has pointed out, the sharp increase in black political militancy and desperation in the U.S. during the sixties, to the point where separatism emerged as a serious option, paradoxically took place precisely at a time when significant progress was being made in their relative social and economic position, when, in fact, the blacks at long last were beginning to participate more widely in the American society at large *(42)*. Similarly Leo Kuper has shown how in plural societies the ideologies of both the dominant and the oppressed groups will stress the polarised nature of that society, thus both justifying their own recourse to political violence, as well as furthering such violent conflict itself *(43)*.

The profound implications of this element of active self-determination in the creation of communal identities for the problem of political alternatives become clear when we see how according to Moynihan and Glazer, in the preface to the second edition of *Beyond the Melting Pot* (1970), the options open to American race relations had changed in a few years: 'When we wrote *Beyond the Melting Pot,* the alternatives seemed to lie between assimilation and ethnic group status; they now seem to lie somewhere between ethnic group status and separatism. Earlier assimilation seemed to us the unreal alternative, today it is separatism that holds that status. But unreal unfortunately does not mean impossible. Will makes almost all alternatives possible, even those that are disastrous ...' *(44)*.

It will be observed that this insistence on the political significance of a group's stubborn assertion of its own identity at all costs corresponds to one major premise of the Tomlinson Commission's argument. But the alternative clearly is not that otherwise the 'evolutionary' cycle of race relations will take its inevitable course towards assimilation; rather, it is that a group or groups might see the choice to assimilate, or to merge with a larger social and political identity, as an alternative basis for political mobilisation or precondition for political stability. In the context of a divided plural society there

does not seem to be a great likelihood that this will happen all round; at most one can hope that a tolerable mutual modus vivendi might be found, with increasing scope for individual mobility and new patterns of affiliation. Whether we like it or not, ethnic and racial issues are likely to be of central political significance in the politics of a divided plural society: in South Africa the widely-based political powerhouse of Afrikaner nationalism will not be easily dismantled, and there are obviously immense potentialities for African Nationalism, 'Black Power' movements and separatist ethnic politics of various kinds. These may not be our own political ideals or long-term goals, but we cannot afford to ignore them, and particularly so if we should choose to go against the tide.

Our provisional conclusion must then be that the alternatives open to us are determined neither by the structure of South African society as a divided plural society, nor by the 'factual logic' of the processes of racial and cultural interaction which may be at work. These do contribute towards the factual context within which we must operate, but the ideal of society to which we are going to commit ourselves in the circumstances remains an open question. The first task must then be to clarify the range of ideals for a multi-racial society open to us as long-term goals.

(iii) Ideals of Cultural Diversity and Assimilation

Though the basic structure of South African society and the politics of cultural interaction will have an important bearing on the long-range goals that can be entertained with any 'realism', or that will have to be considered 'utopian', such factual issues cannot by themselves determine our long-range goals. Because, as a matter of fact, groups tend to pursue their own interests and entrench their privileges at each other's cost, it by no means follows that 'separate identities' should be set up as an ideal. That would depend on its political cost, as well as its moral basis, as compared to other available and alternative ideals.

What, then, are the main ideals of the diversity or integration of culturally heterogeneous societies? (In this section we are still limiting ourselves mainly to the socio-cultural dimension of the problem, though its relation to the political and economic structure of society will shortly be treated as a problem in its own right). Once again it may help to take a brief look at the American experience in this connection; it may help us to gain a better perspective on such ambiguous ideals as the notions of the 'common society' or 'separate states' have turned out to be.

A surprising number of different ideals have emerged from the American struggle to accommodate a diversity of cultures, ethnic groups and races

within one polity. Perhaps the three main ideals are those of the 'melting pot', 'cultural pluralism' and 'core-culture assimilation' (or 'Anglo-conformity' *(45)*. But these must be seen, in turn, against the background of the 'official' doctrine of the American constitution which, rather than pluralistic, was in important respects individualistic, liberal and egalitarian *(46)*. This was to play an important role in the emergence of one of the two new ideals to emerge from the 'Negro Revolution' and the Civil Rights Movement of the past decade, that of a radical egalitarianism with anti-pluralistic implications *(47)*. The other new ideal was, of course, that of separatism.

To start with the 'official' doctrine, it goes almost without saying that when the Declaration of Independence posited the equality and unalienable rights of all men, and the consent of the governed, as the basis of American society, then that society was conceived as basically composed of individuals and not of groups *(48)*. Political equality, freedom of opportunity, the Rule of Law - these normative principles of the new American democracy, as enshrined in the Constitution, were supposed to apply to all individuals equally, regardless of race, creed or language. We might perhaps term this the formal ideal of the *liberal-constitutional state*. In practice, though, and to an increasing degree as the American society had to incorporate successive waves of immigrants of diverse origins during the 19th century, group affiliation continued to be of great social and political significance. This paradoxical situation is well summarised by Nathan Glazer in a passage which we may well cite in length:

> *In America we have lived under a peculiar social compact. On the one hand, publicly and formally and legally, we recognise only individuals; we do not recognise groups - whether ethnic, racial, or religious. On the other hand, these groups exist in actual social fact. They strongly color the activities and lives of most of our citizens. They in large measure determine an individual's fate through their control of social networks which tend to run along ethnic, racial, and religious lines. Even more subtly, they determine a man's fate by the culture and values they transmit, which affect his chances in the general competition for the abstract signs of merit and money.*
>
> *This is not an easy situation to grasp. On the one hand (except for the South) there is equality - political equality, equal justice before the law, equal opportunity to get grades, take examinations, qualify for professions, open business, make money. This equality penetrates deeper and deeper into the society ... On the other hand, these uniform processes of selection for advancement, and the pattern of freedom to start a business and make money, operate not*

> *on a homogeneous mass of individuals, but on individuals as*
> *molded by a range of communities of different degrees of*
> *organisation and self-consciousness, with different histories and*
> *cultures, and with different capacities to take advantage of the*
> *opportunities that are truly in large measure open to all (49).*

One way of dealing with this anomaly is, as Robert Paul Wolff has shown, to construe the very pluralism of the social and political process, despite its departure from the methodological individualism of the classical liberal tradition, as simply a method for pursuing those same traditional liberal and democratic ends under the different conditions of the large, industrialised modern society, in other words, as a democratic pluralism *(50)*. But, as Wolff also argues, it may be queried whether the ideology of democratic pluralism does, in practice, indeed serve these liberal ends; or whether it does not tend rather to favour the dominant and established groups at the expense of the weaker and not 'legitimate' groups *(51)*. Another way of dealing with the disparity between liberal theory and pluralistic practice could then be to demand that the official doctrine should also be implemented in fact.

This, unlike the formal liberal doctrine, may turn out to be incompatible with social pluralism. Thus a relatively deprived and subordinate group like the Negroes might come to feel that their formal political equality and freedom of opportunity is meaningless in the face of the very real drawbacks constituted by the ghetto existence, low standard of life, and the generally deprived social and cultural backgrounds which tend to go with their group affiliation. What is necessary, it may then be argued, is not merely that the Negroes should take their rightful place next to the other groups in the larger society; it is this very ethnic pluralism which is at fault and which must go. In the article cited above Nathan Glazer argues that this is precisely one of the outcomes of the Civil Rights Movement: 'The force of present-day Negro demands is that the sub-community, because it either protects privileges or creates inequality, has no right to exist'. He goes on to comment on this ideal of radical and anti-pluralistic egalitarianism: 'The Negro now demands entry into a world, a society, that does not exist, except in ideology. In that world there is only one American community, and in that world, heritage, ethnicity, religion, race are only incidental and accidental personal characteristics' *(52)*. But it is not the actual American society, and attempts to bring it about cannot but provoke the antagonism of other ethnic groups, like the Jews, who earlier had been sympathetic to the Negroes' demands for civil rights.

It is difficult to evaluate these ideals in South African conditions. There can be no doubt that the idea of the 'colour-blind' liberal-constitutional state is an attractive one and may be taken as part of the common society ideal, but what

should be its bearing on the realities of cultural diversity and ethnic plurality? Should it be merely formally written into the constitution of the state, irrespective of the actual extent of pluralism or polarisation in the society? In that case it is not really relevant to our present concern, which is precisely the problem of cultural diversity and assimilation. (There may be other sound reasons for introducing political equality, etc., even only as formal rights, but that pertains to the nature of political and electoral systems, which will be discussed later as a separate issue). Should the liberal doctrine on the other hand be taken seriously, as a radical egalitarianism requiring not merely the ending of discrimination in the public realm through desegregation, but integration in the more radical sense of 'the dissolution of ethnic communality and the formation of large-scale primary group relationships across racial and religious lines"? *(53)*. This would seem to imply a denial of the value of cultural diversity as such, or at least its subservience to that of social equality. (It is not clear whether this is envisaged by the 'common society' ideal). It would be enormously difficult to choose between these alternatives, but at present the issue in South Africa, if not in the U.S., is largely academic. There is no equivalent here to the political basis provided by the American Constitution, nor to the special function in this connection of the Supreme Court. There is also no important social group in South Africa which is effectively pressing for this type of egalitarian assimilation. As a matter of fact, it is not yet clear precisely what the ideal of assimilation involved here might be. For this we must turn to a discussion of the three main ideals of cultural diversity and assimilation which were developed in response to the American experience of the divisive threats and the enriching potentialities of a plurality of diverse social groups.

The most pervasive and influential of these ideals, though largely implicit, was that the various ethnic groups with their diverse cultures had to assimilate to the dominant or core culture, which happened to be Anglo-Saxon, Protestant and white. After the second generation this process was in fact accomplished in important respects, for instance the supremacy of the English language over the various ethnic mother tongues. On the whole the overall impact of the various minority cultures on this core culture must also be said to have been of modest dimensions *(54)*. But more important to us than the facts of the American case are the critical issues which it raises, particularly with a view to the South African analogies. Thus, in the first place, this ideal almost inevitably assumes the superiority of the dominant or core culture to which all the others are to be assimilated, or more specifically, the superior right of its members to remain in control of the institutions which are to be shared. This assumption may be largely an unconscious one, but it does not therefore become any less absolute. In the second place the American example shows that the dominant group's demand for cultural conformity on

the part of the 'outsiders' need not necessarily be accompanied by an opening up of their social clubs, cultural organisations or other institutions as a reward for compliance. This is, in fact, precisely why the process was largely confined to acculturation but did not proceed to structural or social assimilation *(55)*. Taken together, these two points amount to a clear example of cultural imperialism, and it is hard to see how this ideal could be dissociated from such a charge.

Of course, in the American context of new immigrant groups in an already established society, it is easier to understand and justify this demand for assimilation to the prior culture. In South Africa, however, the context is not primarily that of immigration. Still, the assumption that the Western and Christian (and white!) culture is inherently superior, and that it is only right that other (more 'primitive') cultures should both defer and conform to it, is as easy to make. At times this seems to be an (implicit) part of the ideal of the common society: although it is not necessarily part of the liberal approach there does not seem to be much doubt that the common society will be based on Western values and institutions *(56)*. The crucial corollary, which may or may not be intended to follow it, is of course, that it is thus only natural that whites will, for the time being, remain in control of shared institutions, whether these are churches, universities or commerce. Here we touch on the raw nerve of the ambivalent relation between the increasingly articulate and confident exponents of a new 'Black Consciousness' and the 'White Liberals'. It may be a clear case of ethnocentrism to exclude other groups from participating in the amenities and privileges of your own culture; it is not easy to see that the willingness to meet and include people from other groups can be equally unacceptable to their dignity, if this proceeds on the (unspoken) assumption that it is to be on your own terms. It is this demand that the black man should assimilate to the white culture and society which is increasingly being rejected by black organisations like SASO: 'Am I against integration? If by integration you understand a breakthrough into white society by blacks, and assimilation and acceptance of blacks into an already established set of norms and codes of behaviour set up by and maintained by whites, then *Yes I am against it' (57)*. Significantly, this is not a total rejection of 'integration' as such, but it is immediately contrasted with another ideal of integration, that of 'free participation by all members of a society', leaving scope for the assertion of black identity. As Bennie Khoapa has argued, from the black viewpoint the issue is not integration or separation, but liberation, and the separatist strategy should be seen not as the acceptance of a national goal but rather as a 're-grouping' necessary for the emancipation of a people at present powerless *(58)*.

In trying to evaluate the 'imperialistic' ideal of cultural assimilation we

must bear in mind a number of different distinctions. In the first place we must distinguish between the basic processes of social and cultural change associated with modernisation in a broad sense, and the conscious avowal of it as an ideal. Whether we like it or not, the social and economic 'development' of a country can hardly be disentangled from the impact of Western culture and technology on the various indigenous cultures. But an inevitable measure of acculturation is one thing; the ideal that everybody should assimilate to Western culture is something quite different, and not at all obvious. Moreover, as we saw in the American case, the acculturated (i.e. in our case, the Westernised), and sometimes especially they, may yet refuse to become socially and politically assimilated! In the second place, we must distinguish between this ideal as merely a general attitude of mind, and as a deliberate aim of policy. The former may be a regrettable though widespread prejudice; the latter, as in the 'Americanisation' movement after the First World War *(59)* or in the 'assimilado' policies in the Portuguese and French colonies, is much more serious both in the aims and in the effects of its cultural imperialism *(60)*. More importantly, we must ask who is to be, or to remain in effective control of the shared institutions. In particular we must distinguish between the respective positions of the group(s) demanding assimilation to their dominant culture, and the group(s) responding to such an ideal. On the whole, the moral prerogative would seem rightly to belong to the latter: if the Afrikaners insist on mother-tongue instruction of their children in the interest of their social and cultural identity, who shall deny their right? And if the Xhosas or Zulus demand English as medium of instruction for their children, the better to prepare them for the modern world, who can rightfully refuse them? But can anybody require that all Afrikaners be Anglicised, or all Zulus and Xhosas be Westernised, if they do not wish this? In short, though the fervent nationalist and the ethnic traditionalist might consider it cultural treason or suicide, there would seem to be little objection against individuals and whole groups becoming assimilated to another culture - if they so wish. But an imposed assimilation cannot be acceptable, not because of the assimilation, but because of the element of domination involved.

We may be very much more brief in dealing with the next ideal of assimilation, the famous notion of the melting pot. The essential idea here is that through racial and cultural interaction the various groups will fuse into a new compound, an integrated society with a wholly new culture in which the original components will have been fully assimilated *(61)*. As we have seen, even in the relatively favourable conditions of the American open pluralistic society, little of this was borne out by the facts. Indeed, for obvious reasons the ideal of the melting pot has rarely, if ever, been seriously entertained by anyone in the divided plural society of South Africa except as a bogey.

Nevertheless it may be useful to look at its social and political implications, as these have emerged in America, which, at least in part, will be familiar: 'The melting pot refrain discouraged the organisation of distinctly ethnic political organisations and interest groups. Under this theory, ethnic politics was viewed as the perpetuation of divisive factions and parochialism inimical to the best interests of a homogeneous society organised around individual talents. The individualism of the melting pot had no room and little tolerance for the urban problems and organisation of America life' *(62)*. (We will turn below to the problems of political instability raised by a lack of consensus in a diverse society).

The third main American ideal, that of 'cultural pluralism', raises more pertinent issues from a South African perspective. It arose in response to the 'melting pot' and 'Americanisation' theories, rejecting their validity both as descriptions of what was in fact happening and as worthy ideals for the future *(63)*. The classic exponent of cultural pluralism was the philosopher Horace M. Kallen. He envisaged a situation in which a heterogeneous society would be enriched not by melting down group identities into a new amorphous mass culture but by protecting and fostering distinctive cultural heritages in a harmonious and multi-faceted whole: 'a democracy of nationalities, co-operating voluntarily and autonomously in the enterprise of self-realisation through the perfection of men according to their kind' *(64)*. No doubt this will be an all too familiar refrain to South African ears, but we must not be over-hasty in jumping to conclusions, since Kallen's ideal of 'cultural pluralism' does not entail separation between cultures or groups. On the contrary, he insists on the central significance of confrontation and inter-change between the different sub-cultures *(65)*. Moreover, he did not extend this pluralism to the political sphere: 'The common life of the commonwealth is politico-economic, and serves as the foundations and background for the realisation of the distinctive individuality of each nation that composes it' *(66)*. We have here a 'plurality of cultures' within a 'common society'. As a matter of fact Kallen's rather vague metaphors tend to mask some crucial ambivalences in his conception and, depending on the social context of and the political implications put on his 'cultural pluralism', it can be unpacked into two very different and opposed ideals, those of separatism as against the open pluralist society.

At the time it was pointed out by a critic as sympathetic as Isaac Berkson that Kallen's cultural pluralism almost involuntarily shaded into questionable assumptions about the supposed hereditary qualities of races and ethnic groups, and that it necessarily requires both a social and geographical basis for its realisation, with far-reaching implications. Preserving cultural identities may be a laudable aim, but could we ever accept that an individual's ethnic group membership comes to determine his fate? In the final analysis

cultural pluralism would require that we proscribe the individual's freedom of association and in fact subordinate all his other relations to the ethnic criterion - and this is clearly unacceptable *(67)*. In the American context these questions were to remain mainly academic. Cultural pluralism was never made into an official policy and it gradually became apparent that as a description of the facts of the matter it was as much a sentimental myth as the 'melting pot'. Acculturation, if not assimilation, was the fate of all ethnic groups after the second generation, with the result that, in the words of Edgar Litt, 'what is often missing in *cultural pluralism* is the *culture*' *(68)*. The plurality characteristic of American society is predominantly a social pluralism in which ethnic identifications may persist, but which is quite compatible with common values and participation in a common political system. Pluralism thus comes to mean the pragmatic toleration of diversity within the context of a basic consensus characteristic of an open society *(69)*. As we saw in our discussion above, the notion of the common society is sometimes indeed taken in this sense, as not exclusive of cultural diversity. It may be of some note that Moynihan and Glazer also do not hesitate to use the term common society in describing this pluralistic model, a description which we may well quote at length: 'There are many groups. They differ in wealth, power, occupation, values, but in effect an open society prevails for individuals and for groups. Over time a substantial and rough equalisation of wealth and power can be hoped for even if not attained, and each group participates sufficiently in the goods and values and social life of a common society so that all can accept the common society as good and fair. There is competition between groups, as between individuals, but it is muted, and groups compete not through violence but through effectiveness in organisation and achievement. Groups and individuals participate in a common society. Individual choice, not law or rigid custom, determines the degree to which any person participates, if at all, in the life of an ethnic group, and assimilation and acculturation proceed at a rate determined in large measure by individuals. This is at any rate the ideal - prejudice and dis-crimination often force people into closer association with groups than they wish' *(70)*. In this sense of the open pluralistic society we can indeed subscribe to the ideals of cultural pluralism or the common society as acceptable long-term goals, although the actual practice of American democratic pluralism is open to serious criticism *(71)*.

In the South African context, however, the pluralistic ideal easily acquires a quite different significance. For, in the first place, cultural differences between, for example, whites, Africans and Indians, but also between traditionalist and non-traditionalist Africans, between platteland Afrikaners and cosmopolital Hillbrow or Sea Point have become politically salient in the context of the sectional domination of a divided society. In the second place

these diverse groups do not equally participate and compete in one political system, and if they are all drawn into one economy it is one in which the colour bar and the migrant labour system, with all they involve, are basic. Thirdly, cultural pluralism - of a kind - has been made into the ideological basis for official policy, legislation and administration. This last point is crucial, particularly if taken together with the second one. Let us be very clear about the alternatives involved here. Even in a divided plural society we may conceive of the following theoretical possibilities:

1. Self-sustaining Pluralism: There may be in such a society a large measure of self-sustaining social and cultural pluralism. That is, though there are no laws against it, and individuals from the various groups are formally free to do otherwise, they on the whole simply do not choose to inter-marry, live in mixed residential areas or belong to the same social institutions. This would amount to the ethnic pluralism of New York, or the Dutch *verzuiling,* but now transplanted to a divided plural society, i.e. without many counter-balancing cross-cutting cleavages or multiple affiliations. As a political system such a society would have to find procedures and institutions to accommodate or eliminate the ever-present threat of divisive ethnic politics, and we will deal later with the problem of democratic stability and the different available political systems as separate issues.

2. Bilateral Separatism: It is conceivable, theoretically at least, that all the groups concerned might voluntarily agree, through consultation and bargaining by political leaders followed by popular ratification, to a system of legislation entrenching cultural pluralism and furthering separate development. If such a policy is at all to be applied seriously and consistently it can hardly avoid measures like the Population Registration Act, the Immorality Act, Group Areas, Homeland Development and Job Reservation - with the active consent of *all* population groups! Such agreement is most un-likely indeed, but even then it would meet grave objections. Though it might entail a certain measure of democracy in terms of groups, it must place intolerable restrictions on individuals. It does not seem possible to reconcile these political requisities of group identity with individual freedom of association. Either it is not necessary to make such laws, as in a self-sustaining social and cultural pluralism, or if it is, then it must set aside individual freedom of association as subservient to the criterion of contingent ethnic group membership.

3. Unilateral separatism is the situation actually obtaining in South Africa, where the laws enacting apartheid are unilaterally decided on by one population group and applied to the other groups without their active consent, or without even their participation in the system of representative

government to enable any form of legitimate political opposition to it. Such a supposedly pluralistic policy of 'separate development' is paradoxical indeed. The very definition of the diverse groups entering into the plural society and groomed for autonomy is taken out of their own hands and determined by the extraneous powers-that-be, supposedly according to objective criteria. Thus an urban-based African nationalism transcending tribal differences is to be allowed as little as the Coloureds' wish to become assimilated to the Westernised dominant culture because this does not accord with the 'realities' of cultural and ethnic differences. But, as we saw above, the political and social identities of groups are not primarily determined by their objective differences or similarities. Essentially it is a matter of what they choose to identify themselves with, and how they define their own categories. Here, however, the dominant group decides for the other groups what their separate 'identities' should be. In short, the politics of apartheid is nothing but a unilaterally imposed separatism, which must make the inevitable over-riding of individual freedom of association, etc., even more intolerable.

It will now be clear that the controversial aspects of the ideal of (cultural) pluralism do not at all lie in the recognition of cultural diversity or the significance of (ethnic) groups as such. If this is given the sense of an open pluralistic society it is a wholly attractive ideal. But it is when the plurality is to be enforced by legislation and administration, and even more because of the domination inherent in unilaterally imposed separatism, that we must reject apartheid. But then, as with the cultural imperialism inherent in the ideal of cultural assimilation, the crucial issue is really that of domination and discrimination, to which we shall turn in the next chapter.

Two further distinctions need to be made in the present context. First, it may be argued that the present policy of separate development should be viewed as a transitional stage in the politics of a divided plural society, rather than as an ideal state of cultural and political diversity. This may be so, but then the question immediately arises as to what future goal it is to be the transition towards. It is precisely with the various possible ideals of cultural diversity and assimilation that we are now concerned. Can the possible future goal towards which separate development is to be the transition be other than a self-sustaining pluralism, the unlikely state of bilateral separatism, or unilaterally imposed separatism? So far no clear statement of a further alternative has been forthcoming unless we include the ideal of an open pluralistic society - a paradoxical goal for separate development! And if not, then the only question can be whether the present transitional stage will lead to a self-sustaining pluralism, an open pluralistic culture, or to a successfully imposed separatism. The difference between these is not verbal but a question of social, economic and political domination.

In the second place we have to distinguish between the separatism imposed by a socially and politically dominant group and what may perhaps be termed the countervailing separatism of a subordinate group. An example of the latter is provided by the various separatist or Black Power movements among American Negroes during the last decade *(72).* Certain analogous stirrings have also of late been noticeable in South Africa. It will be clear that the difference between the two kinds of separatism is profound. In the one case we have a group which is in the dominant position to impose its political will on other groups, even in granting them separate autonomy, - their 'autonomy' does not include the possibility of choosing not to be separate, or to be separate on other terms. In the other case we have a subordinate group whose separatism primarily affects only itself, a separatism 'which occurs when an ethnic group turns inward, creating its own institutions to replenish social, psychological, and cultural values that cannot find fulfilment in the larger society' *(73).* The newly found group 'consciousness' and 'power' may then be used as a social and political basis to secure a rightful place in the larger society. In short, while imposed separatism may be a technique of domination, countervailing separatism can become a strategy for liberation, which, incidentally, need not deny the ideal of an open pluralist society. Applying these distinctions to separate development in South Africa, the interesting question arises whether the imposed separatism of the government policy may not be turned into a countervailing separatism, thus undermining the very domination it seeks to impose.

FOOTNOTES

1.   Robert A. Dahl, *Political Oppositions in Western Democracies,* (New Haven, 1966), p. 358.
2.   *Ibid.,* pp. 332ff. See below,. Ch. 10.
3.   *Ibid.,* p. 358. It may be enlightening to quote Dahl's summary of the other options which have been tried out in the Western world. The chief ways in which these conflicts have been dealt with are these:

    (i)   Violence and repression. This has been a response in Britain, in Belgium, and most notably, in the United States, where violence has even erupted into a civil war. The possibility of violence and civil war always lurks as a special danger in countries with hostile subcultures; and this danger undoubtedly stimulates a search for alternative responses.

    (ii)   Secession or separation. This was the solution to the problem in Ireland. (Sic!) It was the solution sought by the South that eventuated in the American Civil War.

    (iii)   Mutual veto on government policies. In this case, each opponent can veto changes in the status quo involving his subculture. This is most clearly the system in Austria. But is is also characteristic of Holland and, to a considerable extent, Belgium and the United States.

(iv) Autonomy. Autonomy may be granted to a regional subculture, as in the case of the South, which after about 1874-80 received, de facto, a grant of autonomy from Congress, President, and Supreme Court. Or, as in Holland, autonomy may be granted to subcultures that do not have a regional basis.

(v) Proportional representation has been used to guarantee a subculture that it will be represented in parliament even though, as in Belgium, it does not receive much autonomy. And proportional representation in the broader sense of representing groups more or less in proportion to their numbers can be applied in all kinds of agencies and organisations, as in Belgium.

(vi) Assimilation. This seems to be the evolutionary pattern in Norway. For a century and a half it was the characteristic response to ethnic group differences in the United States; but the process of assimilation has failed, so far, in the case of Black Americans . (pp. 358-9).

4. Of recent years official government policy has tended to shift its proclaimed basis from race to cultural diversity and ethnicity, with some significant consequences. Cf. P. du Preez: 'From Apartheid to Separate Development: A Study in the Parliamentary Motivation of Policy', unpublished paper, 1970. However, the racial rationale of apartheid is still very much operative, be it more in the background.
5. See for example the survey of the literature given in Earl Latham: 'The Group Basis of Politics: Notes for a Theory', in H. Eulau a.o., *Political Behaviour* (Glencoe, 1956). Also D.B. Truman, *The Governmental Process* (New York, 1951), etc.
6. L. Coser, *The Functions of Social Conflict* (Glencoe, 1956), pp. 78-79.
7. Leo Kuper: 'Plural Societies: Perspectives and Problems', *Pluralism in Africa*, (Berkeley, 1971), p. 20; cf. M.G. Smith: 'Some Developments in the Analytical Framework of Pluralism', *Pluralism in Africa*, p. 439.
8. R. Dahrendorf, *Class and Class Conflict in Inudstrial Society* (London, 1959), pp. 214 ff, 316-317.
9. See, e.g. W. Kornhauser, *The Politics of Mass Society,* (Glencoe, 1959), pp. 79-81. For critical discussions of 'democratic pluralism', see e.g. Henry S. Kariel, *The Decline of American Pluralism,* (Stanford U.P., 1961) and Robert V. Presthus: 'The Pluralist Framework', in H.S. Kariel (Ed.), *Frontiers of Democratic Theory,* (New York, 1970), pp. 274-304.
10. See, e.g. S. Lipset, *Political Man,* (New York, 1960), p. 88; D.W. Rae and M. Taylor, *The Analysis of Political Cleavages,* (New Haven, 1970), p. 87f; A. Lijphart, *The Politics of Accommodation* (Berkeley, 1968), p. 7f. etc.
11. Leo Kuper: 'Plural Societies: Perspectives and Problems', *Pluralism in Africa,* pp. 14ff.
12. J.S. Furnivall, *Colonial Policy and Practice* (New York, 1948), p. 304.
13. *Ibid.,* p. 307.
14. M. Cross: 'On Conflict, Race Relations, and the Theory of the Plural Society', *Race,* (Vol. XII) 1971, p. 479.
15. M.G. Smith, *The Plural Society in the British West Indies* (Berkeley, 1965), p. 82. For a discussion of Smith's distinctions of heterogeneous/homogeneous/plural in this connection, see M. Cross, *op. cit.,* p. 480.
16. M.G. Smith, loc. cit. See also Pierre L. Van den Berghe, *Race and Racism* (New York, 1967), pp. 34f, 132ff.
17. Cf. L. Kuper, *op. cit.,* p. 12; M. Cross, *op. cit.,* p. 480.
18. See, e.g., *Towards Social Change,* Report of the Spro-cas Social Commission, Chapter 1, Section 2.
19. John Rex: 'The Plural Society: The South African Case', *Race* 1971 (Vol XII), pp. 411-412.

20. See, e.g., E. Shils, *The Torment of Secrecy* (New York, 1956), Chapter 11.
21. Leo Kuper, *op. cit.*, p. 16.
22. *Ibid.*, pp. 19ff; also 'Ethnic and Racial Pluralism: Some Aspects of Polarization and Depluralisation', *Pluralism in Africa*, pp. 480ff.
23. Leo Kuper: 'Political Change in White Settler Societies: The Posibility of Peaceful Democratisation', *Pluralism in Africa*, p. 180.
24. Summary of the Tomlinson Report, Chapter 25, & 13, p. 102.
25. *Loc. cit.*
26. *Ibid.*, § 14.
27. *Ibid.*, §20, p. 103.
28. *Ibid.*, § 42, p. 106.
29. Leo Kuper: 'Political Change in White Settler Societies: The Posibility of Peaceful Democratisation', *Pluralism in Africa*, p. 181.
30. Summary, *op. cit.*, p. 106 § 42; cf. p. 105, § 30 and p. 213 § 29.
31. *Ibid.*, p. 105, § 29, 30.
32. Robert E. Park: 'Our Racial Frontier on the Pacific' (1926), in *Race and Culture* Vol. 1, pp. 149-151.
33. A brief anthology of classic statements on this theme from De Crevecoeur (1782) to Zangwill (1908) is given in O. Handlin (Ed.): *Immigration*, pp. 148-153. For critical discussions see, e.g. B. Berry: *Race Relations*, pp. 222ff; E. Litt: *Ethic Politics in America*, p. 8f; Milton M. Gordon: *Assimilation in American Life* (New York, 1964), Chapter 5.
34. Robert E. Dahl: *Who Governs?* (New Haven, 1961), pp. 32-36.
35. N. Glazer and D. Moynihan: *Beyond the Melting Pot*, 1963, pp. v, 13f., 289ff., 310f.
36. Milton M. Gordon: *Assimilation in American Life*, p. 129: see also *ibid.*: Assimilation in America: Theory and Reality, *Daedalus* 90 (Spring 1961), pp. 263-285.
37. Milton M. Gordon: *Assimilation in American Life*, p. 131; see R.J.R. Kennedy: 'Single or Triple Melting-Pot?' *American Journal of Sociology*, 1940 (Vol. 49) and 1952 (Vol. 58).
38. Raymond E. Wolfinger: 'The Development and Persistence of Ethnic Voting', *American Political Science Review*, 1965, (Vol. 59), pp. 896-908.
39. E. Litt: *Ethnic Politics in America*, p. 15. For a fuller discussion, see Michael Parenti: 'Ethnic Politics and the Persistence of Ethnic Identification', *American Political Science Review*, 1967 (Vol. 61), pp. 717-726. Also E. Rosenthal: 'Acculturation Without Assimilation?', *American Journal of Sociology*, 1960 (Vol. 66) pp. 275-288.
40. H. Adam, *Modernizing Racial Domination*, p. 22.
41. A. Rabushka and K.A. Shepsle, 'Political Entrepreneurship and Patterns of Democratic Instability in Plural Societies', *Race*, 1971, pp. 465ff.
42. N. Glazer: 'America's Race Paradox', *Encounter* (Vol. XXXI), October 1968.
43. Leo Kuper: 'Conflict and the Plural Society: Ideologies of Violence among Subordinate Groups', *Pluralism in Africa*, pp. 153-168.
44. N. Glazer and D. Moynihan: *Beyond the Melting Pot*, p. xxii
45. Cf. e.g., E. Litt: *Ethnic Politics in America*, Chapter 1; Milton M. Gordon: *Assimilation in American Life*, Chapters 4, 5, 6.
46. Cf. e.g., Gunnar Myrdal: *An American Dilemma: The Negro Problem and Modern Democracy* (New York, 1944), Chapter 1.
47. Cf. e.g., E. Litt: *Ethnic Politics in America*, Chapters 6, 9.
48. In other important respects, e.g. the separation of powers, the federal nature, etc., the Constitution was very pluralistic in structure. Cf. e.g., H.S. Kariel: *The Decline of American Pluralism* (Stanford, 1961), Chapter 1.
49. Nathan Glazer: 'Negroes and Jews: The New Challenge to Pluralism', *Commentary*, December, (1964 (Vol. 38), p. 32.
50. R.P. Wolff: 'Beyond Tolerance', in *A Critique of Pure Tolerance* (J. Cape, London, 1969), pp. 23f, 31, 45f.

51. *Ibid.*, p. 47ff.
52. N. Glazer, *op. cit.*, p. 34.
53. Milton M. Gordon, *op. cit.*, p. 247.
54. *Ibid.*, pp. 103-110.
55. *Ibid.*, pp. 110-114.
56. Cf. e.g., Ellen Hellmann: 'In Defence of a Shared Society', discussed above, p. 44.
57. 'Black Souls in White Skins?', SASO Newsletter August, 1970, made available to the Commission as a background paper, Gen. 19.
58. Bennie A. Khoapa: 'The New Black', in B.S. Biko (Ed.): *Black Viewpoint*, Spro-cas Black Community Programmes, 1972.
59. Milton M. Gordon, *op. cit.*, pp. 98-102.
60. Cf. e.g. Frantz Fanon: *Black Skins, White Masks* (New York, 1967)
61. References to, and discussions of, the relevant literature are given in Moynihan and Glazer, *op. cit.*, pp. 288ff; Gordon, *op. cit.*, Chapter 5.
62. E. Litt, *op. cit.*, pp. 11-12.
63. M. Gordon, *op. cit.*, Chapter 6.
64. Horace M. Kallen: 'Democracy versus the Melting Pot', 'The Nation', 1915, p. 219; reprinted in: *Culture and Democracy in the U.S.* (New York, 1924).
65. *Ibid.*, *Culture and Democracy*, pp. 209-21ü.
66. *Ibid.*, 'Democracy versus the Melting Pot', p. 220.
67. I.B. Berkson: *Theories of Americanization* (New York, 1920), cf. M. Gordon: *op. cit.*, p. 14.
68. E. Litt, *op. cit.*, p. 14.
69. B. Berry: *Race Relations*, p. 232; cf. E. Shils: *The Torment of Secrecy*, pp. 153-160, 225-230.
70. D. Moynihan and N. Glazer: *op. cit.*, Preface to the 1970 edition, pp. (xxiii-xxiv).
71. See R.P. Wolff, *op. cit.; also H.S. Kariel, The Decline of American Pluralism*, etc.
72. E. Litt, *op. cit.*, Chapter 5, etc.
73. *Ibid.*, p. 75.

Chapter Eight

DOMINATION AND DISCRIMINATION:

A CRITIQUE OF

'SEPARATE DEVELOPMENT'

IN THE PREVIOUS CHAPTER it became clear that the acceptability or otherwise of the various ideals of cultural diversity or assimilation turned essentially on the element of domination which they involved. Imposed assimilation to the dominant culture and imposed separation both raised grave objections, whereas an open pluralism appeared a more attractive ideal. It may well be countered, however, that this is a misleading construction: we are simply not in a position where we can choose one of these alternative ideals in preference to the others. Politics is not merely a matter of individual taste or preference; to a large extent our political options are, if not determined, at least limited by both our previous political history and the structure of our society. Thus, atttractive as the Commission might find the ideal of a pragmatic and tolerant open pluralism, the fact remains that our society is in important respects a divided plural society, placing almost insuperable problems in the way of a transition to an open pluralistic society. Much as we might abhor all domination and discrimination, this argument would imply that they are, as it were, forced upon us by the historical and social context of our present situation.

Some theoretical support for this contention is certainly to be found in investigations of prejudice and discrimination as functional consequences of structural pluralism (1), and even more so in the analyses of the general nature of divided plural societies. Thus, as we have already seen, (2) Furnivall, for example, emphasised the importance of domination by the colonial power for maintaining the involuntary union of the tropical plural society (3). M.G. Smith even defined the plural society as necessarily dominated by one of its sub-sections, the various groups thus held together by regulation in lieu of the social cohesion to be derived from consensus (4). Similarly Pierre L. Van den Berghe has concluded that plural societies 'have often been held together by a mixture of political coercion and economic interdependence' (5). It may thus be argued that South Africa also, to the extent that it is a divided plural society, can only be expected to exhibit the general features of domination and discrimination.

We can agree with this only to a very limited extent. We must agree that our present society can at best be described as a racial oligarchy. As our analysis of

the political situation showed, white domination is the fundamental fact upon which the political system rests; racially dominant relationships permeate the entire social system and are reflected in the restrictive electoral and legislative processes *(6)*. Nor is this only the doing of apartheid and the Nationalist Government since 1948. The classic analysis of the South African power structure was given as early as 1939 by Hoernle in his *South African Native Policy and the Liberal Spirit (7)*, the brilliant opening chapter of which spells out the technique of domination in the political, educational, economic, social and sexual spheres *(8)*. After thirty years this indictment has lost little of its force. Rather than slowly progressing towards greater democracy, blacks have now been completely excluded from all participation in the white political system *(9)*. If anything we can now begin to see even better how, for example, in the basic institution of migrant labour South Africa has developed a type of labour exploitation which, according to John Rex, is in certain respects an even more perfect system of labour exploitation than was slavery *(10)*. Existing racial discrimination has been legitimised and entrenched by apartheid legislation in almost every conceivable sphere of public social life. At most one could point to the extent to which white domination has become more pragmatic and flexible in pursuing its own interest, rather than drawing facile analogies with fascist totalitarianism *(11)*. But all of this does not prove that continued domination is either necessary or acceptable.

Indeed, as we have already indicated at the beginning of Chapter 4, in one important respect things have already changed, if only in the ideological context of the debate. It no longer seems necessary to examine seriously the 'argument for domination', as Hoernle still did, whether in the rationalised form of the 'preservation of European civilisation', or simply as maintaining 'racial identity' *(12)*. This is due to pervasive changes in the political climate in the world at large, as much as in South Africa itself. Mention might be made of the post-Nazi reaction to anything which smacks of racism, the worldwide preoccupation with human rights, the advent of Afro-Asian independence and the heightened politicisation of South Africa's own black population accompanying altered social and economic circumstances *(13)*. Whereas, in the words of Dr Denis Worrall, 'until a short time ago *all* shades of white opinion were noticeably paternalistic and *all* policies were advocated under the mantel of trusteeship' *(14)*, the government policy of 'separate development' has now, i.e. since Dr Verwoerd, embraced the principle of self-determination as a major ideological premise. Nowhere is this more evident than in the virtual disappearance from political discussion of the ambivalent notion of white trusteeship, which Hoernle still saw as a possible counter-principle to that of domination *(15)*. This ideological shift has already found some political expression in the creation of new sub-systems of representative

authorities for the black population groups after their systematic exclusion
from any participation or representation in central parliamentary government
(16). In the case of the homelands, as in the Transkei, this has even been
announced as the prelude to eventual 'independence', in accordance with the
new ideology of 'separate freedoms',

What are we to say of this? Is it possible that with the homegrown policy of
separate development South Africa has found a way out of the seemingly in-
evitable dilemma of domination in a divided plural society? It has been
strongly urged to the Commission, in particular by Dr Worrall, that the
direction of change to which this policy is committed is reconcilable with our
normative political principles, aiming as it does at full self-government and
the elimination of discriminatory norms *(17)*. It is even claimed that it is the
traditional 'liberal' solution, from Dr Philip and Shepstone onwards, and
that Hoernle himself considered 'total separation' to be not only liberal as
such but even preferable to other alternatives *(18)*. In Hoernle's own words,
'Total separation into distinct white and black 'areas of liberty' must be
considered a genuinely liberal ideal, if it means the breaking up of the present
caste-society which *as a whole* can never be free' *(19)*. At the time, so the argu-
ment goes, Hoernle maintained quite rightly that total separation was a
practical impossibility, since this was against the dominant white minority's
wishes: 'there is no present intention of turning the Reserves into independent
Native States' *(20)*. This was to change dramatically, however, with the advent
of separate development as government policy, and in the words of Dr
Worrall, 'from demanding the exclusion of Africans from the dominant
political system, the majority of white South Africans have now come around
to supporting the principle (at least) of establishing alternative political
systems' *(21)*. The theoretical architects of apartheid were quick to point out
that, in a manner of speaking, they were merely following Hoernle's lead *(22)*,
and Dr Worrall can conclude that 'in fact what Hoernle had hoped for is in
the process of coming into being' *(23)*.

Now, as it stands, this claim is demonstrably untrue: the official policy of
separate development, even under the most charitable interpretation, comes
nowhere near to Hoernle's notion of an acceptable total separation. It may
indeed be an appropriate way to assess the implications of this policy with
regard to the issue of domination and discrimination if we compare it to the
conditions of acceptability which Hoernle laid down. First, we must note an
important distinction introduced by Hoernle between *segregation* and
separation (24). Segregation, which corresponds most closely to the
traditional South African policies and practices of racial discrimination, he
finds completely unacceptable precisely because it is essentially based on the
principle of domination: 'This is segregation as an instrument of domination;
segregation *which retains the segregated in the same social and political*

structure with the dominant white group, but subjects them to the denial of important rights and keeps them at a social distance implying inferiority' *(25)*. It will be noted that, as Hoernle himself emphasises, segregation presupposes a common society of sorts, but a fundamentally unequal one, so that, typically, a category of 'second-class citizens' results *(26)*. On the other hand, Hoernle takes separation to imply at least partition and the creation of distinct autonomous polities: *'Total separation* envisages an organisation of the warring sections into genuinely separate, self-contained, self-governing societies, each in principle homogeneous within itself, which can then co-operate on a footing of mutual recognition of one another's independence' *(27)*. It will at once be seen that Hoernle's distinction between segregation and separation corresponds more or less to latter day 'petty' and 'grand apartheid', i.e. to the contrast between the discriminatory laws applying to all population groups of the common area *(28)*, as against homeland development and the promise of 'independent' Bantustans. Apartheid, he thus suggests, is not one thing but two. Segregation he rejects without qualification; separation he finds acceptable, at least in principle. Can this be taken as support for at least certain aspects of 'separate development?'.

In answer one has only to look briefly at how radical a 'separation' Hoernle thought necessary in order to end domination. In the first place such 'separation' would involve a radical partition, a complete territorial segregation of such a nature that *'all* Natives resided permanently in the Reserves; and 'permanent residence' is a sham, unless the resident makes, or earns, his living where he resides' *(29)*. Obviously this would require a large increase of the homelands' territory over and above that proposed in the 1936 Land Act *(30)*. In the second place, it would mean the establishment of genuinely self-governing polities, effectively removed from the control of the white parliament *(31)*. And thirdly, it means complete economic segregation as well, i.e. the homelands must at least be economically self-sufficient *(32)*. If these conditions are not met, Hoernle insists, then all talk of territorial segregation (or now of separate development) cannot alter the fact that it is not separation which is at stake, but segregation in the interests of white domination *(33)*.

Hoernle himself emphasised the enormous difficulties in the way of any true separation: the inextricable economic entanglement and the ever-increasing involvement of all population groups in a single economy *(34)*; the unwillingness of the white to 'surrender ultimate control, whatever limited measures of political self-government he might be willing to concede to the Bantu' *(35)*; the basic importance of the exploitative migrant labour system to the 'white' economy, *(36)* etc. In the light of these facts he had to conclude that true separation was 'practically impossible' *(37)*. His only hope was pinned on the fact that some of the whites, at least, were prepared to consider it as a goal

and that the will and initiative of the all-powerful white group might conceivably be harnessed in this cause *(38)*.

There is something touching but also rather desperate in Hoernle thus holding out hope against all hope, but it will be clear that this preference for separation cannot, in good conscience, be urged as authoritative backing for separate development. (We will have to return later to the intriguing question why he considered the similar practical impossibilities of the alternatives of parallelism and assimilation, which like separation were acceptable in principle, to be insuperable objections). From our present discussion at least four critical issues have emerged in terms of which we will have to evaluate separate development as an acceptable political alternative. These are: (i) the creation of alternative political systems; (ii) the theoretical possibilities of partition; (iii) the meaning of national self-determination in a context of continued economic interdependence; and (iv) the discriminatory laws applying to the black population groups in the 'common area'.

We have already summarised the major problems, defects and prospects of the policy of separate development as implemented by the present government in Chapter 4 above. We there came to the conclusion that with regard to such basic aspects as the development of the homelands, the position of the urban Africans, and the position of the Indian and Coloured people the existing policies have failed to make any real progress towards viable separate societies or to deal satisfactorily with the continued and growing economic inter-dependence of the South African society at large. We do not now propose to repeat or enlarge on this critical analysis of the *de facto* prospects of the existing policies. Our present task is the different one of identifying as clearly as possible the basic principles of separate development as a distinct political alternative, even irrespective of the extent to which current or future developments may conform to or diverge from them, and to evaluate them as such. After all, it is not an uncommon response of some of the supporters of separate development, who are Christians and sensitive to the question of its moral acceptability, to say that the failings which we have outlined are not at all inherent in this alternative as such, but that they are due rather to the fact that current policies fall so far short of the full meaning of separate development as a political alternative. At the same time it will be clear that the full meaning of separate development cannot meaningfully be wholly dissociated from the present policy.

We can thus best deal with these claims that separate development constitutes an acceptable alternative to continued domination and discrimination by discussing briefly each of these critical issues in turn, using the professed aims of, and the probable prospects for, the present policy of separate development as our point of departure.

(i)   Alternative Political Systems

In abstract terms the basic political goal of separation may be expressed as the aim of creating distinct alternative systems of representative authority. The transitional strategy to this end, from the present white-monopolised system of central parliamentary government, would then have to take the form of first setting up new sub-systems of representation and administration, and then the successive devolution of government powers to these new elected bodies and their executives, as a preparation for their eventual full independence. The political significance of such a development will depend largely on the nature and extent of effective government powers which are being vested in these new authorities. This could, in principle, constitute an alternative way of dismantling the white oligarchy through, as it were, a process of internal 'decolonisation', as compared to the strategy of extending participation in government by broadening the electoral base of the present representative system.

In South Africa, as shown at the beginning of Chapter 4, the systematic exclusion of what little representation the black population groups had in parliament has been followed by some moves in this direction in terms of the policy of separate development. The new sub-systems of representation are, however, of two very different types: in the Transkei, for example, a regional authority has been created, whereas with the Coloured Persons' Represent-ative Council it is essentially a communal authority without an exclusive territorial basis that is being constituted. The effective territorial base for the CPRC is provided by the proclaimed group areas for Coloureds, but the demarcated constituencies cover the whole of South Africa outside the homelands, thus making it clear that we have here a distinct communal authority within the shared or common area. We shall presently return to the important implications of this.

But first it should be noted that both these new sub-systems of re-presentative government are based on universal franchise. Unlike even the most modest proposal for a qualified extension of the vote for the central parliament, this has proved to be acceptable to the white electorate. Of course this can only be considered a real measure of democratisation if effective powers are vested in these elected authorities. Up till now, however, only very limited executive powers have been conferred on the Transkei government, and next-to-none on the executive of the CPRC, so that for all practical purposes the former is in effect a form of local government and the latter an advisory body.

Clearly the policy of separate development cannot be judged merely on the present state of the devolution of government powers. The full implications and possibilities for future implementation are, however, far from clear. It is probable that Transkei-type political development will take place in a number

of homelands. According to official policy statements this may lead to
eventual independence, but it is far from clear what transference of effective
powers of government this would involve, or what kind of political
relationship with the central government is envisaged. Moreover, the pro-
claimed policy is at present that the urban Africans (in the common area) are
to achieve their political rights in the homelands, an obscure notion and
certainly inconsistent with separation. Representative authorities analogous
to the CPRC could also be instituted for the Indians, and, in fact, for all
population groups of the common area. The future development of the CPRC
itself is, however, largely obscure. There is some speculation about a possible
'homeland' or some kind of 'link' with the central parliament. To·a large
extent this confusion is unnecessary and it can be dispelled by a hard look at
the limited number of available options.

What, after all, are the theoretical possibilities for the further political
development of these new sub-systems of representative government?
Obviously there is still scope for extensive further devolution of government
powers on them. But there are also important inherent limitations to such
development, particularly in the case of communal authorities. This is
because of the absence of an exclusive territorial base (hence the relevance of
the otherwise somewhat fanciful 'Coloured homeland' debate). In principle
the executive and administrative powers of such a communal authority might
concern matters of education, culture, religion, welfare services, health,
housing and even to a certain extent the police and the courts of law - in fact,
all matters which might pertain exclusively to a particular population group.
But it is difficult to conceive how within a partially shared territory there
could be dual authorities for transport, commerce, finance, defence, com-
munications and justice. These must rest with a higher over-arching authority.
Now either this supreme and comprehensive authority will be a monopoly of
the white section, in which case white supremacy is maintained, or some
means must be devised to enable the new communal authorities to share in the
central government, in which case it cannot be considered separate in any real
sense. In short, with regard to such communal authorities it is logically
impossible for separation to provide an acceptable answer to domination. On
the other hand we might equally well conclude that insofar as institutions like
the CPRC could be developed towards attaining a real devolution of power
this must involve some other political principle than that of creating distinct
and sovereign alternative political systems. Here we may recall that Hoernle
considered the alternative of parallelism as equally acceptable in principle -
and we will later have to consider its potential in its own right. In the mean-
time we must conclude that separate development, as such, must mean the
continued political subservience of all population groups resident within the
common areas but excluded from the central parliamentary system.

The position of regional authorities is quite different. Here there is no in-
herent limit to the possible devolution of power. The executive and ad-
ministrative powers of a representative authority with a full territorial basis
may be either limited, and pertain to certain fields only, or formally sovereign,
and extend to most or all fields of government. Within a unitary system of
government a representational sub-system of this kind may thus have minor
and local powers only; within a federal system it may have executive powers
for education, housing and transport, but not for defence, finance, etc.;
potentially such a territory might be partitioned off and become a formally
sovereign polity with full executive powers - conceivably in a confederation
with other similar political units. In South Africa this would apply to all
Bantustans of the type of the Transkei. Still, even if a territory is partitioned
off into an 'independent' state, much depends on its position within the over-
all power structure, which in Southern Africa forms one whole. Political
sovereignty is not a constant but a function of the basic power-political
structure, and a formal transference of executive functions may not yet
constitute any real devolution of power. In short, 'independence' through
partition of the homelands is always in principle possible, but whether it con-
stitutes an answer to domination will have to be assessed in terms of the
strengthening or weakening of the bargaining position of the regional
authorities vis-a-vis the central government and the dominant white group.
To a large extent the case for separate development thus comes to turn on the
nature and consequences of partition.

(ii)   The Practical Possibilities of Partition

One possible response to a potentially extreme polarisation of antagonistic
groups in a plural society is partition, or secession, in order to prevent civil
war or the violent insurrection of a subordinated group. If partition can sort
out the diverse groups into distinct self-determining polities this might help in
reducing the irrational sphere of politics within each society. Obviously this
requires either that there is a prior correspondence between the groups
concerned and substantial territorial areas, or that partition is accompanied
by massive migration of population groups to their appointed territories.
Recent examples of partition would include India and Pakistan (and now
Bangla Desh) as well as Palestine and Ireland. Attempts at secession failed in
the cases of the Southern States of America and of Biafra.

The case for or against partition would seem to be, in any given instance,
almost wholly a matter of the practical advantages or disadvantages to the
parties concerned. It does not seem that there are serious moral or political
grounds for objecting to partition in principle - unless it is on the nationalist

contention that it would offend against the integrity of the state (but in a successful nation-state the issue of partition is unlikely to arise) or on the very dubious premise that more inclusive political systems are always preferable to less inclusive ones. Obviously Balkanisation has its dangers, but these are practical issues to be weighed with other advantages and disadvantages, and not matters of principle. The notion of the common society is indeed taken by at least some of its proponents as having the connotation of a single political unit, and thus, by implication, to exclude partition. At the same time it has been made clear that 'in principle there is nothing unChristian in partition' though there may be severe doubts about its practicality. The proposal of a common society in this sense must therefore be taken as a rather elliptical summary of the arguments against the practicability of partition in this case, rather than as a general ideal.

What then are the practicable possibilities for partition in the South African case, and to what extent can it be the way out of white domination? It will at once be seen that the territorial basis for a viable partition is very slight indeed. In spite of a long history of frontier wars and the deeply ingrained practices of social and residential segregation, the present distribution of the South African population is such that only relatively small areas could be considered the exclusive territory of a specific group. The proclaimed homelands of the Xhosas, Zulus, etc., constitute something like 13% of the total area of the country and are, moreover, with one or two exceptions, largely unconsolidated, whereas the total African population is almost 70% of that of South Africa as a whole. The largest part of the country (outside the homelands) is de facto a common territory, shared by White, Coloured, Indian and African. In this common area we also find the large urban and industrial complexes, the mainstay of the overall power-political structure.

It follows that there are a limited number of possible ways in which the political mechanism of partition can be applied, giving a quite different content to separate development in each case.

(a)   Federative partition

South Africa as a whole might be partitioned into a number of distinct areas, each with its own representative authority, without any significant change in the overall distribution of the population. In this way certain smaller states may be created with a racially homogeneous population, as in the Transkei; others with a significantly different ratio obtaining between the population groups than in the present Republic as a whole, e.g. in the Western Cape; and still others, the majority, with much the same heterogeneous population as at present. These various states may be loosely linked with each

other in a federal or confederal framework. An obvious step would be to extend this scheme to Southern Africa as a whole, i.e. to include Lesotho, Botswana and Swaziland, probably consolidated with bordering areas at present within the Republic.

In broad outline this is part of the proposed scheme advanced by Mr Leo Marquard *(39)*. However, partition is but a small, though necessary, part of that proposal, the main emphasis being on the nature of the federal framework, the importance of a rigid constitution, an entrenched bill of rights, etc. As such we will have to consider it as a separate issue in our next chapter on the viability of the liberal-constitutional approach in a divided plural society.

Nor is this kind of partitioning of particular relevance to separate development, unless it is coupled with a whole series of other measures such as racially restrictive citizenship, communal authorities, etc. In its own right it can at best help to ease the impending group conflicts in certain local communities; on the whole, it will only lead to a multiplication of the present difficulties, though perhaps on a smaller scale.

(b) Radical Partition

South Africa as a whole might be partitioned into a number of new states, each of which is to be the exclusive territory of a specific group. This would probably represent an optimal example of separation and would require a massive migration of the population to an extent which must mean drastic disruption of the whole economic and social fabric. Even so, not just any partition would suffice to create Hoernle's separate areas of liberty; it must also be equitable. And any division of the land, resources and wealth of the country which is even remotely fair to the black population groups must mean a drastic long-term change of the basic power-political structure. Radical partitioning would thus mean a double blow to white domination, but at too great a cost for the country as a whole.

Another notion of radical partitioning which has been entertained from time to time is that the country would be divided in two, creating a largely black-dominated next to a largely white-dominated state. The proposed line of demarcation would run, for example, from East London in the south along the western boundary of the Transkei, Lesotho and Natal, and curving in a semi-circle over the Southern Transvaal. The black area then would include the Transkei, the whole of Natal, and the Eastern Northern and Western Transvaal (again the former Protectorates come naturally into the scheme) *(40)*. Now this is very much more of a practicable proposal, and though the dominant white government would never consider it of its own accord, it is

conceivable that it could be adopted as a desperate measure in an extreme impasse. Even so, it would by no means solve all problems. For a start, unless we assume massive population movements, the new 'black' state will have substantial minorities of Whites and Indians, and in the 'white' state the whites will still be a minority group! Control over the crucial Witwatersrand area is likely to be a major source of contention. Moreover, of equal importance to the result of any partitioning is the way in which it is reached. As Prof. Gwendolyn Carter has pointed out, it is a necessary requirement for an acceptable settlement that it must be the product of bilateral discussion and decision: 'What might seem on paper to be a far more equitable plan for separate territorial development than any yet advanced will fail utterly to establish what Dr Hoernle called, 'areas of liberty' if it is not the result of a full, free and widespread consultation between Africans and whites of all groups, national and local, such as has not yet been seen in South Africa' *(41)*. And this in turn would require an extensive political machinery which cannot be created out of the blue.

These may not necessarily be insuperable problems, but they do show that partitioning as such, even radical partitioning, can supply only, a very small part of the answer to the problem of ending discriminatory norms and sectional domination. For the time being the various schemes for radical partitioning remain wholly speculative and their main significance is to show up their vast difference from a third possible kind of partitioning.

(c)   Homeland-separatism

Partition may be restricted to those areas of South Africa which are the more-or-less exclusive territory of a specific population group, in other words to the African homelands. Next to the common area shared by White, Coloured, African and Indian a series of new regional authorities may thus be created for the Xhosa, Zulu, Tswana, etc. This need not require any mass migration of the population or large-scale social and economic disruption, and a limited number of ethnically homogeneous states may indeed be set up. As we have already pointed out, there is also no inherent reason why the transfer of government powers to a regional authority may not proceed to the point of political sovereignty.

In broad outlines this is basically the approach of the official policy of separate development. It must at once be pointed out, however, that as it stands there are at least three severe limitations to its political significance as a possible alternative to white domination. First, the various population groups of the common areas, the Coloured and Indian, and the urban and rural Africans, are not touched by it. Second, central parliament and government,

in which only the whites may participate, will remain in complete control of the common area and all its peoples. Third, the basic socio-economic and power-political structure centred in the urban and industrial complexes of the common area will remain essentially unchanged. Indeed, it may be taken as the major objective of such a policy of homeland partitioning that it aims at the creation of new representative authorities and their separate development in so far as this does not threaten the basic power political structure of the whole South African society or the political sovereignty of the white central government over the common area. This amounts to saying that with homeland-partitioning the policy of separate development is prepared to relinquish white domination in certain limited areas while seeking to maintain white domination where it matters most. This is surely a far cry from Hoernle's ideal of total separation as the answer to white domination, but even so it may seem an advance on the present complete exclusion of blacks from all participation in government, and our next task must accordingly be to evaluate the effective measure of independence attainable for the homelands.

(iii) Political Self-determination and Economic Interdependence: the Homelands

It is theoretically quite possible that the political evolution of the various homelands may eventually result in independent Bantustans. There is no inherent limitation to the formal powers of government which may be transferred to a new representative authority, provided it has an exclusive territorial basis. At the appointed time partition may create a new and fully sovereign state out of even the smallest and most impoverished homeland. On the whole this would indeed seem to be the aim of the policy of separate development, though there has been a certain degree of uncertainty and ambiguity about both the time scale and the final destination of the policy. However, our question now is not whether, or when, the Bantustans will indeed become sovereign states, but what, if any, significance this might have as an alternative to domination.

Let us first consider the case for 'separate freedoms'. In general terms the provision of self-government for the Bantustans is construed as an alternative way to participation in government for at least some of those who have been excluded from the present parliamentary system. It is argued that the basic political principle of the policy of separate development consists in conceding the various black 'nations' the same right to self-determination which the white nation has claimed for itself. It is envisaged that the policy will eventually result in a series of sovereign separate states next to the present

white government, perhaps loosely linked in some sort of Commonwealth of Southern Africa. In principle they will all be on an equal footing of sovereign independence. The rights and liberties of their respective citizens need not clash: the white man having the vote for his parliament is formally the equal of the Xhosa having representation in his government, etc. Of course, the two governments will not be equally powerful. But, the argument continues, that is simply an accepted fact of international relations everywhere: there are big and powerful states next to small and underdeveloped countries - surely the United States cannot be blamed if San Salvador falls within its sphere of influence? The future states of Southern Africa will continue to be economically interdependent, and, indeed, to a large extent economically dependent on South Africa as the dominant partner, but, as the experience of Botswana and Lesotho has shown, this need not affect their political sovereignty. Thus, the argument concludes, Hoernle (and the Tomlinson Commission) have been proved wrong in saying that economic self-sufficiency is an essential precondition for an acceptable separation of the homelands *(42)* - after all, how many states in the modern world are economically self-sufficient, and are they therefore not sovereign or independent?

However persuasive if put in purely abstract terms, this argument must be rejected as providing a serious alternative to the realities of political domination in South Africa. Once they have been determined we may indeed be forced, short of actual intervention and war, to accept international boundaries, however lopsided and irrational they may be. However, we are here dealing not with an accomplished fact of history, but with a proposed policy for meeting the rightful demands of what are still citizens of one state. Similarly, the principle of national self-determination is nowadays almost universally recognised, but its application in a divided plural society is, to say the least, highly problematical *(43)*. It is absolutely crucial to the whole dispute about political alternatives whether, for example, the black man's political self-determination should be structured in terms of his tribal and ethnic affiliation, a wider African nationalism or the inclusive South African state. In a divided plural society the white nation's claim to self-determination may also be not an obvious right, but a rationalisation for sectional domination *(44)*. Taken together these two points begin to suggest that independent Bantustans, so far from providing an alternative to white domination, would really amount to a successful strategy of divide and rule. Again, the provision of the means to participation in government is indeed central to any attempt at democratisation, but the vote is not an abstract quantity of uniform significance in all conditions. The effectiveness of the individual's political participation or representation is directly linked with the effective powers of the authority concerned: the right to be represented in the

decision-making of a powerful government and administration is politically not equivalent to having formal representation in a relatively ineffectual and powerless authority, particularly if the latter falls within the sphere of influence of the former. In themselves, the granting of such political rights and powers, however small, is to be welcomed, but as an alternative to the major problem of white domination, they are of little significance.

In fact, on closer analysis it becomes clear that, in so far as its major emphasis is on homeland partition, the policy of separate development is a sophisticated strategy for continued white domination. First, the possession of an exclusive territorial basis allows a measure of ostensible political development to a representative authority which need have no correlation to its own internal socio-economic development, or its effective importance within the larger power-political context. With the political mechanism of partition new sovereign states, however small, may at any time be created. We can even accept that these various Bantustans, like a Luxembourg or a Liechtenstein, will indeed be sovereign or independent states in the ordinary sense of having supreme legal authority concerning their internal affairs. To insist that political sovereignty be instead defined in terms of actual supremacy of coercive power leads to the absurd consequence that only two or three Great Powers are truly sovereign *(45)*. The point is that such 'sovereign independence' is *not* equivalent to political freedom in the sense of effective participation in government, and, unlike the latter, cannot be considered as a basic value in itself. As a substitute for it, it may well be termed a disguised form of domination.

Second, the policy of allowing and stimulating the political development of the homelands, and only of the homelands, must be seen against the general background of the transitional stage in the social and political history of the African population in mid-century: on the one hand the heritage of the traditional social structures and authorities centred on the homelands, on the other hand an increasingly Westernised urban African population. There can be little doubt that urbanisation tends to weaken traditional tribal affiliation, and that the new intellectual elite and the emerging African bourgeoisie constitute important political rivals for the tribal authorities *(46)*. There can also be little doubt that a comprehensive African nationalism, led by the urban intellectual elite and based on the emergent African bourgeoisie and industrial proletariat, is potentially a far more powerful political force in opposition to white domination. In these circumstances the merits of independent Bantustans cannot be appreciated simply on their own account: the recommendations of the Tomlinson Commission (1955) for homeland development must be seen as an alternative to the Fagan Commission's (1948) conclusion that the full implications of a permanent urban African population should be accepted; just as the bolstering of the authority of the

diverse traditional and more conservative tribal chiefs appear as the natural concomitant to the suppression of the more militant nation-wide and urban-based organisations like the ANC. In terms of these alternatives the aim of the separate states-approach can clearly *not* be said to be that of the dismantling of the white oligarchy; rather it is an attempt to consolidate white domination as far as possible through a strategy of divide and rule.

Third, it can easily be shown that it is not the political development of the homelands as such which must be rejected as an instrument of continued white domination, but the significance given to it in terms of the present policy of separate development. As we have argued above, the aim of this policy may not unfairly be summarised as a utilisation of the territorial basis of the homelands for the creation of the independent Bantustans in so far as this does not threaten the basic power political structure of the whole South African society, i.e. effective white domination. Now this is, of course, not the only form of possible homeland development. It is well known that at present the homelands constitute a relatively small part of the country (13%) and that they are the most under-developed areas in agriculture, commerce and industry as well as being over-populated and largely unconsolidated. Conceivably homeland development might now come to mean either that the territorial basis of the emerging Bantustans stay more or less as they are at present, (i.e. completely insufficient) and that their socio-economic development proceed at the present slow pace *(47)*. Or it might mean that in response to the claims for more land by homeland leaders a considerable territorial consolidation and expansion is undertaken, as well as a deliberate acceleration of their socio-economic development far in advance of the present tempo. It is highly questionable to what extent this is a viable proposition in terms of white party politics, but in any case it is at present politically inconceivable that the territorial bases of the 'independent' Bantustans are so expanded as to include important urban and industrial complexes, thus altering the basic power political structure of the country as a whole (cf. 'radical partition '). But it would only be in these terms that such independence and partition could be said to offer a serious alternative to effective white domination or to approach Hoernle's notion of an acceptable separation of states. By way of contrast it becomes clear that the present separatistic allowance for 'independent' homelands in terms of the policy of separate development is carefully calculated to serve the preservation of white power-political domination *(48)*.

One last point remains to be made with regard to the present and future political development of the homelands. If we reject the significance given to 'independent' Bantustans in terms of the policy of separate development as an alternative to direct participation in the central government of South Africa, this does not imply that there is no merit in the granting of limited measures

of self-government to these territories. As such the creation of representative authorities for those who have been totally excluded from any participation in government must be welcomed. Quite apart from their place in the grand scheme of separate development, the representative authorities of the homelands provide a political base for the articulation of the interests, wants and claims of these population groups, and moreover one which is legitimised both constitutionally and in terms of official government policy and ideology. Given the situation that these interests and wants are in so many respects drastically opposed to those of the dominant white minority it follows naturally that such a political base will be utilised by the homeland leaders, whoever they are, not so much to further the official aims of separate development but rather as a means to press their own claims wherever possible. We have already commented on the way in which an imposed separatism may dialectically call forth a countervailing separatism with quite different and opposed ends in view. Even now it can already be observed how the political substructure of representative authorities created in terms of the policy of separate development is beginning to generate its own inherent dynamism which can no longer be controlled solely by the executive of the central (white) parliament. The fact of the matter is that, however belatedly and inadequately, the rudiments of a political framework for dialogue and consultation between the people of the homelands and the central government has been created. We shall have to return later to the positive prospects which may be inherent in this development, and evaluate it as a possible political alternative - at present we can only note that it is *not* in accordance with the principle of separation. Not the prospect of sovereign independence through partition, but the attainment of a legitimate basis for a mechanism of political bargaining with the central government and the dominant white group is the crux of the political development of the homelands. There is obviously considerable scope for a further devolution of government powers, but all measures will have to be assessed in terms of strengthening or weakening the bargaining positions of these regional authorities. On the whole, it would seem that the attainment of sovereign independence as such, though not without possible advantages in terms of foreign aid, might rather tend to weaken than to strengthen the claims of that homeland on the South African government. However, this is relative to what can be achieved by staying 'inside'. Hoernle pointed out the significance of the fact that the population of the former British Protectorates, given the choice, preferred not to be incorporated in the then Union *(49)*. When all else fails, the solace of a formal 'independence' even in the context of complete economic dependence may well be tempting, but, in Hoernle's words, this is an 'eloquent testimony ... on the system of white domination' *(50)* rather than an escape from it.

(iv) Separate Development and Domination and Discrimination in the Common Area

If our evaluation of the political alternative provided by separate development has been negative, it must in addition be pointed out that so far we have been considering it mainly in its most constructive aspect, viz. homeland development and 'independence'. It has already been pointed out that it does not affect the black groups of the common area at all, posits the continued domination of the white group in this common area, and is calculated to maintain the basic power-political structure unchanged. In these respects the application of separate development to the common area must be considered outright domination and discrimination. (We will return later to the question whether the government's policy of 'parallellism' for the Coloureds does not, at least in principle, open up other possibilities - at the very least it cannot be considered consistent with separate development, as the 'Coloured Homeland' debate has shown).

Nevertheless it is sometimes suggested, particularly by the more enlightened of its proponents, that the implementation of separate development will in the long run lead to the removal of discriminatory norms and practices in the common area as well. Dr Worrall, appealing to Hoernle's notion of 'separation', even sees as a basic principle of this approach that it is aimed at the elimination of discriminatory norms *(51)*. In the same way it is sometimes hinted that once 'grand apartheid' (i.e. homeland development) has succeeded, the time will be ripe to dispense with 'petty apartheid' (i.e. separate entrances, transport etc.). It is not made clear why or how such a development will take place. It is even less clear how such a development in the common area could ever be anything but a negation of apartheid itself, much less brought about by it.

We need not quibble over the eventuality of a South Africa without separate entrances or separate facilities. The crux of the matter is continued economic integration with a white monopoly of political control in the common area. In these conditions separate development must mean, at the very least, an extensive and increasing reliance on the system of migrant labour, and an insistence that all Africans, including the permanently settled urban Africans, should exercise their citizenship, if any, in their 'homelands'. It may perhaps be instructive to see how Hoernle described this position twelve years before the advent of 'apartheid' and some 25 years before 'separate development': (The) ideal is a white South Africa, so organised that the Native is effectively excluded from organic participation in it. True, the Native is needed ... to furnish the required labour. But, whilst thus labouring in the white reserves, he is to be regarded as nothing more than a tolerated

alien, a temporary sojourner whose 'home' is in his own Native Reserves, and who is, as such, a foreign visitor, not entitled either to social equality with his white employers, nor to wages affording him a 'civilised' standard of life, and least of all to any say in the political government of the white Reserves. Ideally, the Native should be a migratory labourer, coming out of his Reserves to work, for shorter or longer periods, in the white reserves, but having no more status or rights there than any other temporary visitor from foreign parts' *(52)*. With some slight changes in terminology this may well be substituted for any number of official policy statements of recent years, yet Hoernle is here describing the ideal of the 'single-minded segregationist', whose sole concern is domination *(53)*. Elsewhere, in the very same context in which he is considering separation as a possible way out of domination, Hoernle scathingly condemns the migrant labour system as the death knell for any conception of separate areas of liberty: 'But, even these thinkers (i.e. the proponents of Total Separation) cannot get away from the dependence of the white community on Native workers; and they still, therefore, postulate that sufficient Native men to satisfy all labour requirements of the white areas will be coming out for wage-service. They would be, as it were, visiting aliens in the white areas; temporary or migratory workers. The objections ... are obvious: To assume that Native workers will continue to come out in the large numbers required, is to concede implicitly that even the enlarged Reserves will be insufficient to make possible an economically self-contained life for their Native inhabitants. Hence, secondly, the fatal divorce between the place of residence and the place of work will continue to undermine Native family life and the cohesion of the tribes, and destroy the dream of Native communities as healthy 'areas of liberty'. And, in the third place the temporary workers will, both as aliens and as Natives, be treated in the white areas as subject to discriminatory legislation and measures of control, thus continuing the essential features of a caste-society' *(54)*.

In conclusion we are justified in saying that in terms of separate development the position of the many millions of Africans in the common area is at best a travesty of our primary ethical principle of participation in government. As we have already pointed out, effective participation in government is a mutual function of two components: the active commitment of the individuals concerned and the effective powers of the authority. From the point of view of individual political participation it is completely inconceivable how representation in a regional authority, where he does not reside, can be significant to an individual, particularly if there is no possibility for participation in the political decision-making which does bear directly on his working and living conditions. And secondly, the political powers of that authority, in which he is to be represented, are severely limited even within the homeland, and with no say at all in the common area where the 'citizen'

actually resides.

Finally, it is of course possible that separate development for the home-lands may be combined with a different, or even a contrary policy for the common areas, as in the recent proposals of Prof. S.P. Cilliers. Obviously the present objections would then not apply, but neither could it be said to be separate development which is at issue either. We must turn next to the viability of such other strategies for democratisation in a plural society.

FOOTNOTES

1. See, e.g. the summary of the literature in M. Gordon, *op. cit.*, p. 236f.
2. See Chapter 7, section (i).
3. J. Furnivall: *Colonial Policy and Practice*, p. 307.
4. M.G. Smith: *The Plural Society in the British West Indies*, pp. 62, 86, 90. See also L. Kuper: 'Plural Societies: Perspectives and Problems', *Pluralism in Africa*, pp. 12, 14.
5. Pierre L. Van den Berghe: *Race and Racism*, pp. 138-139.
6. See above, Chapter 3.
7. See also E.E. Harris: 'Heartbreak House: The Prospect for South African Liberalism', *Race Relations*, 1955 (22), pp. 33-45.
8. R.F.A. Hoernle: *South African Native Policy and the Liberal Spirit* (Cape Town, 1939). Unless otherwise stated all references to Hoernle are to this book. His various papers will be cited by year, as printed in the collection *Race and Reason* (Johannesburg, 1945).
9. See, e.g. Dr Denis Worrall: 'Dismantling the Oligarchy', working paper for the Political Commission.
10. J. Rex: 'The Plural Society: The South African Case: *Race*, 1970 pp. 404f, 409.
11. Heribert Adam: *Modernizing Racial Domination* (Berkeley, 1971), Chapter 2 and passim.
12. Hoernle, *op. cit.*, pp. 42-51.
13. Worrall, *op. cit.*, p. 1.
14. *Ibid.*
15. Hoernle, *op. cit.*, p. 43. p. 57ff; cf. Hoernle (1941), *Race and Reason*, pp. 152-3. It is, of course, still present in the United Party's programme of 'White Leadership with Justice'.
16. Worrall, *op. cit.*, pp. 22ff, 26f.
17. *Ibid.*, (Pol. 21) pp. 26f, 34, 36; Pol. 33, pp. 3-4; also N.J. Rhoodie, working paper for the Spro-cas Social Commission, Soc. 30, pp. 4-5 etc.
18. *Ibid.*, Pol. 21, p. 34; Pol. 33, pp. 3, 9; See also E. Webster: 'Dr Philip, Prof. Hoernle and Participation:, *New Nation*, November 1970, pp. 5-6.
19. Hoernle *op. cit.*, p. 173, cf. pp. 168, 169, 181, 183.
20. *Ibid.*, p. 159, cf. p. 183; cf. also Hoernle (1937), *Race and Reason*, p. 114.
21. Dr Denis Worrall: 'Prospects and Problems' in *South Africa: Government and Politics* (Van Schaik, Pretoria), p. 351.
22. See, e.g., Dr W.W.M. Eiselen: 'The Meaning of Apartheid', *Race Relations*, 1948 (Vol. XV), pp. 76ff.
23. Denis Worrall, 'Echoes of Hoernle', *New Nation*, June, 1968, p. 1.
24. Earlier Hoernle had already attempted to clarify the ambivalent concept of 'segregation' by distinguishing 'single-minded' from 'double-minded segregationists'. See Hoernle (1936), *Race and Reason*, pp. 97ff.

25. Hoernle, *op. cit.,* p. 168. ((Italics in the original).
26. M.G. Smith: 'Some Developments in the Analytic Framework of Pluralism', *Pluralism in Africa,* pp. 430ff.
27. Hoernle, *op. cit.,* p. 169, cf. Hoernle (1941), *Race and Reason,* p. 160.
28. The notion of 'petty apartheid' is an ambiguous one and potentially very misleading. It is commonly taken to apply primarily to such 'dispensable' measures as separate entrances, lifts etc.; it is less clear whether it also encompasses major phenomena such as, e.g. the migrant labour system, the colour bar, influx control etc., as the contrast to homeland development would seem to imply. We will return to this issue later.
29. Hoernle, *op. cit.*
30. *Ibid.,* p. 169.
31. *Ibid.,* p. 169.
32. *Ibid.,* p. 170; cf. Hoernle (1936) *Race and Reason,* p. 102.
33. *Ibid.,* p. 172; cf. Hoernle (1936 and 1941), *Race and Reason,* pp. 102, 161ff.
34. Hoernle, *op. cit.,* pp. 173-176; Hoernle (1941), *Race and Reason,* 162ff.
35. Hoernle (1934), *Race and Reason,* p. 56.
36. *Ibid., op. cit.,* p. 77; Hoernle (1936), pp. 102-103.
37. *Ibid., op. cit.,* 178; Hoernle (1937), p. 117.
38. *Ibid., op. cit.,* pp. 177, 181, 183; Hoernle (1937), p. 117.
39. Leo Marquard: *A Federation of Southern Africa* (Oxford U.P.), 1971.
40. See, e.g. John Mander: 'South Africa: Revolution or Partition?', *Encounter,* October, 1963; and J.L. Torres: 'Nat. radicals consider large-scale partition', *Sunday Times,* 4/8/1963.
41. Gwendolyn M. Carter: *Separate Development: The Challenge of the Transkei* (SAIRR, 1966).
42. Cf., e.g. E. Webster, *op. cit.,* p. 6: 'The recognition of the sovereign independence of the ex-Protectorates ... certainly allays one of Hoernle's most fundamental doubts that the Reserves must be viable economic units'.
43. Cf. Rupert Emerson, *From Empire to Nation* (Boston, 1960), Chapter XVI, XVII.
44. *Ibid.,* p. 336.
45. Cf. D.D. Raphael, *Problems of Political Philosophy* (London, 1970), Chapter III.
46. Cf. e.g. Leo Kuper, *An African Bourgeoisie* (New Haven, 1965), Chapter 8 etc.
47. There is a voluminous literature on the present state, progress and prospects of homeland development. Cf. e.g. Robin Siedle: 'Economics of Separate Development', and F. Van Zyl Slabbert: 'Modernisation and Apartheid', in *Anatomy of Apartheid,* (Spro-cas), 1970; and *Power, Privilege and Poverty,* report of the Spro-cas Economics Commission, pp. 75 et seq., p. 99.
48. We must thus fully endorse the conclusion of Dr Denis Worrall that 'official policy at present offers slight promise of leading to Hoernle's 'separate areas of liberty' (Pol. 21, p. 27). Dr Worrall nevertheless believes that 'there are good reasons for taking the central *principle* of that policy very seriously'. *(Ibid.).* Obviously this will depend on what the 'central principle' of the policy is supposed to be. If it is claimed that it is the laudable aim of dismantling the white oligarchy, then we must reply that, on the contrary, as the foregoing analysis has shown, it is essentially aimed at preserving as much as possible of the white domination of Southern Africa. Dr Worrall may perhaps be quite right in claiming that there will not be 'sufficient white support' for any course of change *not* based on this principle', i.e. of continued (even if to a certain extent indirect) white domination; and he may even be correct that 'the dynamism of existing and potential forces of change within the Southern African situation is likely to work in favour of (it)' *(Ibid.).* But it must be categorically refuted that *this* principle or policy 'is compatible with liberal-democratic values' *(Ibid).*
49. Hoernle, *op. cit.,* p. 182.

50.　*Ibid.*
51.　Dr Denis Worrall, Pol. 33, p. 4.
52.　Hoernle (1936), *Race and Reason,* p. 99.
53.　Hoernle continues to describe the way in which this serves the ends of domination: 'First he wants territorial segregation, in order to have easily accessible reservoirs of Native labour, where at the same time the Native labourer can have his home and keep his family, so that he need not be paid for his labour in the white areas a wage sufficient to maintain his family, while, on the other hand, the fact that the Native has his own society in the Native reserves makes it easier to treat him in the white areas as a stranger and outsider, etc.'.
54.　Hoernle, *op. cit.,* p. 177. Cf. Hoernle (1936), *Race and Reason* pp. 102-103.

Chapter Nine
DEMOCRATIC STABILITY
AND CONSENSUS
IN A DIVIDED PLURAL SOCIETY:
A CRITIQUE OF
LIBERAL-CONSTITUTIONALISM

IF SEPARATE development does not offer a way out of the basic dilemma of domination in a divided plural society, what other alternatives, if any, are available? How are we to effect the transition from the harsh reality of a divided plural society to the ideal of an open pluralistic society if we cannot avail ourselves of the drastic measure of total separation, thus 'mending the multi-racial society by ending it' (1)? One important suggestion is that we should not look to the political mechanism of partition or the creation of additional representative systems as an indirect means to democratisation, but that we should gradually extend the franchise for direct representation in a central parliament, thus broadening the basis of the present political system. This was the basic pattern of democratic development in England and other Western democracies and surely it is also the obvious course in the South African case? It will at once be clear that we are here concerned with a distinct political tradition, which we may term liberal-constitutionalism. In various degrees it is or has been represented by the Liberal Party, the Progressive Party, and the 'liberal' wing of the United Party. Certainly it is fundamentally opposed to many of the basic assumptions and goals of the policy of separate development and the apartheid society generally. On any account it constitutes a serious alternative to these, and deserves our close and critical scrutiny.

At least two preliminary points should be made concerning the political tradition of liberal-constitutionalism in the present context. First, the classical liberal tradition has tended to be very much based on an individualistic or atomistic model of politics and society. Its central idea of freedom is conceived as the absence of coercion or restraints on the individual, i.e. the notion of 'negative individual liberty' rather than that of 'positive social freedom' (2). Similarly its opposition to domination and discrimination is conceived in terms of the protection of individual liberties. It follows that historically there is in the liberal way of thinking a basic aversion to pluralism, a deeply ingrained suspicion of the group as a political category, except in so far as the group would constitute a rational means of furthering individual interests and protecting individual rights (3). The group basis of politics (4), to this way of thinking, e.g. in ethnic or nationalistic movements, is not so much

a pervasive fact of political life to be lived with, as a temporary obstacle, an irrational prejudice whose elimination is a necessary prerequisite for any rational and sane political proposal.

Now this marked individualist bias of the liberal tradition is of course intimately linked with the social and economic structure, as well as the religious and secular beliefs and mores of the countries and times of its origin. The England of Locke and even of J.S. Mill was, at least in certain important respects, less heterogeneous than many present-day societies, and it is doubtful, to say the least, whether the classical liberal tenets can be applied in a divided plural society. Perhaps more than anyone else Hoernle accepted the challenge of 'rethinking liberalism in its application to a multi-racial society', *(5)* a programme which led him to recast the basic liberal notion of freedom itself, and in particular to extend it to groups as well as individuals *(6)*. Even more significant is the complete absence in Hoernle of the reliance on constitutional proposals which has come to be so characteristic of South African liberalism.

This brings us to our second preliminary point. In large part because of its elimination of all mediating group categories the liberal tradition tends to view politics in terms of a basic opposition between the individual and the state *(7)*. The state is at once a necessary safeguard for individual liberty as well as a threat to it. Individuals cannot be at complete liberty in society without encroaching on each other's freedom, so that they are forced to forego some freedom and accept the embracing constraint of law and authority in order to safeguard their own liberty against further arbitrary encroachments. Even so, good government is essentially of a self-limiting character and bound to a minimum area of personal freedom which may on no account be violated. The problem of political domination is thus essentially seen in terms of protecting the individual's rights and liberties from the powers of the state, and in particular from the harmful effects of arbitrary government. Obviously, it is thought, the way to ensure this is through the Rule of Law and through various constitutional devices such as the division of powers, entrenched bills of rights, etc., allied to a system of parliamentary government by consent through representatives elected on a wide, though possibly qualified, franchise.

The formal structure of the liberal-constitutional state may in practice, as in the American case, be allied with a pervasive social and political pluralism. Though not formally recognised, the social and political significance of groups can be accommodated in various ways within the political system. Indeed, their constitutionally entrenched rights as individuals may be an important lever for a deprived and subordinated group to take its rightful place in society. Political pluralism, despite its departure from the methodological individualism of the classical liberal tradition, may thus even

be construed, as Robert Paul Wolff has argued, as in a sense being derived from and heir to that tradition itself *(8)*. However, the basic structure of the American society as an open pluralistic society is obviously of crucial importance in facilitating these developments. Confronted with a divided plural society, and with the seemingly inevitable dilemma of group domination which it entails, it is not so obvious that safeguarding the individual's freedom by various constitutional restraints on the powers of government is an adequate response. Either the deep cleavages and the lack of cross-cutting affiliations between groups are going to prove formidable obstacles to the application of the liberal-constitutional programme, or if this programme is meant as a strategy for the transition to an open pluralist society, then the relevance of the various constitutional proposals is questionable.

At this stage it is perhaps necessary to state emphatically that we are not in any way concerned to cast doubt on liberal and democratic ideals as such. We have accepted as our primary political concepts the basic notions of freedom, equality and justice, of the Rule of Law and effective participation in government. What is at issue now is whether in the given circumstances of South Africa a particular political strategy is capable of realising these ends. The point is that in the liberal tradition the pursuance of these aims had come to be so intimately linked with a particular set of political and especially constitutional procedures as to be almost inseparable *(9)*. Nevertheless, it is precisely because we are so concerned with attaining the liberal and democratic goals that we must give the closest critical scrutiny to the viability of the proposed strategy in our particular circumstances. Neither are we questioning the need for electoral and constitutional reform. We are questioning the adequacy of such measures on their own to resolve social and political conflict in South Africa.

The political programme of liberal-constitutionalism in a South African context may perhaps best be evaluated with specific reference to detailed proposals such as the Molteno Report, *(10)*, or to writers like Prof. Kenneth A Heard and Prof. D.V. Cowen *(11)*. It will at once be evident that the emphasis is placed fairly and squarely on curbing arbitrary government power through electoral and constitutional reforms. The terms of reference for the Molteno Commission, for example, centred on the need for a reformed constitution 'capable of providing a political framework for inter-racial co-operation' *(12)*, and this constitutional emphasis is underlined even further by the Commission's subsequent selection of especially the items of franchise proposals and constitutional safeguards for its primary (and with the federal proposals sole) attention. The fundamental aim throughout is the protection of liberties, whether as individual or minority rights, from possible state interference. No doubt these are laudable aims in themselves, but the critical

question now is whether the proposals for entrenched Bills of Rights, civilisation tests for a qualified franchise, electoral reforms of the Senate, etc. etc., are the most effective means towards political reform in the South African situation. Will they really help in furthering the transition from a divided plural society, characterised by domination and discrimination, to a free and open pluralistic society? In answering these questions it is of central importance to observe the difference between liberal-constitutionalism as a normative requirement and as a practical proposal in a given situation. These are distinct issues, and a confusion of them leads to a peculiar type of fallacious political thinking. The point is that liberal-constitutional proposals such as those of the Molteno Commission can be taken in two ways. First, they can be taken as defining political legitimacy, a proper government or a free society: *if* a suitable constitutional framework is provided for representative government in a multi-racial society with appropriate entrenched safeguards for civil liberties, and *if* all concerned basically subscribe to, and also continue in practice to respect its fundamental rules as a working political system, *then* this would constitute successful democratic and constitutional government in South Africa. This is quite true - but only as an empty tautology. What would not be a tautology, would be to take such liberal-constitutional and democratic proposals in the second sense, namely, whether in the given historical, social and political situation of South Africa these measures by themselves provide the most effective means of facilitating the transition to the desired end of a free and open society and a proper government by consent. This is to tackle the very real political problems facing the apartheid society in South Africa, and to advance the liberal-constitutional programme as the practical political solution to it. Unfortunately there is a pervasive tendency among its proponents, however, to shirk the practical dangers and obstacles facing such a programme by calling at crucial moments on the first tautologous sense to prove that it is the proper solution. But this amounts to the fallacy of proposing a solution by begging the question. These general strictures will become clear when we proceed to deal, in turn, with the issues of (i) democratic stability, (ii) democratic consensus in a divided plural society, (iii) the question of a qualified franchise, and (iv) constitutional restraint on government and social reform.

(i)   The conditions for democratic stability and the prospects for (liberal) electoral reform

In advancing the liberal-constitutional programme as an alternative to the sectional domination inherent in the politics of apartheid, the Molteno Commission professed to address itself squarely to the practical problems

facing such a constitutional liberal democracy in a multi-racial society. Its very starting point is that the present Constitution is entirely unsuited for 'a plural society consisting of several racial communities', though it may work well enough in more 'homogeneous societies' *(13)*. And its main aim is accordingly 'to propose means of protecting the various racial groups in our country from domination and to ensure this for all time' *(14)*. These means turn out to be various measures of constitutional and electoral reform, such as an extended qualified franchise, a reformed Senate, etc., etc.

There is a basic ambiguity in this line of thought, and this can best be seen in the curious two-way relation said to obtain between the structure of a heterogeneous or multi-racial society and the proposed liberal-constitutional political system. On the one hand the social structure of a heterogeneous or multi-racial society is seen as an obstacle for the successful implementation of a liberal democracy; and, on the other hand, the liberal-constitutional programme is seen as the solution to the political problems besetting such a diverse society. This need not necessarily amount to a contradiction. We might, for example simply maintain that a modified liberal-constitutional programme is both capable of implementation under such conditions as well as providing the answer to sectional domination. Thus the Molteno Commission, for instance, indicates in its opening statement of the problem that it is not so much the liberal-constitutional programme itself, but rather the 'flexible' and 'highly centralised' nature of the present Constitution which makes it unsuitable for South African conditions *(15)*. It then follows, or rather it is assumed to follow, that a rigid constitution and a federal framework are more feasible proposals, and their merits for containing conflict and preventing domination in a diverse society can be explored accordingly. But this assumption clearly falls short of resolving the main problem, which concerns the nature of the basic obstacles facing the institution of a working democracy in a diverse and unequal society. Constitutional reforms might salvage a deficient constitution but it can hardly affect the social conditions necessary for a working democracy. Because of its emphasis on constitutional measures the liberal democratic tradition tends to either ignore or to beg the prior questions - academic in the traditional western democracies but vital in a divided plural society - concerning the social preconditions for a stable democracy.

What precisely is this problem of democratic stability? It is not enough to refer vaguely to the obstacles facing a viable democracy in a multi-racial society. As we argued in Chapter 7 Section (i) above, there is not any special significance attaching to the factor of 'race' as such. Nor is it really sufficient to maintain, as a popular but rather vague theory would have it, that democracy is not viable in a 'heterogeneous' society *(16)*. Democracies are very much possible in pluralistic societies, whether multi-racial or not, provided that

there are a multiplicity of non-inclusive secondary groups *(17)*. The crucial determinant of democratic stability, many social scientists have come to agree, is the measure of cross-cutting affiliations as opposed to mutually reinforcing or superimposed cleavages *(18)*. In short, it is a precondition of democratic stability that the basic structure of a society should be an open pluralistic one and not a divided plural one. Kenneth Heard in effect recognises this *(19)*, and explicitly states that political stability is a necessary prerequisite for the institution of democracy: 'Stability may not make democracy inevitable; it does make it possible, and with democracy, the whole range of values which it seeks to realise' *(20)*. Implicitly this seems to be the guiding assumption of the Molteno Commission as well when it seeks to enfranchise only the stable elements in society *(21)*. The question, however, is whether the ensuing franchise proposals deal with this very real problem of political stability in a divided plural society in any other way than by definition. The enfranchised on the proposed 'civilisation test' are merely defined as the 'stable elements' having a 'stake in society' or the 'necessary identification with the national regime' *(22)*. Now, the merits of a qualified franchise on a common roll no doubt deserve serious consideration as a proposal for constitutional reform, but they do not even begin to deal with the presence or lack of multiple memberships and cross-cutting affiliations between a multiplicity of non-inclusive secondary groups. So far from providing a solution to the problem of democratic stability in a divided plural society, they are begging the very real questions of the social preconditions for their own successful implementation. The same criticism applies to Kenneth Heard's proposal of the political ideal of constitutional liberal democracy as the answer to the problems of stability in a plural society: 'The constitutional arrangements for a plural society must, then ... be directed to relieving tensions and fears, and to providing practice in the arts of co-operation. They should, too, provide some means of political self-expression and therefore of a sense of identification open to all the appropriate groups in the society' *(23)*. It is not made at all clear what these unusual constitutional arrangements, furthering both a common value system and separate group identities, would be like, or how they are to be made to work otherwise than by simply verbally defining them as such, thus mistaking the ideal requirements of a successful democratic solution for the probable consequences of its actual attempted implementation.

An even more disquieting aspect of the liberal-constitutional approach to the problem of democratic stability in a divided plural society is indicated by Kenneth Heard, when he observes that stability may not merely be the precondition for democracy, but also for enduring racial oppression: 'The characteristic antagonisms of a plural society, exacerbated by the political domination of one group, are a luxury which can be afforded only by those

states which are sure of their stability or at least of their ability to crush any potential rebellion' *(24)*. He is referring here to the fact that the basic conflicts in a divided plural society need not preclude its stability which may be maintained, for example, through the regulation by force of that society by one of its sub-sections. Chapter 8 discussed at length the possibility that separate development might provide a way out of this dilemma of domination in a divided plural society by facilitating the transition to an open pluralistic society - and found that it did not. But what is the liberal-constitutional answer at this point? Unfortunately Kenneth Heard's way of dealing with the problem is typical: he simply asserts that such sectional domination cannot give 'real stability' - bigger and better military and police forces should be regarded as evidence of instability rather than stability. In a sense this is quite true. But it can hardly be regarded as an adequate way of dealing with the realities of domination and structural violence, which in a divided plural society are the alternatives to government by consent, through the painless expedient of changing political stability from a factual into a normative concept - 'only constitutional democracy can really be stable!' - and thus defining the problem out of existence while leaving the realities untouched.

(ii)   Constitutional reform and the problems of cohesion and consensus

We may focus this whole issue more specifically on the question of the nature and effect of constitutional proposals and their relation to the effective consensus characteristic of a successful democracy. A democratic polity is one in which there is a public contest or competition for the control of the government, but within definite rules and limits, i.e. it requires a basic consensus on political methods and values. Such a political consensus is not unrelated to the common values or shared institutions which is one of the ways in which a large and heterogeneous society may be held together. In a divided plural society, however, this consensus is to some extent absent, and the society must then be held together, if at all, by some other means, e.g. by outright force, domination or regulation, *(25)* and the outlook for a stable democracy would seem to be rather precarious. From this perspective the problem of democratic stability may accordingly also be approached in terms of measures furthering the social cohesion deriving from consensus on values, institutions and procedures. In a technical sense this is the basic problem of the political 'integration' of a society *(26)*, (which is not to be confused with its common usage in terms of race relations). To what extent can constitutional reforms supply the lacking consensus and further the necessary social cohesion and political integration?

On the face of it, it may not seem very promising or realistic to suggest that

a different set of formal constitutional provisions might supply the lacking consensus and political integration of a divided plural society. Yet the fact is that liberal democrats in South Africa have tended to maintain precisely this: the proper response to the lack of effective consensus in a plural society is to provide a proper constitutional framework and entrenched guarantees. The answer to the 'civil war potential' is to be a National Convention; the required consensus will be supplied by a reformed Constitution. Thus the Molteno Commission works on the basic assumption that constitutional reform, and in particular an entrenched Bill of Rights, is *alone capable* of providing a political framework for inter-racial co-operation' *(27)*. How are we to explain the persuasive hold of these patently unrealistic expectations of the effects of constitutional reform? In part it is due to a fallacious confusion between the two different senses in which a Constitution may be taken, viz., (i) as a factual procedure, and (ii) as a normative criterion. Thus, as Heard says, following Lindsay, a constitution may be taken in the first sense (i) as 'an agreed way of settling differences and getting relevant decisions made' *(28)*. This is the factual sense, and when it is observed a constitution may in fact 'provide a system of effective restraints upon governmental action' *(29)*. In this sense it may always turn out in any given situation that the agreed decision-making procedures are not observed in practice, or that their attempted implementation is not successful. On the other hand, a constitution may also be taken in the second sense, (ii), as the norm determining legitimate authority in a liberal democracy. It is in this sense that Heard says that 'the first essential of the democratic state is that government should abide by the methods embodied in the constitution ... the legitimacy of authority is determined by the method whereby it is instituted and the methods which it uses when in existence' *(30)*. This must necessarily be true, and in this sense a constitution is unassailable, but only as an analytic truth which is empirically uninformative about the probable fate of a particular constitution in any given situation. It is obviously fallacious to confuse these two senses, and to suppose that a constitutional proposal will work as a practical measure because an unconstitutional act is by definition illegitimate. Yet such confusion seems to be contained in liberal constitutional proposals aimed at supplying the lacking consensus in a plural society.

The Molteno Commission says of its proposed reformed Senate that 'we cannot conceive what more effective safeguard could be required than this *by anyone not intent on pressing sectional claims to the point of bringing the legislative machine to a standstill' (31)*. This is not an unthinkable event which may be dismissed as logically self-contradictory; on the contrary, it is the heart of the problem which we are dealing with. If constitutional proposals are meant as practical measures in a divided plural society, then they must realistically apply themselves to the possibilities that because of a lack of consensus the proposed constitution may prove to be ineffective, be

suspended, set aside by coup d' etats. Otherwise such constitutional proposals may well be said to deal with the problem only to the extent that they beg the very question at issue. In the South African situation it may seem a very elegant solution for the Molteno Commission simply to preclude all discriminatory legislative proposals by the entrenched Bill of Rights *(32)*, but of what practical value is this if, as the Molteno Commission admits of its own franchise proposals, there is not 'any possibility of general acceptance, either by white or non-whites, so long as the prevailing temper of each persists' *(33)*.

And this is precisely the problem with which we are faced. A constitutional settlement whose viability depends on the prior disappearance of white and black nationalisms is not a practical answer to the problem of the lack of effective political consensus in a plural society. It is little more than wishful thinking. At the same time it is becoming clear that we are in need of a more fundamental analysis of the conditions of and the procedures for managing social and political conflict. In particular we must investigate the interaction between, on the one hand, the constitutional framework and, on the other, the structure of political conflict in a society, and we will turn to this in the next chapter *(34)*.

(iii) Different modes of incorporation in a plural society and the prospects for democratisation through extension of a qualified franchise

The classic liberal-constitutional mechanism for broadening participation in a system of representative government is extension of the franchise. This is an obvious and logical consequence of the basic assumption that the electoral process constitutes the institutional centre for participation in government - an assumption which itself is not uncontroversial, and which we still have to query in important respects. On this assumption, however, a universal franchise will clearly approximate most closely to the ideal of effective participation in government.

In practice, however, there is according to many proponents of this approach in South Africa grave danger of political instability inherent in the immediate extension of a full franchise in an inequalitarian, plural, multi-racial society. The gradual extension of suitably *qualified franchise* could, it is argued, both facilitate an evolutionary transition towards this democratic ideal and also accommodate threats to democratic stability.

Accordingly it seems only natural that such proponents of the liberal-constitutional approach to political change should greatly concern themselves with the precise qualifications of the franchise which will ensure a

'responsible' electorate. Thus, for example, one of the main tasks of the Molteno Commission was 'to define what qualifications should entitle a South African to be considered 'responsible' and hence worthy to vote on the common roll' *(35)*. Though the Commission did not consider that such a qualified franchise in itself would be a sufficient safeguard for the protection of racial minorities, it did assume that in combination with an entrenched Bill of Rights it would have this effect *(36)*. In short, the main argument is that a properly qualified franchise allied to constitutional guarantees is the way to realise 'an effective broadening (of) the basis of consensus on which the state rests' *(37)*.

We do not propose to enter into the debate concerning the various sets of specific franchise qualifications which have been proposed in the South African context. There are serious differences of opinion on this score between liberal-constitutional thinkers themselves, as witness the series of Minority Reports to the Molteno Commission's Report. It is more important to gain clarity on (i) the social and political nature of liberal-constitutional franchise proposals as a specific alternative to other possible approaches; and (ii) to evaluate the factual conditions governing the historical process of a successful extension of the franchise.

The specific nature of liberal-constitutional qualifications of the franchise is perhaps not easily appreciated for what it is. We tend so much to take its basic assumptions for granted that it is difficult even to conceive of it simply as one of the alternatives. What would these alternatives be in the present context? The answers will become clearer if we attempt to see the electoral process within the polity and society in the broadest sense. What are the social bases and functions of a full franchise in a working liberal democracy? What are its main structural differences from those of an inequalitarian and divided plural society? In what way do liberal-constitutional franchise proposals attempt to deal with the transition from a divided plural society to an open pluralist society?

on the basic modes of social and political incorporation, i.e. the different categories in terms of which the individual's participation in the civic life may be structured. It might be thought that this is a spurious distinction since surely each individual is a member of society in the same way as every one else. In fact this familiar mode of social incorporation, characteristic of many western democracies where the individual participates in the civic life qua individual, may be contrasted to other modes whereby he is incorporated via his membership of some intermediate group or corporation. M.G. Smith has termed the former the mode of *uniform or universalistic incorporation:* 'this mode incorporates citizens directly into the public domain on formally identical conditions of civic and political status' *(38)*. He contrasts this with the modes of *differential and consociational incorporation,* both of which

require individual membership in some intermediate group or corporation as the basis of societal organisation and unity. They differ from each other in that in the case of consociational incorporation there is a measure of parity or equality between the mutually exclusive corporate divisions, whereas in the case of differential incorporation their relation is one of inequality and domination typically resulting in the institution of 'first' and 'second class citizens' *(39)*.

It will be clear that the liberal-constitutional approach is closely allied to the mode of uniform incorporation, and opposed to differential and consociational incorporation. This explains why ethnic or racial properties are unthinkable as criteria for a qualified franchise, and why political institutions of a communal kind have to be rejected in favour of the common roll. At the same time it is clear that the criteria for the franchise or formal political participation cannot be divorced from the basic mode of social incorporation in the society. The social basis of the qualified or full franchise on a common roll are those processes furthering the mode of uniform incorporation, which Leo Kuper has termed *individuating processes*. Kuper explains that in a divided plural society these are the processes by which individuals are released from their original collective affiliation or racial matrix in certain of their roles and enter into new relationships across racial and ethnic lines. Such processes include mutual acculturation, common participation in religious, economic and other institutions, the forming of inter-racial associations and organisations with shared interests, etc. and they contribute towards blurring and diversifying the sharp distinctiveness between groups. 'These are the processes', Kuper concludes, 'that liberals value in the belief that men may transcend the material and group conditions of their lives', and in the hope that they may yet provide the basis for change from the sectional domination characteristic of divided plural societies *(40)*.

In themselves such individuating processes might contribute towards furthering the transition from a divided plural society (i.e. one of differential incorporation) towards a more open pluralistic society. But they do not yet affect the formal political system as such and have to find some kind of constitutional recognition and expression. This is precisely what the mechanism of the qualified franchise is supposed to do in an evolutionary way. The point has been well made by Kuper: 'It is not enough that the original racial cleavages should be overlaid with numerous inter-racial relationships and functional differentiations. Though the new relationships effect continuous change in the structure of the society in many different spheres, these changes must still be transposed to the collective or public domain ... Where ethnic differentiation is purely de facto, it is presumably directly transformed by a de facto coming together. But in white settler societies there is a de jure incorporation of racial and ethnic differentiation in the constitution of the

state, and in its elaborate, centralised, political administrative structures. If the individuating processes are to contribute effectively to the transformation of divisive pluralism, then they must act directly on the central political system' *(41)*.

Kuper observes, however, that it is precisely at this level that the obstacles are most formidable, since the central political system is crucial to settler domination. Rather than serving as a transitional mechanism, the franchise tends to become a battleground where the dominant group seeks to exclude other groups from its exercise.

We should turn now to our second problem, namely, that of evaluating the factual conditions governing the historical process of a successful extension of the franchise, particularly in a plural society. There is reason to suspect the assumptions commonly made in the liberal-constitutional approach concerning the nature of the historical process of extending the franchise, and in particular concerning the prospects for a qualified franchise.

In western liberal democracies the initially limited franchise was successively extended to the present adult suffrage, while in the South African polity this process was essentially reversed, and the initially limited multi-racial franchise on a common roll was successively revoked till it is now exclusively limited to the white electorate *(42)*. Why did this happen? One explanation which has been advanced is that the full equalisation of suffrage as an almost irresistible movement once any degree of citizen participation is allowed is occasioned by the competition for power among political parties, each seeking the broadest possible electoral base *(43)*. It is easy to see how this can account for the South African 'reverse procedure' as well: in an over-whelmingly white polity the competition for power between white political parties each seeking the broadest possible electoral base must, within a plural society, almost inexorably lead to the exclusion of the tiny minority of blacks who qualify on the common roll. So long as the political parties and the polity itself remains predominantly white, proposals for extending the vote to qualified blacks is bound to be ineffectual since at odds with the basic com-petition for power. And once the franchise is extended sufficiently to shift the locus for the competition for power between the political parties to the multi-racial polity as a whole the restrictions of a 'civilisation test' is not going to stem the demand for full equalisation of suffrage. It would seem that in a plural society the whole importance of the issue of qualified franchise, as a means to reconcile the demands for greater participation in government with that for political stability, is radically misconceived. The franchise is inevitably bound up with the struggle for power between political parties. It is vain to hope that the franchise can somehow be extricated from this power struggle and, by means of suitable qualifications, ever ensure the non-racial and 'responsible' conduct of politics. Very similar conclusions are reached by

Leo Kuper in his most sympathetic evaluation of the possibilities for peaceful democratisation along these lines. He is forced to conclude that, given the white sectional domination and the numerical predominance of the Africans, the system of parliamentary representative government seems highly resistant to democratisation and calculated to inflame ethnic and racial antagonism. Unlike the economic system where change can be continuous and gradual, a change in the white monopoly of parliamentary representation would appear to have revolutionary implications. 'Political change in the principle of racial exclusion', Kuper thus argues, 'even if it should take the seemingly evolutionary form of progressive admission to the franchise, would constitute revolutionary change, more particularly since many white settlers would immediately project the qualified franchise, and the demographic ratio of the races, into a plural society under African domination, and no doubt many African political leaders would do the same. The parliamentary system in racially divided societies is calculated to intensify the politics of race' *(44)*. At the same time the question remains whether these arguments against extension of the franchise as a political mechanism for peaceful democratisation in a divided plural society would not apply in the same way to *all* proposals for the devolution of power. We shall return to this basic question in the following chapters.

(iv) Constitutional restraints on government and the need for social reform

A complementary set of difficulties emerges when we consider the political ideal of constitutional liberal democracy within the context of reforming a radically unequal society like that of South Africa. There can be no doubt that, in terms of our primary ethical concepts of equality and justice as inter- preted in terms of the Christian principles of love and brotherhood, a major redistribution of income and wealth must be one of the main political desiderata. One means of achieving this would be to employ the legislative and executive machinery of the state to that end. However, this expedient is not merely passed by on the tenets of liberal democracy; all the various con- stitutional restraints in effect conspire to prevent its application *(45)*. The fact is that on this political ideal it is not equality, but liberty which is the ultimate political concern. Moreover, liberty is conceived in terms of the notion of 'negative' freedom *from* restraint by others; and this is perfectly compatible with the lack of the actual possession of the means to exercise it effectively as freedom *to* realise some preferred objective.

The Molteno Commission addresses itself exclusively to the problem of

preventing possible restraint by the government on individuals and minorities, and all its various proposals are devised with this end in view. The proposed reform of the Senate, for example, is aimed entirely at making possible an effective check on the legislative programme of the majority-government in parliament *(46)*. The Commission quite rightly observes that if liberty is the end of democracy, then it is 'fully in accordance with democratic theory and practice to provide checks upon majority rule to prevent its being used oppressively' *(47)*.

If oppression was the sole political problem, and if the only function of government and legislation was to put restraint on individuals and groups, one could hardly find fault with this. But if we also set ourselves against inequality, and wish to further a political programme of social reform by legislative means as well, then it appears in rather a different light. The fact is that such a reformed Senate would not merely be able to check oppressive measures, but all reform-minded legislation as well. It would now also appear that it is not far-fetched to view the entrenchment of minority rights in a Bill of Rights as an indirect attempt to entrench white privileges *(48)*. Politically, to correct existing social inequality must require some form of positive action; whereas to entrench minority rights (including those of privileged minorities) is to devise restraints on political action. Similarly, the motivation given by the Molteno Commission for franchise qualifications makes it clear that the aim of this device is to contain the political demand for social equality rather than to further it: in a society where the 'mass of the population is below a certain level of human welfare, and the distribution of the national income below a certain level of equity' *(49)*, it would not be advisable to give the vote to those elements of the population below a certain economic level. As between the privileged and the deprived there can be no doubt who represent the 'stable element in society', or what the political function of a 'civilisation test' is supposed to be ...

There may be sound political sense in all these proposals, and they are indeed required in terms of the notion of liberty. But it should also be frankly recognised that in the transition from an unequal society the functions of such constitutional measures would be to act as a conservative force; in short, that it would tend to inhibit political changes in the unequal status quo.

We should now be able to realise even better the full implications of the political problem concerning the probable effectiveness of the liberal-constitutional proposals which we discussed earlier. In terms of the present political ideal the issue is presented as the necessity to defend civil liberties from a potentially oppressive government, where the constitution must appear as embodying the highest political virtue to be scorned only by villains and tyrants. But in the perspective of reforming social inequality these same constitutional proposals might well appear as reactionary obstructions in the

way of a government bent on social reform; and a government finding itself checked by the Molteno Commission's reformed Senate might, for good political reasons, begin to have unconstitutional thoughts. Of course, this is putting it in partisan terms as well. But the political problem of the relation between liberty and equality within the context of an unequal society remains, and should be faced.

In fairness, it should be added that the position of liberal democrats and constitutionalists on the issue of social inequality is very much affected by the fact that they expect the reforming mechanism to be provided not so much by a political solution as by the extra-political means of economic growth or even the more general process of modernisation. The position has been well summarised by John Kenneth Galbraith: 'Few things are more evident in modern social history than the decline of interest in inequality as an economic issue ... In the advanced country ... increased production is an alternative to redistribution. And, as indicated, it has been the great solvent of the tensions associated with inequality. The facts are inescapable. It is the increase in output in recent decades, not the redistribution of income, which has brought the great material increase, the well-being of the average man. And, however suspiciously, the liberal has come to accept the fact' *(50)*. At the same time the question remains to what extent political and constitutional reform may be complemented or counter-balanced by other strategies of change, and whether the arguments against the conservative function of these constitutional proposals would not apply to all other proposals for evolutionary political reform as well. We shall attempt to deal with these issues in the following two chapters.

Conclusion

Three points need to be made in concluding our discussion of the liberal-constitutional approach:

1. Our criticism of the liberal-constitutional approach has centred on its practical feasibility in the context of a divided plural society. We must repeat that we do not cast doubt on the liberal and democratic ideals as such, since these are largely equivalent to our own primary political concepts determining ethical acceptability, and our discussion has merely queried whether in the given circumstances of South Africa the liberal-constitutional strategy is capable of realising these ends through the proposed constitutional procedures.

2. Our criticism has concentrated on the practical feasibility of these particular sets of constitutional proposals taken in isolation. To a certain extent this is an artificial abstraction since, as we have pointed out, the liberal-constitutional approach is very often combined with certain assumptions

concerning the long-term political significance of certain socio-economic developments. It may also be combined with other political strategies, as in Prof. S.P. Cilliers' proposal for 'homeland independence' combined with liberal-constitutional developments in the common area. It may also turn out that liberal-constitutional proposals which are at present not feasible may at a later stage, i.e. when the transition to a more open pluralistic society is beginning to be achieved, become more directly relevant. In short, the potential significance of the liberal-constitutional approach as part of a more comprehensive multiple strategy remains unquestioned.

3.   Our discussion has shown that even at the constitutional level the fundamental problem cannot be limited to that of curbing government power alone, nor to the protection of individual rights as against the state as the liberal approach tends to suggest. Fundamentally, the problem is that of an effective sharing of power, involving groups as much as individuals. In short, is it possible to devise a political system for the pluralistic devolution of power within the context of a divided plural society? It is to this issue that we must now turn in our next section.

FOOTNOTES

1.   R.F. Hoernle, *Race and Reason*, p. 158.
2.   Above, Chapter 2, 'Primary Ethical Concepts'. See also Sir Isaiah Berlin, 'Two Concepts of Liberty', in *Four Essays on Liberty*, 1969, etc.
3.   See, e.g. the 'Note on the Importance of Groups', submitted to the Political Commission.
4.   See, e.g. E. Latham, *The Group Basis of Politics*, Chapter 1.
5.   Hoernle, *South African Native Policy and the Liberal Spirit*, pp. (viii), 66ff, 123ff, 136ff, 152ff, 179ff.
6.   *Ibid*, Lecture III, pp. 121ff.
7.   See, e.g. Michael Walzer, 'The Problem of Citizenship', in *Obligations: Essays on Disobedience, War, and Citizenship*, 1970, pp. 204ff; R.P. Wolff, 'Beyond Tolerance', in *A Critique of Pure Tolerance*, 1969, pp. 13, etc.
8.   R.P. Wolff, *op. cit.*, pp. 23f, 45f.
9.   In fact, the composite ideal of what we have termed *Constitutional Liberal Democracy* is of very diverse origins indeed. Its constituent parts, the respective ideals of *Constitutional Government*, of *Democracy*, and of the *Liberal State*, are neither historically nor conceptually necessarily linked. Thus, for example, Carl Friedrich has shown that constitutionalism has only latterly become democratised and that it may be compatible with socialism as well *(Constitutionalism and Democracy*, 1967, pp. 31ff) and C.B. MacPherson has perceptively analysed the impact of democracy on the previously established liberal state. *(The Real World of Democracy*, pp. 5ff, 35ff).
10.   The Molteno Report for the Progressive Party, Vol. 1: *Franchise Proposals and Constitutional Safeguards*, 1960.
11.   Kenneth A. Heard, *Political Systems in Multi-Racial Societies*, 1961 (he was a member of the Molteno Commission); D.V. Cowen, *Constitution-making for a Democracy*, 1960.
12.   *The Molteno Report*, p. 5.
13.   *Ibid*.

14. *Ibid.,* p. 2.
15. *Ibid.,* p. 5.
16. Cf. A. Lijphardt, *The politics of Accommodation,* p. 2f.
17. Cf. W. Kornhauser, *The Politics of Mass Society,* Chapter 3.
18. Cf. e.g. S.M. Lipset, *Political Man: The Social Bases of Politics,* pp. 88-89; L. Coser, *The Functions of Social Conflict,* pp. 78-79; R. Dahrendorf, *Class and Class Conflict in Industrial Society,* pp. 214-215; D.B. Truman, *The Governmental Process,* pp. 508-516 etc.
19. K. Heard, *op. cit.,* pp. 12-13, 22.
20. *Ibid.,* p. 23.
21. *The Molteno Report,* p. 13.
22. *Ibid.,* pp. 10ff.
23. K. Heard, *op. cit.,* p. 24.
24. *Ibid.,* p. 18.
25. Cf. L. Kuper, 'Plural Societies: Perspectives and Problems', in *Pluralism in Africa,* pp. 9, 14 etc.; M.G. Smith, *The Plural Society in the British West Indies,* p. 90 etc.
26. There is an extensive literature concerning the problems of political integration by such writers as, e.g., Etzioni, Deutsch, Jacob and Teune, Riker, etc. See, e.g. A. Lijphardt, *Cultural Diversity and Theories of Political Integration,* pp. 1ff.
27. *The Molteno Report,* p. 5 (italics added); cf. pp. 6, 17.
28. K. Heard, *op. cit.,* p. 7.
29. C.J. Friedrich, *Constitutional Government and Democracy,* p. 24.
30. K. Heard, *op. cit.,* pp. 7-8.
31. *The Molteno Report,* p. 23 (italics added). Kenneth Heard in a similar vein claims that 'so long as the constitution and the machinery for its enforcement are respected, the general trend will surely be towards their acceptance', *op. cit.,* p. 27. The tautological nature of the qualification will be obvious.
32. *The Molteno Report,* p. 23.
33. *Ibid.,* p. 14.
34. See below Chapter 10.
35. *The Molteno Report,* p. 2.
36. *Ibid.,* p. 9; cf. K. Heard, *op. cit.,* pp. 36-37.
37. K. Heard, *op. cit.,* p. 29.
38. M.G. Smith, 'Some Developments in the Analytic Framework of Pluralism', *Pluralism in Africa,* p. 434.
39. *Ibid.,* p. 435.
40. L. Kuper, 'Political Change in White Settler Societies: The Possibility of Peaceful Democratisation', *Pluralism in Africa,* pp. 182; cf. p. 170.
41. *Ibid.,* p. 185.
42. Cf. e.g. Denis Worrall, 'Dismantling the Oligarchy' (Pol. 21).
43. Cf. e.g. C.F. Cnudde and D.E. Neubauer, *Empirical Democratic Theory,* 1969, p. 330.
44. L. Kuper, *op. cit.,* p. 188.
45. Cf. e.g. R. Bendix, 'The Extension of Citizenship to the Lower Classes', *State and Society,* 1968, pp. 233ff.
46. *The Molteno Report,* p. 19f.
47. *Ibid.,* p. 25.
48. Cf. *ibid.,* p. 15; K. Heard, *op. cit.,* p. 29.
49. *The Molteno Report,* p. 10, quoted from Strachey.
50. J.K. Galbraith, *The Affluent Society,* 1958, pp. 82, 96-97.

Chapter Ten

DEMOCRATIC ALTERNATIVES
TO THE 'WESTMINSTER' MODEL

WE CONCLUDED our critique of the liberal-constitutional approach in the previous chapter by saying that we did not wish to cast doubt on the liberal and democratic ideals as such. To the extent that democracy is automatically identified with the constitutional liberal model, this might seem contradictory. We repeat what was stated right at the beginning of our present enquiry: our democratic ideal of effective participation in government should not be equated with just one form of government. On the contrary, how 'democratic' the different variants of democracy are must be evaluated in terms of this criterion of effective participation in government. It is conceivable that a constitutional liberal democracy - i.e. a system of parliamentary government with universal franchise, a bill of rights, an entrenched constitution, etc. - need not necessarily conform to our primary democratic concepts of freedom, equality and justice. It may, in important respects, be anything but 'democratic'. For example, in an unequal society with a capitalist economy it may happen that formal political freedoms and civil rights tend to increase social inequality; in a modern mass democracy the participation of the ordinary voter could easily have merely peripheral significance for him, and even the influence of his parliamentary representative could be negligible compared with that of the executive and bureaucratic powers; and in a divided plural society guaranteed civil rights and entrenched constitutions may be of little avail in protecting the interests of minority groups. Analogous strictures might be made of other democratic systems. We will thus have to keep an open mind as to which of the democratic variants will prove the most 'democratic' in any given set of conditions, for instance in an underdeveloped country or in a divided plural society, and evaluate it critically on its merits and in accordance with our ethical and political criteria. This does not imply a dilution of democratic standards; if anything, the demands we make of a democratic system will be higher than merely requiring a certain institutional framework.

Nevertheless this appreciably widens the scope of our discussion. C.B. MacPherson has persuasively argued that in an important sense the socialist democracies, as well as the one-party systems prevalent in the developing countries, can rightfully claim to be 'democratic', i.e. if we do not merely con-

fine ourselves to the formal system of government but consider the kind of society *(1)*. We need not, however, enter into the vast controversy arising from these conflicting democratic ideologies *(2)*. We may simply start by taking a closer look at the various political systems within the ambit of 'western democracies'.

(i) Alternative Electoral Systems: Social and Political Consequences and Conditions

If, as we argued in the previous chapter, a purely constitutional approach along the classical liberal lines of extending the franchise on a common roll, however admirable in itself, is not feasible in the conditions of a divided plural society, then perhaps we should look to alternative political and electoral systems. It is surprising to what extent the 'Westminister' model (i.e. parliamentary government with election by relative majority in single-member constituencies resulting usually in a two-party system) is unquestioningly assumed as the natural framework in most South African political thinking, including that of the present government. The official policy of separate development could even be summarised as proposing not one Westminister-type government for the whole country, but series of them in the various homelands. Thus the architects and the critics of separate development have, in a sense, a common regard for Westminister-type government; the only difference between them, at least insofar as the representational system is concerned, relates to the areas and the populations for whom it is to be established. In this way, at least, our political tradition continues to show a surprising attachment to the institutional heritage of our initial British tutelage.

Despite its deserved pre-eminence in the Anglo-Saxon world, the Westminster model is not the only successful system of democratic institutions which has been devised. Leaving aside the controversial examples of the socialist democracies and the one-party systems of the developing countries, and restricting ourselves to western democracies, the predominant pattern is somewhat different from what is usually expected. In the English-speaking world, and certainly in this country, all thought about democratic systems has been so dominated by the 'two-party' models of Britain and the United States that they are assumed to be the standard which all other democracies seek to emulate or from which they deviate. Yet a recent comparative survey of western democracies has shown that two-party systems are in fact a substantial minority compared with the prevalent multi-party systems and are, moreover, limited almost exclusively to the English-speaking world. Robert Dahl concludes that among Western democracies the

Westminster model would appear to be the deviant case rather than the norm: 'In sum, it might be reasonable to consider multi-party systems as the natural way for government and oppositions to manage their conflicts in democracies, while two-party systems, whether resembling the British pattern or the American, are the deviant cases. It is conceivable, of course, that the deviant cases represent superior forms; yet multi-party systems exist in Denmark, Norway, Sweden, the Netherlands, and Switzerland, countries widely thought to have handled their political, social and economic problems with at least as much skill, justice, and social peace as any other democracies' *(3)*.

What are the main alternatives to our familiar electoral system? A detailed comparative survey would show that there are many alternative electoral devices and arrangements, sometimes designed expressly to cope with the political problems of heterogeneous populations and minority groups. Examples are *proportional representation* (PR), *multi-member districts, multiple-ballots,* various kinds of *list systems,* the *single* and the *multiple transferable* vote. They may be found in many combinations with each other, as well as with components of the Westminster system. This is, of course, a large and extremely complex subject, and we cannot hope to deal with it at all adequately in the present context. For that we must refer to the specialised literature. For example, in *The Political Consequences of Electoral Laws (4)* Douglas Rae has carefully identified a number of major variables both of the electoral law and of party systems, and submitted the empirical evidence bearing on their interaction to a rigorous analysis. From this certain patterns and tendencies emerge. The popular association of proportional representation with multi-party systems does have a sound basis in the facts, though the evidence does not warrant a causal explanation or, as Duverger thought, a 'true sociological law' *(5)*. On Rae's analysis the single-member constituency emerges as a basic factor favouring two-party systems, with the absence or presence of strong local minorities accounting for deviations from the rule *(6)*. In practice, of course, single-member districts are nearly always associated with majority rather than proportional electoral formulae, though this need not necessarily be so. In general, ignoring technical details and allowing for exceptions such as the Austrian case and hybrids such as the West German one, multi-party PR electoral systems may thus be contrasted with two-party majority single-member district systems.

This contrast corresponds to different theoretical perspectives. On the one hand, an electoral system may be expected to provide an outcome giving a 'true' reflection of actual voting preferences. This axiom usually underlies the case for the theoretical superiority of PR systems, as in Enid Lakeman's survey *How Democracies Vote (7)*. In fact, all electoral systems 'distort' to a certain extent and generally favour larger parties at the expense of smaller ones, but PR systems less so, and considerable ingenuity has been devoted to

devising technical formulae which may further minimise the 'distortion' *(8)*. On the other hand, an electoral system may be required to settle effectively the issue of who is to govern under the majority-rule. Only in a strict two-party system will one party necessarily obtain an absolute majority of the popular vote, but in many other cases the electoral system can and does transform a relative majority or even a minority of the votes into a parliamentary majority of seats. In Rae's words, 'electoral laws may create majorities where none are created by the voters' *(9)*. This is precisely the sort of distortion that PR systems aim to counteract, but the concomitant of this aim now appears as a fractionalisation of the party system, often necessitating coalition government and generally obscuring the link between the outcome of the election and the process of government and legislation. In certain circumstances this may lead to parliamentary deadlock inhibiting legislative action and resulting in the disruption of stable government. It has been argued, for example, that PR and multi-party systems contributed largely to the fall of the mid-European democracies in the 'twenties and 'thirties *(10)*. But such evaluations of cases where a system is successfully operating, or where it has been tried and failed, are complicated by many other factors in the local political climate and history. Rather than pursue an increasingly abstract discussion on the debatable democratic merits of electoral systems stressing proportionality as against the virtues of 'majority' government we must widen the scope of our discussion to the general social and political consequences of, and conditions for, these different systems.

In considering alternatives to the 'Westminster' model it may be useful to turn to a vigorous defence of the classical two-party system of majority government on the grounds of its general social and political consequences, by the political sociologist S.M. Lipset. In a paper first published in 1960 and entitled 'Party Systems and the Representation of Groups', *(11)* Lipset argued that in a competitive two-party system both parties will aim at securing an over-all majority, they will accordingly seek the broadest possible base of support in elections, and they will thus tend to stress the common interests of divergent groups. All of these trends he takes to be conducive to maintaining democratic stability and 'the general consensus upon which the polity rests' *(12)*. Lipset maintains that the two-party system also encourages compromise and reduces ideological conflict, and this again is assumed to favour democratic stability. Elsewhere he also argues that, in contrast to a monolithic polity or one-party state where the regime is easily equated with the state and national loyalties become identified with support for particular leaders and their policies, a system of alternating temporary regimes and competitive parties encourages the citizen to distinguish clearly between the state and the current office-holders, thus favouring a continuing commitment to the overall system which transcends party-political conflicts *(13)*.

In a multi-party system, on the other hand, Lipset argues that parties do not aim at an overall majority, or at least have little chance of attaining this, and hence settle for the very different goal of the greatest possible electoral support from a limited group or section. Party politics will thus tend to stress the interests and cleavages dividing that group from other groups in society. This is further heightened by proportional representation which in fact substitutes an interest or ideological group for the territorial unit as the basis of representation, eliminating any possible effect of cross-cutting regional solidarity. Moreover the system also tends in some ways to alienate the ordinary voters form the political elite. Thus there is a basic tension between the party's 'function as a representative of a group (and its) function of integrating the group in the body politic' *(14)*. At the electoral level it lessens the need for compromise and enhances the ideological content of the conflict; in short, it encourages divisiveness, while at the elite level the necessity of coalitions increases the need for co-operation and compromise. Added to the general lack of a clear link between election outcomes and government action, the divorce between the party's symbols in the electoral arena and its actions as a partner in coalition governments may lead to a pervading cynicism towards the conduct of politics and may even, Lipset believes, become a source of irresponsibility and manipulation.

The general trend of these comparisons will be clear. Even if we should qualify the overall picture somewhat by pointing out, as Dahl does, that PR systems also tend to decrease the concentration and distinctiveness of opposition, and that at the level of government they also increase the rewards of co-operation and bargaining strategies *(15),* there could still be little doubt as to which set of electoral institutions would, on this analysis, be more favourable to social cohesiveness and democratic stability, and conversely, which one would encourage divisiveness and disruptiveness. In a divided society with major problems of containing political conflict there could thus, on the grounds of social and political consequences, hardly be any doubt of the superiority of the Westminster model.

This argument is radically reversed, however, if we look at the conditions necessary for the success of a two-party system, and thus at the source of these consequences. In Lipset's words: 'There are, however, conditions under which a two-party system is less conducive to the preservation of democratic order than a multi-party system. The two-party system works best where it is based on an elaborate, cross-cutting solidarity structure, in which men and groups are pulled in different directions by their diverse roles and interests. Wherever the solidarity structure is polarised by class, race, or religion, and the political lines follow those of social cleavage, a two-party system may intensify internal conflict rather than help integrate the society ... In general, where the class struggle is superimposed upon a conflict between religion and irreligion, or

between different ethnic groups ... a two-party system is more destructive of political stability than one in which centre parties can mediate between extreme opponents' *(16)*. So the Westminster model may better maintain democratic stability and a general consensus only within an open pluralistic society. In a divided plural society, or where the question of political alternatives centres, as in South Africa, on the transition to a more open pluralistic society and to a more democratic polity, these advantages fall away.

But does it follow, if the Westminster model will not produce these results here, that multi-party PR systems will? Clearly not. The features of such systems which encourage divisiveness and fragmentation will do so, perhaps to an even greater extent, in a divided plural society. If there are advantages to alternative systems in these conditions then they must be due to features other than the logic of the electoral institutions themselves. We might, for example, think of the shift to political co-operation and bargaining at a leadership level. Or we might argue that the consequences of the fragmentation of the political system in a multi-party state tends to prevent both effective domination and concentrated opposition. In short, we must shift our focus of attention from the electoral system as such, its consequences and conditions, to a wider view of alternative political systems as different ways of regulating and structuring political conflict.

(ii) Social Conflict and Politics: Bargainability and Polarisation

Different political systems may be seen as alternative ways of structuring generalised conflict over scarce goods, resources and values in a society. In this sense politics is itself a form of conflict and it also presupposes the existence of generalised social conflict. A political system has been defined as that set of interactions through which authoritative allocations (or binding decisions) are made and implemented for a society *(17)*. The 'authority' of such binding decisions by any individual or institution may be derived either from its access to coercive force or from popular support for its legitimacy. In Weber's classic definition the state is accordingly defined as that institution which has the monopoly of the legitimate use of coercive force *(18)*.

In practice, if perhaps not in constitutional theory, a breakdown of the state's 'authority' is certainly a distinct possibility: its decisions may fail to bind because of lack of support for their legitimacy, or because of a failure to exact compliance through coercive force. In conditions of discord or anarchy the conflict is likely to continue by other, more direct and even violent means. Writing on the strife in Northern Ireland, Richard Rose says that 'as war is the continuation of diplomacy by another method, so disagreement escalating to demonstration and rebellion is the continuation of politics by another form

of bargaining. The fact that the bargaining encounter takes place in the streets, rather than around a conference table, does not mean that politics has ceased. People who have turned to extra-legal acts are still pursuing the same goal and still confronting the same opponents' *(19)*. Obviously this does not mean that there is no difference between violent disorder and orderly government and politics. Even if both involve a form of bargaining, the means in the one case is destructive force, not easily susceptible to rational control. The basic question for civil government and politics is precisely whether it can develop stable and effective institutions and procedures for the rational conduct of disputes, the peaceful management of conflicts, and the non-violent pursuit of social reform. In this way conflict would not be eliminated; but it would be contained within and structured in terms of the institutions of government and the law in the widest sense. Whether this will happen depends both on the intensity of the conflict and on the resilience of the political system concerned.

There is thus a highly complex interaction between social conflict and politics. Generalised social conflicts may provide the very stuff of politics, but they are in turn affected by the political system. There are two crucial questions: what is the potential for political discord in any given set of social conflicts, and how will a specific political system cope with them. In the next section we will consider the latter, and ask to what extent the different procedures by which men manage disputes and discord may increase or decrease conflict. First, however, we must turn to the substantive issues which are the occasion of conflict, which cannot be made to disappear by recourse to constitutional engineering, and which may largely determine the nature and intensity of the conflict *(20)*.

What are the most important social differences that can lead to political conflict? Of course most differences within a society rarely become political issues and are settled in other ways: privately, by economic competition, and so on. The political system primarily concerns those conflicts which in some way affect society as a whole. Are there specific kinds of social differences which tend to be the occasion of such generalised political conflict? On the basis of comparative studies Lipset and Rokkan have emphasised a four-fold typology of such social differences, viz. social differences concerned with 'centre-periphery' relations (including the relations between the dominant national elite and subordinate regional or cultural groups), religion, urban-rural and industrial class differences *(21)*. The typology does not help us much to assess the impact of such differences on various political systems. The crucial questions are whether any particular type of issue, or a specific configuration or juxtaposition of different sets of issues, is likely to engender more intractable or explosive political conflicts and thus place greater demands on the political system which has to contain or structure them. Let

us briefly deal with each of these questions in turn.

The first question, concerning the kind and intensity of conflict which a particular type of issue is likely to engender, might perhaps best be put in terms of the extent to which such issues are *bargainable,* in a very general sense of this word. There are issues which from the nature of things are more amenable to rational negotiation, and others which tend to lead to an all-or-nothing conflict. Richard Rose has provided a useful summary of the main considerations here: 'Peaceful bargaining is possible, if the matter in dispute permits negotiations that can lead to an outcome acceptable to all. An issue is not bargainable if there is no way in which all concerned can be sufficiently satisfied to accept the outcome ... Whether or not an issue is bargainable is reflected by three characteristics: whether it involves a zero-sum conflict (i.e. the sum of what one group can gain equals the sum of what other groups would thereby lose); whether it involves private or collective goods (i.e. goods that must be available to all or none), and whether competing claims are stated as absolute values or advanced as demands for more or less of something... Demands that concern absolutely valued collective goods that can only be distributed in zero-sum ways will cause greatest discord. By contrast, demands for relative adjustments in private goods that can be distributed without anyone being worse off are least likely to create political discord' *(22).*

Viewed in this light appreciable differences begin to appear between the various types of issues, in particular between 'interest-specific' and ideological oppositions. Thus economic issues, despite their dominant rôle in theories of class conflict, are to a considerable extent bargainable. Usually they can to a large extent be expressed in monetary terms and thus allow a settlement in incremental ways; under conditions of economic prosperity industrial disputes can be settled by a non-zero outcome in which both parties benefit; and economic benefits are not collective goods which must in every case be granted to all or none. Urban-rural differences are less bargainable in so far as they involve contrasts between different life-styles; and religious differences often raise issues based upon non-bargainable absolute values, though they need not be about collective goods, as the conflicts between the dominant national elites and subordinate regional or cultural groups usually are. Rose concludes that non-bargainable differences about religion and nationality have the greatest disruptive strength *(23).*

The implications for the conflict potential of divided plural societies will be obvious: once ethnic and racial differences become salient they readily provide non-bargainable issues par excellence. What is more, they can easily become impacted with the inherently more bargainable economic differences and thus complicate the chances of rational negotiation on these issues as well. As our earlier chapters have demonstrated, the South African political economy is a paradigm example of this, as seen in the strong pressures for

entrenchment of the colour bar, the major obstacles preventing an appreciable closing of the wage gap, and the virtual exclusion of organised African labour from corporate bargaining.

It will clearly be very important whether a political system will permit, or even encourage, the translation of such non-bargainable issues into political conflict, or whether it will tend to avoid and restrain them.

The second major question is whether a specific configuration or juxtaposition of different sets of issues is likely to have a high conflict potential. To the extent that the different sets of social differences coincide and thus reinforce each other, with a consequent convergence of the potential lines of conflict, this will be very likely indeed. A specific conflict on one set of issues will be easily generalised to other spheres as well and occasion a polarisation of whole sections of the society seemingly quite disproportionate to the immediate issue. In Chapter 7, section (i) we concluded that the high conflict potential of divided plural societies is due not to the racial or ethnic differences as such, but to the superimposition of these cleavages on the other major social differences. The structure of a divided plural society is thought by some to necessitate its coercive regulation, usually by a dominant minority and the transition to a more open pluralistic society is 'likely to be abrupt, revolutionary and violent' (24). We must look more closely at this association between polarised social conflict and political domination and violence.

In an essay on the ideologies of violence in plural societies Leo Kuper has argued that the conception of polarised groups plays an important and even necessary role both in the revolutionary call to violence of subordinate groups and in the ruler's justification of their resort to coercive force. According to Kuper: 'The ideology of violence includes a characterisation of the plural society. The main component of this characterisation is a polarised conception, which directs violence unambiguously against the enemy. The complex patterns of pluralism are reduced to the simple dichotomy of a dialectical opposition ... There can be no sharing of power. An irreconcilable conflict, an absolute opposition of interests, separates the parties ... In a world of radically opposed and irreconcilable interests, there can be no evolutionary change toward a shared society ... Being convinced of the absolute incompatibility of different sections of the plural society, and therefore of the impossibility of social synthesis, they perceive the alternatives as either to rule or be ruled. There is thus an almost exact correspondence between the ideologies of revolution and of counter-revolution ...' (25). Kuper comments that in a divided plural society this ideological picture of extreme polarisation and inevitable violence or domination may have some factual basis, but is not always borne out by the empirical evidence. Thus decolonisation in divided societies, for example, has not always been a violent phenomenon; and the argument only establishes the need for great pressure to bring about political

change and does not prove that violence is the only efficient means for change at all. In particular the extent of social polarisation is rarely so extreme, and it is usually offset by social and economic interdependence and common interests. In short, 'few plural societies show the polar structure ascribed to them in ideologies of violence. There is generally tension between the ideological image and the social reality' *(26)*. It is crucially important in a society approximating the structure of a divided plural society whether the dominant ideologies and the political system itself tend to encourage or reduce the polarisation of social and political conflict.

Our brief discussion of the substantive issues and patterns of social conflict points to at least two major requirements for a political system able to contain or cope with conflict in conditions with a high potential for political discord: (i) it should minimise as far as possible the emergence of non-bargainable issues as the occasion of political conflict; (ii) it should prevent the generalisation and polarisation of social and political conflict as far as possible. To what extent can these requirements be met by the Westminster model or by other alternative political systems?

(iii)   Alternative Political Systems and the Structuring of Conflict

We shall now approach the complex interaction between social conflict and politics by considering the different procedures and institutions which attempt to manage generalised dispute and discord in a society. Different political systems may have an appreciable effect on the nature or intensity of conflict. Thus a particular political system may in certain cir- cumstances serve to articulate latent conflicts and exacerbate existing ones; another political system, or the same one under different conditions, may provide the necessary means for defusing explosive conflicts and it may even provide the means of reaching an acceptable settlement; or a third may by restrictions and coercion prevent overt and latent conflicts from developing. The ability to contain conflict, to make authoritative allocations for a society, is not, however, the only requirement for an acceptable political system, though it may be a necessary one. That would make political stability the only criterion and lose sight of our primary ethical concepts of freedom, equality and justice.

The effective authority of a regime, its success in securing the compliance of its subjects with basic political laws, may derive from its access to coercive force or from diffuse support for its legitimacy. It follows that there are, at least in theory, two alternative strategic objectives for a regime threatened by repudiation, or one wanting to strengthen its effective authority - full coercion or full legitimacy *(27)*. In practice they may of course be combined in any number of different ways. Our commitment to the norm of effective

participation in government means that we cannot subscribe to a strategy or system in which coercion predominates. It was because of its major element of domination that we had to reject the alternative of Separate Development in Chapter 8. We must accordingly limit ourselves to those political systems which to a greater or lesser extent allow some form of democratic participation or representation in binding decisions for the society, and which thus seek to resolve conflicts by relying on the citizens' support for a responsive and legitimate government rather than on their responses to direct coercion. (At the same time this does not mean that there are no major problems in the effective regulation of conflict through coercive political systems - only that these need not concern us at this point).

What, then, are the major attributes of a democratic political system? In his recent book *Polyarchy*, Robert Dahl has suggested that democratic political systems, which he defines as those in which the government is responsive to the preferences of its citizens, may best be analysed in terms of two different theoretical dimensions, liberalisation and the inclusiveness of participation *(28)*. 'Liberalisation' concerns the extent to which a political system allows opposition, or makes public contestation and political competition in the conduct of government possible. (This appears to correspond to what Lipset and Rokkan have called the threshold of legitimation, i.e. whether there is 'some recognition of the right of petition, criticism, and opposition' *(29)*. In practice this would require such institutional guarantees as the freedom of expression, and the freedom to form and join organisations. Equally important, however, is the dimension of 'inclusiveness', the proportion of the population who are entitled to 'participate on a more or less equal plane in controlling and contesting the conduct of the government' *(30)*. (This second dimension of the inclusiveness of participation corresponds to what Lipset and Rokkan call the threshold of incorporation). As Dahl points out, the two dimensions of public contestation and inclusiveness can and do vary independently. He cites Britain at the end of the eighteenth century as an example of a highly developed system of public contestation which included only a very small fraction of the population, and Soviet Russia as an example of universal suffrage but with almost no system of public contestation *(31)*. In South Africa we have the examples of both a fairly well-developed, though latterly considerably restricted, system of party-political competition from which the majority of the population is excluded, and, in the homelands, potentially inclusive political systems without some of the basic citizenship rights and freedoms. A fully democraticised political system would obviously be one that is both highly inclusive and thoroughly liberalised.

As these examples show, the notions of liberalisation and inclusiveness are readily applied to electoral systems and parliamentary government. We are now, however, concerned with the political system in the widest sense, of

which the representative system is a part, but which also encompasses the relations between the different levels (local, regional, national) and branches (legislative, executive, administrative, judiciary) of government, and even the relations between the government and other major institutions, corporations and associations in society. In a democracy party-political competition through the ballot box is not the only form of public contestation in the conduct of government, and the right to vote is not the only or even the most direct way of getting a say in the governmental process.

All the same the development of party systems may serve well to illustrate the two basic functions of democratic political institutions in structuring political conflict. A political party can serve the expression and mobilisation of latent or manifest strains and conflicts, but it may also be a means towards the integration of the group in the larger polity and may thus contribute towards the resolution of conflicts. It will be clear that the two functions are in a dialectical tension with each other and do not always operate at the same level. Let us briefly look at each in turn. It is clearly very much the business of a democratic political party to articulate the demands and grievances of its members and to mobilise support for attaining its own aims and precluding conflicting outcomes. This function of party systems has been well described by Lipset and Rokkan: 'They help to crystallise and make explicit the conflicting interests, the latent strains and contrasts in the existing social structure, and they force subjects and citizens to ally themselves (for specific or generalised aims) and to set up priorities among their commitments ... Parties have an *expressive* function; they develop a rhetoric for the translation of contrasts in the social and cultural structure into demands and pressure for action and inaction' *(32)*. In certain circumstances this process may also have an *integrative* function. In the first section of this chapter we cited Lipset's description of the way in which a two-party system in an open pluralistic society may favour the growth of consensus and stress the common interests of divergent groups in order to build a majority alliance, in a way that multi-party systems do not - at least not at the electoral level. But it is also easy to see that in a polarised society and on unbargainable issues the expression of strains and mobilisation of support, particularly in a two-party competition, will greatly increase the conflict potential even and perhaps especially at the electoral level. The integrative function of democratic institutions can, however, also be located more specifically on the level of government and legislation. Thus in a multi-party system the leaders are forced to make compromises, strike bargains and form coalitions with other parties if they are to enter the government or even to get specific legislation passed at all. Even in a two-party system the ruling majority party is commonly thought to have not merely an expressive but also a representative function, i.e. to act not only in the interests or according to the preferences of its members but also in the

common interest of the state - and to the extent that it does or does not act in this way the political conflict is likely to intensify or decrease.

In a very vague and general sense we may presume that a stable democratic political system, one that can both structure and contain conflict, will require some sort of complementary balance between these mobilising and integrating functions. If a party system, for example, effectively expresses and mobilises strong latent or manifest forces of conflict, but fails to integrate them equally in some other way or at another level, the consequences will be disruptive. Whether this will happen depends in part on the substantive issues and patterns of social conflict which we discussed in the previous section. But it is also affected by a number of different structural aspects of the procedures and institutions managing the conflicts, which we must briefly enumerate in somewhat more specific terms:

(a)   The extent and resources of the polity

In modern industrialised societies there is generally an inverse relation between the available political resources and the opportunities for effective participation by individuals, depending on the scale of the polity. This poses a basic dilemma for democratic politics that has been succinctly summarised by Robert Dahl: 'The larger and more inclusive the unit, the more its government can regulate aspects of the environment that its citizens want to regulate, from air and water pollution and racial justice to the dissemination of nuclear weapons. Yet the larger and more inclusive a unit with a representative government, and the more complex its tasks, the more participation must be reduced for most people to the single act of voting in an election. Conversely, the smaller the unit, the greater the opportunity for citizens to participate in the decisions of their government, yet the less of the environment they can control' *(33)*. It will easily be seen that this also has a direct bearing on the intensity of conflict which is likely to prevail in the public contestation for the conduct of government. In an election deciding the national government with extensive political resources at its disposal the stakes are much higher than in a contest for a public office with local and limited powers only and the conflict will accordingly tend to be that much more intense.

(b)   The centralisation and co-ordination or the distribution of powers

Large polities vary considerably in the extent to which their constitutional arrangements allocate independent political resources to the chief executive, the legislature, and the courts (separation of powers) as well as to different

regional units (federation) or provide for their centralised co-ordination in a unified administration *(34)*. There is also a significant variation in the extent to which the powers of government may be restricted to a limited political sphere, or extend to the control of education, the economy, and even religion as well. In both cases a unitary state will immensely increase the stakes in any contest for its control, whereas a pluralistic political and social order will decrease them although multiplying the number of such possible conflicts. It is clear that control of a unitary government and administration in possession of extensive powers would provide the optimal conditions for implementing social and political reforms - but also maximises the opportunities for domination!

(c)   Direct popular involvement and representative leadership

Given the limited opportunities for effective participation by large numbers of individuals in national politics most democratic countries have developed some sort of party system. More often than not these political parties, whether or not they are themselves democratic, show a pronounced oligarchic internal structure *(35)*. The emphasis on representative leadership is so great that Schumpeter, followed by a number of other realistic political scientists, has proposed a redefinition of the democratic process itself: it is not government by the people but essentially a competition between political elites for the control of government *(36)*. There are, however, examples of massive popular involvement in the political process, as in the occasional emergence of broadly-based social movements, *(37)*, or in certain kinds of plebiscitary government. However it comes about, the extent of direct popular involvement profoundly affects the nature and conduct of political conflict. A relatively unorganised mass movement, for example, will tend to be concerned with large and general issues, often with a high symbolic significance *(38)* and unlikely to be bargainable. Such mass movements are not well equipped for prolonged negotiations on specialised topics; they must depend largely on the immediate mobilisation of over-powering popular support in their cause, which may prove difficult to control and direct in the short run, or to sustain in the long run. Conditions for rational negotiation, bargaining and co-operation would seem to be much more favourable between established political leaders and representatives of organised and disciplined parties. The crucial question, however, will be whether the leaders can count on the support of their followers for the settlements they make or the specific courses of action they adopt, particularly if these depart from their electorates' general preferences or immediate interests. An unpopular accord reached by bargaining between elites may well have little authority,

unless backed up by coercive force, and may threaten the position of the
leaders themselves. Conversely the leaders' freedom of action in bargaining
and deciding on specific issues may be considerably restricted by the prefer-
ences and reactions of their followers, or by their anticipation of these *(39)*.

(d)   The concentration or diffusion of opponents

Political systems providing some form of public contestation for the
control of government may vary in the number, size and organisational co-
hesion of the contestants, and this will affect the concentration of the political
conflict. If two major opponents confront each other, as when two opposing
political parties contest a national election or a unified regime faces a single
mass movement, the conflict will be much more intense and concentrated
than when it is dispersed among, for instance, a number of divergent but
evenly matched parties with partly overlapping and partly distinct aims and
interests. Equally important in this respect is the internal unity of each party
or movement: it may be highly disciplined and centrally co-ordinated, divided
into several main factions, or decentralised and with a minimum of
organisational co-ordination *(40)*. This also has a direct bearing on the prior
aspect of the relation between the actions of representative leaders and
popular support. Spokesmen for large social movements, who are less closely
linked with their nominal followers, may easily find themselves disavowed
while leaders of well-organised groups have a better chance of making even
unpopular decisions stick *(41)*.

(e)   Institutions fostering competitiveness or co-operation

The conduct of political conflict in the public contestation for control of
government may proceed along more competitive or more conciliatory lines,
depending in part on the concentration of the opposition. Thus, following
Dahl's definition, in a two-party system the two opponents 'are in a strictly
competitive (or zero-sum) relation if they pursue strategies such that, given
the election or voting system, the gains of one will exactly equal the losses of
another' *(42)*. At the same time, as we have already seen, the competition
between the parties may foster the integration within each group itself; the
competition also allows the party to mobilise popular support for its aims, as
well as giving the public some opportunity to exact responsiveness from the
leaders for their preferences and interests. In a multi-party system strict
competition at the electoral level is unlikely, and if no party gains an absolute

majority coalitions and co-operative strategies at the leadership level become imperative if a government is to be formed or legislation passed - though this might bring about dissension within the respective groups. Negotiations and bargaining may also be non-competitive in the sense that the opponents have disparate power bases, e.g. workers and management in an industrial dispute, or, in terms of representative government, through having separate rolls for different groups, more than one representative chamber with distinct electorates, or even different representative systems or sub-systems. Depending on the electoral system, as well as on the size and distribution of the groups, this may prevent competitive conflict over certain substantive issues at the electioneering level, promoting other kinds of issues instead. It also has the effect of diminishing the importance of the majority-principle as a democratic criterion for deciding political issues, and substituting more direct kinds of rewards and sanctions, including the giving of co-operation or resorting to boycotts in matters of common interest, as the means of bargaining.

(f)   The Number and Decisiveness of Sites

Political systems offer a variety of different 'sites' for the contending opponents, i.e. situations or circumstances in which they may employ their resources in order to gain or increase their say in the conduct of government. These 'sites' may be diffuse and unspecific,such as influencing public opinion in general, or specific, like winning votes and parliamentary seats in elections. Other 'sites' include bargaining between party leaders to enter into an executive coalition, gaining support in parliament for legislation, negotiations with executives and officials, and negotiations with unofficial and quasi-official organisations (43). A specific site may be decisive and tend to overshadow or carry others with it, e.g. a general election in a two-party system of parliamentary government. Political conflict at such a decisive site for such high stakes is likely to be especially intense. In other systems there may not be such a single decisive site thus a party may lose support in an election, yet make political gains in the coalition bargaining or in the separate elections for executive officials or state governments. Accordingly the conflict at any one site is likely to be less concentrated and intense. It will be seen that the number and decisiveness of sites is closely linked with other aspects mentioned above, such as the resources of the state and the centralisation of its powers, as well as the concentration and competitiveness of the conflict.

Two points need particular emphasis in this regard. First, parliament itself is rarely a decisive site even within the representative system. Parliamentary elections may indeed provide a decisive site, but not necessarily. Even so, the major loci of governmental decision-making are not centred in parliament

itself as traditional theories of representative government would have it, but much rather in the executive, the party caucus and the higher echelons of the administrative bureaucracy *(44)*. In the second place, the decisive sites of the political system in a wide sense are not all located in the representative system itself. In a pluralistic state there may be important sites for collective bargaining within the socio-economic sphere and between such corporations and associations and political leaders. Following Dahl *(45)* we may distinguish four different patterns of 'decisiveness' in democratic systems:

1.   Parliamentary elections may be relatively decisive, as in Britain. By winning a parliamentary majority a political party is entitled to select the executive and strong party unity assures legislative support for enacting its policies. This is not to say that parliament itself is a decisive site in governmental decision-making; it serves, rather, as a forum from which to influence the outcome of the next election.

2.   Parliamentary elections, though important, may not be a decisive site, as in multi-party systems. The formation of the executive and the accompanying intra-coalition bargaining is relatively decisive. Backed up by strong party unity (e.g. Holland) an executive coalition can rely on the necessary parliamentary support for the policies agreed upon but in the absence of this (e.g. Italy, France) it may often find itself in a legislative deadlock. Party-political strategies are aimed as much at the opportunities for intra-coalition bargaining and the advantages of shifts in allegiances as at influencing public opinion and winning elections, since it is more or less taken for granted that they cannot govern except as part of a coalition.

3.   Parliamentary elections and the selection of the executive coalition may be decisive only with respect to other official sites (parliament, the bureaucracies, local government, etc.). On a variety of key issues the decisive bargaining process, however, takes place between giant alliances of corporations and associations, with governmental agencies being merely one of the participants, as in Norway *(46)*. To a certain extent it may be said that parliamentary democracy has been replaced by a pluralistic democracy with highly organised associations.

4.   Through constitutional devices such as federalism, separation of powers, and checks and balances a deliberate dispersion of legal authority is achieved so that even among the official sites none is decisive, as in the U.S.A. This may or may not be combined with the extra-political corporate democratic pluralism of the previous category.

If we look at these features in combination we can see that there are various ways in which the structure of the political system can increase and intensify the social and political conflict in a society. In the first place we may summarise the ways in which the *stakes* in the public contestation for the control of government may be increased: by increasing the size and resources of the polity; by increasing the powers available to the national executive and administration; by fostering the central co-ordination of a unified administration without devolution or separation of powers; by increasing the extent of government control of the economy, education and other social spheres; and by making a single site, for example parliamentary elections, decisive in the contest for control of the government. In the second place there are several ways in which the *intensity* of the conflict may be increased: by large-scale direct popular involvement, as in mass movements; by concentrating the conflict between the opponents, as in a two-party competition between parties with strong internal unity; by making the contest strictly competitive rather than co-operative; and again by having a single decisive site. It must be emphasised that this need not necessarily result in discord. In certain circumstances, for example in a stable and open pluralistic society, with a high degree of social cohesion and political consensus, and where the substantive issues are relatively bargainable, almost all these features would tend to work for the effective mobilisation of support for a majority government able to implement considerable political and social change. It is hardly necessary to spell out again what the consequences in a polarised society and on non-bargainable issues are likely to be.

In these conditions we should rather look to the various ways through which, conversely, political conflict may be lessened and diffused although not eliminated. In the first place there are ways in which the *conditions for rational negotiation* may be improved: by restricting the extent of direct popular involvement in political bargaining and limiting this to established representative leaders, preferably with strong and direct links with their supporters; by creating co-operative rather than strictly competitive conditions for the bargaining encounter (in the electoral system either through proportional representation or multiple-member constituencies favouring a multi-party system and hence the necessity of executive coalitions; or, more generally, through increasing both the mutual interdependence and independent political resources of the parties concerned); by avoiding the emergence of major non-bargainable issues at the electoral level in national politics (e.g. through restricting government interference in religious or educational matters, or by creating institutions on a noncompetitive basis, such as separate electoral rolls or councils for certain groups etc.); and in general by lowering the stakes involved in the contest for the control of government.

This is closely connected with, in the second place, the various ways in which political conflict may be both decreased and diffused by the

decentralisation and devolution of powers: on the whole these processes are exactly opposite to the ones we have just summarised as increasing the 'stakes' in the contest for government. That is limiting the size and resources of the polity; limiting the powers available to the national executive and administration; limiting the extent of governmental interference in and control of the economy, education, and religion; and in general diffusing the concentration·of the conflict between the opponents and diversifying the number of sites, none of which is decisive. More particularly these results may be attained by the dual principles of federalism and constitutional separation of powers both of which create a variety of alternative sites and reduce the possibility of an all-or-nothing victory through elections, thus tending to decrease the relative importance of electoral encounters as compared with encounters at other sites *(47)*. These measures also tend to act as checks or restrictions on both the executive powers of government and the implement- ation of major political reforms. Any group bent on domination or substantial reform is thus confronted with 'the alternative of carrying out a revolution to sweep the whole fragmented structure away, or else adopting a strategy for gaining goals by influencing the existing personnel of government rather than relying exclusively on winning elections and displacing the govern- ing party or coalition' *(48)*.

We thus have a general but fairly clear set of alternatives for the democratic structuring of political conflict. To quote Dahl: 'If constitution-makers wished to concentrate the opposition and encourage the existence of two distinct and strictly competitive parties each employing a strategy of winning elections in order to form a powerful one-party executive, they should re- commend a parliamentary system without marked constitutional separation of powers; an executive with relatively great political resources in comparison with the legislature; a unitary rather than a federal system; and election of members of parliament by a relative majority of votes in single-member districts. However, constitution-makers in some countries would be well advised ... to hesitate about adopting such a constitution because of its explosive potentialities if political attitudes were to become highly polarised. Conversely, if constitution-makers wished to diffuse the opposition into a variety of different sites and parties and to encourage co-operative- competitive strategies with a strong emphasis on gaining entry into parliamentary coalitions, they should recommend proportional representation, a relatively weak executive, constitutional separation of powers, and federalism. However, the price of such a constitution might be a certain paralysis in the executive' *(49)*. The Westminster model on the whole clearly corresponds to the former set of alternatives. It will also be clear that the South African political system, apart from its electoral and party aspects, increasingly diverges from this first alternative, and that the second alter-

native can take on a number of different institutional combinations and forms. We must therefore investigate some of these alternatives systems, and the potential of the evolving South African system.

(iv) The Consociational Alternative and Extra-Parliamentary Democratic Pluralism

A closer look at two distinctive forms of alternative political systems will prove them to be highly relevant to South Africa. They enable us to envisage more clearly specific ways in which our political system might develop, while highlighting certain crucial problems as well.

(a)   Consociational Democracy

In view of the difficulties facing a liberal democracy in a plural society, and more particularly the Westminster model in polarised societies with a high conflict potential, it is significant that some countries have evolved political systems constituting stable and effective democracies despite social cleavage between different religious, language or ideological groups. It has accordingly been suggested that *consociational democracy* is the appropriate political formula for diverse and polarised societies.

The case for the consociational alternative has been developed by the Dutch political scientist Arend Lijphart in a number of papers *(50)*. Lijphart takes as his starting point the typology of democratic political systems in which Gabriel Almond contrasts the stable and effective 'Anglo-American' democracies with the instability and immobilism of 'Continental-European' political systems (primarily France, Italy and Germany) *(51)*.

Almond attributes the difference to the contrasts in social structure and political culture: the Anglo-American democracies have 'homogeneous political cultures', whereas the European democracies are characterised by a 'fragmentation of political culture' with separate 'political sub-cultures'. It will be clear that the general perspective here is the 'Westminster' model, and that the contrast squares with the conditions for the stable working of that model. But as Lijphart repeatedly emphasises, it makes it difficult to understand why a number of countries such as the Netherlands, Austria, Switzerland and Belgium, where the cleavages between the different 'sub-cultures' are even more distinct, are nevertheless 'fragmented but stable democracies'. The explanation, Lijphart suggests, is in the over-arching co-operation and political accommodation at leadership-level as distinct from the popular involvement of their respective sub-cultures: 'The leaders of the rival sub-cultures may

engage in competitive behaviour and thus further aggravate mutual tensions and political instability, but they may also make deliberate efforts to counter-act the immobilising and unstabilising effects of cultural fragmentation' *(52).* Political leaders who recognise the perils of polarisation as well as the necessities of mutual interdependence and who are committed to the maintenance of the system and to the improvement of its cohesion and stability, may agree on compromises and accommodations which would not be possible if they required direct popular ratification in competitive conditions. In this way the internal cohesion of the various groups and the 'distinct lines of cleavage among sub-cultures may actually help rather than hinder peaceful relations among them' *(53).* All that is required of the masses is that they remain committed to their own sub-cultures and that they trust and support their respective leaderships. In fact this internal political co-hesion of the groups or sub-cultures is vital since the leaders have to co-operate and compromise with each other without losing the support of their own rank and file.

One form of such political co-operation at leadership level is the 'grand coalition' as, for example, in the carefully arranged collaboration and division of powers between the Catholics and Socialists in the Austrian Second Republic after the Second World War, following on the earlier experience of polarised conflict between the two *Lagern* which had brought about civil war and the establishment of a dictatorship *(54).* Many other consociational devices and institutions are possible. In the Netherlands, for example, the cabinet is usually a broadly-based coalition, though not all major sub-cultures are permanently represented. Important powers are vested, however, in consociative advisory councils and committees, whether permanent organs like the Social and Economic Council or ad hoc bodies like the group of top party leaders that negotiated the 'school pact' in 1917 *(55).* A particularly striking aspect of the Dutch case is the extent of the internal social and cultural autonomy of the various sub-cultures: each of the three major *zuilen* (Catholic, Protestant and secular) has its own more or less complete set of social organisations and institutions: schools, newspapers, trade unions, wel-fare organisations and broadcasting corporations. In fact, Lijphart includes social and cultural autonomy along with mutual vetoes and proportional representation as one of the three main principles of the 'consociational solution': 'as much autonomy for the different sub-cultures as possible, over-arching collaboration by the sub-cultural élites in which each élite group possesses a veto over crucial decisions and proportional representation in decision-making bodies and administrative organs' *(56).*

Lijphart himself points out some important disadvantages of a con-sociational system: 'The price to be paid for a system of participation by all élites, mutual veto, autonomy, and proportionality is inevitably a certain

amount of inefficiency, slowness, and lack of decisiveness. To the extent that sub-cultural autonomy requires the multiplication of a number of governmental and administrative units as well as the institution of a host of separate facilities for the different sub-cultures, consociationalism has definite financial consequences: it is an expensive type of government. A disadvantage of the mutual veto is that it may block or delay the adoption of socially desirable policies' *(57)*. Even more important are the limiting conditions for successful consociational democracy. Lijphart enumerates six conditions favourable to the development of fully legitimate consociational regimes *(58)*, one of the most important of which is a 'multiple balance of power' among sub-cultures. That is, all the component groups should preferably be more or less equally powerful minorities, rather than having concentrated conflict between two equally strong sub-cultures, or than one group enjoying a clear hegemony over the other(s). In fact, the consociational formula is well suited to decreasing the intensity of conflict, to preventing certain non-bargainable issues from becoming paramount, and thus to creating favourable circumstances for political accommodation between groups, but it does not offer procedures for changing the power relations between them. On the contrary, it will tend to preserve these. If there is some form of parity to start with, consociationalism will prove a 'democratic' system, but where one group enjoys a clear advantage in political and economic power, it will help that group to entrench its domination in the long run. (Of course, where previously one group enjoyed a monopoly of political power, allowing the participation of the leadership of all groups in a consociative system would amount to major change, and if the subordinate group(s) were numerically larger proportional representation would also constitute relative change - but, as with the liberal constitutional proposals discussed in the previous chapter, the crucial question then becomes the prior problem of bringing about the transition to such a consociational system). The main point here is that any political system held together by bargaining and mutual accommodation need not therefore be democratic. The relative power of the components is all-important, both in the sense of the political, economic and military resources to which each has access, and in its relative indispensability to the overall system with the consequent force of withdrawing its contribution (that is if such an option exists) *(59)*.

Although the consociational formula is thus undoubtedly relevant, there are also major problems in applying it to divided plural societies, characterised as these are not merely by polarisation but also by sectional domination. This may be amplified in another way. In our previous chapter we distinguished, following M.G. Smith, three basic modes of social incorporation, viz. uniform, differential and consociational. We pointed out that the liberal-constitutional approach is closely allied to the mode of

uniform incorporation where individuals directly participate as individuals in the public domain and that it is opposed to both differential and consociational incorporation which integrate individuals into the public domain through their memberships of secondary groups, their ethnic identity or their corparate affiliation. Differential and consociational incorporation are characteristic of plural societies, but whereas the former involves domination and 'second-class citizenship', the latter posits parity. It might seem that there is a close link between the social mode of 'consociational incorporation' and the political system of 'consociational democracy'. In fact, however, the representative systems of consociational democracies like the Netherlands, Austria, Switzerland and Belgium, are all examples of uniform incorporation, since individuals participate directly as individuals in a single representative system. To the extent that there is a political consociational system this is a voluntary and self-sustaining phenomenon that is not reflected in the constitutional framework as such. Within the electoral system the groups and their parties and organisations are in a competitive relation and it is perfectly possible for individuals to align themselves with different groups or with new overlapping movements or parties. It is of course possible to conceive of a political system in which each group would have its own representative sub-system within some over-arching system of co-ordination. This would be the strict representative equivalent of consociational incorporation, and it could be a kind of limiting case of consociational democracy - but it does not correspond to any of the existing cases, except to a certain extent perhaps that of the Lebanon.

(b)   Corporate Pluralism

Another democratic pluralistic variant is the Norwegian system of extra-parliamentary organised pluralism and national bargaining. Democratic pluralism is also well established in the United States but there it is inextricably entangled with a number of other related and contrary factors: In the first place American political pluralism is deeply embedded in the social structure of an open pluralistic society, it is in a sense simply an extension of the multiplicity of partially overlapping ethnic groups, secondary associations, corporations and institutions; secondly, it operates within the framework of a liberal constitution and an effective two-party system; and thirdly, it can hardly be abstracted from the context of the federal system and the consequences of the constitutional separation of powers. In Norway, on the other hand, a fairly orthodox multi-party system of representative government is supplemented by a highly developed complex of extra-parliamentary corporate bargaining. To some extent it is comparable with the

consociational democracies, except that the accommodations between the various groups are reached outside the specific sphere of the government, parliament and the political parties.

The growth of representative institutions and the extension of the franchise in Norway were paralleled by the growth of a vast network of interest organisations and other corporate bodies. These have come to participate directly in the major processes of authoritative decision-making, particularly in economic policy, where the government is only one of four major corporate units at the bargaining table. Stein Rokkan has described this process as follows: 'The crucial decisions on economic policy are rarely taken in the parties or in parliament: the central area is the bargaining table where the government authorities meet directly with the trade union leaders, the representatives of the farmers, the smallholders, and the fishermen, and the delegates of the Employers' Association. These yearly rounds of negotiations have in fact come to mean more in the lives of the rank-and-file citizens than the formal elections' *(60)*. The main principles of this system of national bargaining diverge in important respects from those of democratic majority rule: 'In these processes of intensive interaction, the parliamentary notions of one member, one vote and majority rule make little sense. Decisions are not made through the counting of heads but through complex considerations of short-term or long-term advantages in alternative lines of compromise ... The vote potential constitutes only one among many different power resources brought to bear in these bargaining processes: what really counts is the capacity to hurt or to halt a system of highly interdependent activities' *(61)*. In fact, although the Labour Party, representing the mass of the hitherto under-privileged, has been almost continuously in power since the 1930's, the 'established' groups have managed to defend their interests more than adequately through these other channels of influence on authoritative decision-making.

The main advantage of such a complex of extra-parliamentary organised national bargaining is that it extends the opportunities for the effectiveness of participation in authoritative decision-making. Even if the decline of parliament in most democratic systems has made elections even more crucial, the concrete alternatives open to voters are few and simple in comparison with the great range of problems confronting a modern state and an election thus at best furnishes a vague mandate *(62)*. Opportunities for bargaining with the executive and the bureaucracy, and a significant place for collective negotiations between associations and corporations, provide ways of supplementing (or counter-acting) the limited political participation possible at the ballot box. The democratic functions of such organised pluralism and national bargaining have been well summarised by Robert Dahl as providing 'additional sites for effective expression of views, dissent, criticism. Often it

ensures that the specialised knowledge of the groups most deeply involved in some activity will be brought to bear on a solution. Because it often enables key groups to arrive at decisions they find more acceptable than decisions imposed by legislative or executive order, bargaining is an instrument for gaining consensus and enlarging the area of freedom in political obligations' *(63)*.

On the other hand, there are important limitations to such collective bargaining. The Norwegian system of corporate pluralism applies primarily to decisions on *economic* policy, and thus to eminently bargainable issues. Clearly it will be much more difficult to deal effectively with less bargainable issues in this way, and even more so in a divided society or under conditions of polarised conflict.

There are also major problems concerning the working and results of such a system of corporate bargaining itself. To begin with, it is open to the same criticism which we levelled against consociational democracy, viz. that the relative bargaining powers of the participants are all-important. In conditions of a kind of 'multiple balance of power' it may function democratically, but otherwise it is liable to preserve and entrench the unequal status quo. Thus the democratic character of American political pluralism has increasingly come under fire. Henry Kariel, in *The Decline of American Pluralism*, has argued that in practice pluralism systematically favours the interests of the stronger against the weaker party in interest-group conflicts and tends to solidify the power of those who already hold it *(64)*. Robert Paul Wolff similarly maintains that even if the theory of pluralism would allow *all* groups their legitimate place in society, in practice it always favours established groups against those in process of formation and neglects the many who are not adequately organised *(65)*. Secondly, in Dahl's words, 'to the extent that parliament is excluded from the process ... there is no political institution in which majorities weigh heavily that can control the great bargained decisions by means of public review, appraisal, opposition, amendment, or veto' *(66)*. It is remarkable that the Norwegian system of national bargaining still occurs in a constitutional vacuum *(67)*; this might increase its flexibility but it also limits the possibilities for public control. In short, although such a pluralistic system provides the opportunities for organised groups vigorously to pursue thier own interests, it does not provide any agency that can act on behalf of the general interest, or represent the interests of ignored, suppressed or simply unorganised groups *(68)*.

But if a system of corporate pluralism and national bargaining cannot be an adequate substitute for representative government, it can supplement it in important ways. Particularly in conditions where, as in South Africa, there are major obstacles which prevent important groups from access to the central system of parliamentary government, it may provide alternative strategies.

The sine qua non remains, of course, the freedom of all groups to organise effectively for collective bargaining purposes. And if pluralism in the long run tends to act as a conservative force, it can still, like consociational democracy, play an important transitional role in relation to the sectional domination in a divided plural society.

(v)   Alternative political systems and South Africa: the problems of transition

The preceding investigation may have helped in two ways to clarify the problem of political alternatives in South Africa. In the first place we have seen that there is a considerable variety of political alternatives, in both the limited sense of different electoral and party systems, and also the wider sense of different ways of structuring political conflict through, for example, the consociational alternative or corporate national bargaining. In the second place our analysis of the complex interaction between generalised social conflict and politics has helped to clarify the requirements for a democratic system that might be able to structure and contain the high conflict potential of polarised and unequal societies.

It would serve little purpose to continue an exhaustive survey of all possible political systems, or to give an abstract assessment of their appropriateness for this or that set of conditions, in order to come up with some theoretically 'best' solution. If we are to get to grips with the problem of political alternatives confronting us, then we have to relate the different political systems and their requirements as directly and concretely as possible to our South African situation, including our present political system. In this way we might then see what the crucial issues and the major options are.

We have seen that where there is a high conflict potential, as in our own unequal and polarised apartheid society, there are serious objections to a two-party system of representative government, particularly if this is coupled with a strong executive in a centralised and unified state. In any effective contestation for the control of the government such a system would tend to increase the intensity of political conflict greatly, given the very high stakes, the concentration of the opponents, and the relative decisiveness of a single major site. If it did not succeed in containing such intense conflict the result would be severe civil discord if not civil war, or alternatively coercive government and sectional domination. On the whole this has so far been borne out by the South African case. To the extent that a democratic system does exist here, it has a competitive and centralised structure, although the majority of the population is excluded from access to it and thus from the means of constitutionally and effectively contesting the control of govern-

ment. This is no doubt the main reason for the relative stability of this restricted system of representative government. The South African political system as a whole as we found inPart II, is by and large one of coercive government and domination. It follows, as we argued in Chapter 9, that we are unlikely to arrive at a stable and democratic polity in South Africa merely by extending the franchise and so making the existing centralised and competitive system more inclusive. We can now see more clearly that there should also be basic structural changes in the political system if it is to structure and contain the heightened political conflict. But what are to be the starting points and the mechanisms for such changes if our present political system is indeed such an unfortunate compound of competitive party-politics and coercive government? Are there perhaps other features which might offset these?

It may be appropriate here to bring out more explicitly a somewhat unexpected result of our basic analysis of alternative political systems. We began by emphasising the central significance of the Westminster model for most political thinking in South Africa. In a sense this is merely a reflection of the present system - at least if we confine ourselves to the electoral and party system. If, however, we look carefully at the evolving South African political system in the wider sense, i.e. as a way of structuring and containing conflict, we can also recognise, apart from the predominant role of various kinds of coercion and regulation, a number of structural elements which would tend to decrease the intensity of conflict and improve the conditions for rational negotiation in ways not provided for by the Westminster model. There is, for example, the growing pattern of granting a measure of local autonomy to various groups, the creation of sub-systems of representative government on a non-competitive basis, the restriction of direct popular involvement and the growing emphasis on consultation and even contestation between established representative leaders. Much of this is still in embryonic form and co-exists with extensive centralised government regulation, but it is not peripheral to our present political system. It may therefore be unwarranted and misleading to think of this evolving political system solely in terms of the Westminster model. It may be more fruitful to investigate the potential of these other features as starting points for bringing about further structural changes, as part of a development towards political justice.

It should be emphasised, however, that the mere presence of some of these elements by no means guarantees an acceptable or democratic political system. On the contrary, we argued in Chapter 8 that in terms of the policy of Separate Development, i.e. on the basis of homeland separatism and independence, these very elements would largely contribute towards a more sophisticated strategy of continued white domination. It must accordingly be one of the major objects of the next chapter to attempt to spell out the con- ditions in which, for example the decentralisation and devolution of powers

would really begin to contribute towards a more just and democratic society; to extrapolate the kind of political system this would require; and to envisage the ways and means by which such a system could evolve from the present one. In this way the question of alternative political systems would be approached not merely as an abstract theoretical exercise but with the focus squarely on the many concrete problems of transition.

FOOTNOTES

1. C.B. MacPherson, *The Real World of Democracy* (Oxford, 1966), Chapter 2, 3.
2. Cf. e.g., R. McKeon (Ed.), *Democracy in a World of Tensions* (a symposium prepared by UNESCO, Chicago, 1951).
3. R. Dahl, *Political Opposition in Western Democracies,* p. 335.
4. Douglas W. Rae, *The Political Consequences of Electoral Laws* (New Haven, 1971).
5. M. Duverger, *Political Parties* (New York, 1954), p. 217, Cf. Rae, *op. cit.,* pp. 92ff.
6. Rae, *op. cit.,* pp. 114ff, 139f.
7. E. Lakeman, *How Democracies Vote.* A Study of Majority and Proportional Electoral Systems, 1970.
8. Cf. Rae, *op. cit.,* pp. 70ff, 88ff, 134ff. For a discussion of some of the main technical formulae, cf. *ibid.,* pp. 28ff, 104ff and Lakeman, *op. cit.,* passim.
9. Rae, *op. cit.,* p. 75; cf. p. 135f. According to Rae the electoral system did not in any of the elections covered by his study create an *artificial minority,* i.e. allocated a minority of seats to a party with an absolute majority of the vote, though this is theoretically possible. This of course happened in the 1948 elections in South Africa.
10. Cf., K.J. Newman, *European Democracies Between the Wars,* Chapter 3.
11. S.M. Lipset, 'Party Systems and the Representation of Groups', *Eur. Journal of Soc.,* 1960; reprinted in Lipset, *The First New Nation* (New York, 1963), Chapter 9; also in R. Dahl and D.E. Neubauer (eds.), *Readings in Modern Political Analysis,* etc., References are to Dahl and Neubauer.
12. *Ibid.,* p. 105.
13. S.M. Lipset and S. Rokkan, 'Cleavage Structures, Party Systems, and Voter Alignments: An Introduction', in *Party Systems and Voter Alignments: Cross-National Perspectives* (New York, 1967), p. 4.
14. Lipset, *op. cit.,* p. 106.
15. Dahl, *op. cit.,* p. 351.
16. Lipset, *op. cit.,* p. 107; cf. Lipset and Rokkan, *op. cit.,* p. 32.
17. D. Easton, *The Political System: An Inquiry into the State of Political Science,* 1953.
18. Max Weber, 'Politics As A Vocation', *From Max Weber,* 1947, pp. 77-78.
19. Richard Rose, *Governing Without Consensus,* 1971, p. 31.
20. Cf. *ibid.,* pp. 397 for a similar distinction.
21. S.M. Lipset and S. Rokkan, *op. cit.,* pp. 9ff; cf. also R. Rose, *op. cit.,* p. 40 etc.
22. R. Rose, *op. cit.,* pp. 397-398.
23. *Ibid.,* pp. 398-405; cf. also R. Dahl, *op. cit.,* p. 357.
24. Leo Kuper, 'Plural Societies: Perspectives and Problems', *Pluralism in Africa,* p. 19; cf. idem, 'Conflict and the Plural Society: Ideologies of Violence among Subordinate Groups', *Pluralism in Africa,* p. 160.
25. *Ibid.,* pp. 156-157, 162.
26. *Ibid.,* p. 163.
27. R. Rose, *op. cit.,* pp. 28ff, 407.

28. R. Dahl, *Polyarchy: Participation and Opposition*, 1971, pp. 4ff.
29. S.M. Lipset and S. Rokkan, *op. cit.*, p. 27.
30. R. Dahl, *op. cit.*, p. 4.
31. *Ibid.*
32. S.M. Lipset and S. Rokkan, *op. cit.*, p. 5.
33. R. Dahl, 'Democracy and The Chinese Boxes', in H. Kariel (ed.), *Frontiers of Democratic Theory*, p. 374.
34. Cf. R. Dahl, *Political Oppositions in Western Democracies*, p. 350.
35. R. Michels, *Political Parties*, 1915, pp. 416ff.
36. J. Schumpeter, *Capitalism, Socialism and Democracy*, 1950, pp. 269ff. Cf. also, e.g., B. Berelson, P. Lazarsfeld, W. McPhee, *Voting*, 1954, pp. 306ff; R. Dahl, *Who Governs?* 1961, etc.
37. Cf., e.g., Jack L. Walker, 'Normative Consequences of 'Democratic' Theory', in H. Kariel, *op. cit.*, pp. 241ff.
38. Cf. M. Edelman, *The Symbolic Uses of Politics*.
39. *Cf. G. Almond and S. Verba, The Civic Culture: Political Attitudes and Democracy in Five Nations*, 1963, p. 493.
40. R. Dahl, *Political Opposition in Western Democracies*, pp. 332f.
41. Cf. R. Rose, *op. cit.*, pp. 411, 448.
42. R. Dahl, *op. cit.*, pp. 336f.
43. *Ibid.*, p. 338.
44. *Ibid.*, p. 395.
45. *Ibid.*, pp. 339f.
46. S. Rokkan, 'Norway: Numerical Democracy and Corporate Pluralism', in R. Dahl, *op. cit.*, pp. 105ff.
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54. Cf. G. Lehmbruch, *Proporzdemokratie: Politisches System und politische Kultur in der Schweiz und in Österreich*, 1967.
55. Cf. A. Lijphardt, *The Politics of Accommodation; idem, 'Consociational Democracy'*, pp. 213-214.
56. Idem, 'Cultural Diversity and Theories of Political Integration', p. 10.
57. *Ibid.*, p. 14.
58. Idem, 'Typologies of Democratic Systems', *Comparative Political Studies* 1968 (1), pp. 17-35.
59. R. Jordan, A Short Commentary on the Draft Report, submitted to the Political Commission, pp. 3f.
60. S. Rokkan, 'Norway: Numerical Democracy and Corporate Pluralism', in R. Dahl, *Political Oppositions in Western Democracies*, p. 107.
61. *Ibid.*, pp. 106-107.
62. R. Dahl, *Political Oppositions in Western Democracies*, p. 396.
63. *Loc. sit.*
64. H. Kariel, *The Decline of American Pluralism*, 1961. Cf. also R.P. Wolff, *op. cit.*, p. 55.
65. R.P. Wolff, *op. cit.*, pp. 48ff.

66. R. Dahl, *op. cit.*, p. 397.
67. S. Rokkan, *op. cit.*, p. 108.
68. R.P. Wolff, *op. cit.*, pp. 56f.

Chapter Eleven

THE PROBLEMS OF TRANSITION AND THE PROSPECTS FOR A PLURALISTIC DEVOLUTION OF POWERS

THE PROBLEMS of transition have increasingly become the focus of our thinking about political alternatives in the South African situation. This is a logical consequence of the Commission's commitment to explore the possibilities of peaceful change in practical and relevant terms. Our Report has been guided throughout by two basic theses about acceptable political alternatives, viz. (i) our rejection of violent revolutionary change (cf. Chapter 5: (ii), (iii)); and (ii) our intention to avoid the fallacious quest for abstract blueprints and theoretical 'solutions' (cf. Chapter 6: (ii), (iii)). Taken together these aims assign a central importance to the 'transition' and give a particular significance to this nebulous and elusive term.

In a revolutionary model of social and political change the 'transition' might be envisaged as a rapid and total change of the whole institutional system, giving the process a highly dramatic but subservient significance. 'Revolutionary transition' is essentially a means to an end, and more often than not the revolutionary means are supposed to be justified by their ends. Problems of transition thus tend to become merely technical or tactical matters which, once overcome, make way for a 'post-transitional' stage dealing with problems and conflicts arising within the (presumed) new despensation.

In a more evolutionary model of peaceful social and political change, it becomes much harder to locate the 'transition' precisely. An 'evolutionary transition' might be viewed as being itself an evolutionary process extending from piecemeal adaptations of a given institutional system through a number of intermediate positions, in the long run amounting to major change. It is possible to see this kind of transition as similar to a revolutionary one, only with other means and within a longer time-span. Given a definite starting point and an equally specific terminus, the 'transitional stage' might be clearly identified, perhaps even divided into different sub-stages, and it would also be possible to apply the means-end logic to it. If, however, we are not capable of providing an appropriate blueprint for the various necessary stages in an evolutionary transition, and in fact do not wish to attempt this; if, moreover, we cannot predict the ultimate outcome of such an evolutionary development, but can only give an open-ended projection of conceivable major changes in, and continuing accommodations of, possible future institutional systems,

then the 'transition' can no longer be identified as a specific 'stage', or even as a number of such 'stages'. Even more important, it cannot be viewed as essentially a means towards an end, nor, of course, can it be justified as such.

We need two major emphases to tackle the 'problems of transition'. First of all our analysis must concentrate on the present and emerging political situation - the increasing or decreasing opportunities for social and political change, the available or newly arising forces of such change, etc. - rather than on the realisation of some distant future goal. Although our present political system is basically characterised by domination and discrimination, and thus we have to reject it (cf. Chapter 3), the system is not static but dynamic, and we may investigate its structural strengths and weaknesses in containing, managing or exacerbating social and political conflict. What types of development is it increasingly bringing about, including consequences unintended by the present regime? What types of development is it inhibiting, and what would happen if the obstacles were removed? We can attempt to identify the possible starting points within the present system for desirable developments which may lead beyond it, or, alternatively, which may indicate the crucial parting of the ways which we face. In both cases extrapolations of possible developments into the future may help to clarify more immediate issues.

In the second place we must keep our ethical criteria - the primary concepts of freedom, equality and justice - clearly in mind in assessing the different courses of development. Their realisation cannot be deferred until the eventual attainment of some future goal, nor can we relax their exacting requirements in considering the necessary means for the 'transitional stage'. The criteria must apply equally to immediately possible developments and to major changes which might result in the longer run. In short, if the 'transition' does not refer to just one definite development, or even to a specific set of sequential developments, and if it cannot be presented as the necessary and sufficient means for the attainment of some absolute end, then the 'problems of transition' are both indefinitely multiplied and also acquire a greatly heightened urgency.

(i)   The Forces for Political Change

It is easy to underestimate the difficulties of bringing about significant political change in South Africa. The case for an impending transition can seem very persuasive. A brief theoretical analysis demonstrates the high conflict potential of our divided and unequal society. We can readily point to the processes   and   consequences   of   continued   economic   growth   and

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modernisation for all our population groups, of rising black expectations and claims, of the inherent limits to effective coercive government and security measures, of the impact of increasing international pressures. One is almost forced to conclude that important accommodations of the political system must be made if we are to avoid an otherwise 'inevitable' escalation of conflict!

This alarming picture may be a true reading of the urgency of our political situation, but a political system does not simply 'adapt itself'. We must specify the political forces which could bring about the necessary changes, and the ways and the areas in which they would operate. We must also explain why they would be likely to act in this way. When we begin to seek such suitably qualified agents of transitional change, however, we find that they are not quickly forthcoming. In our investigation of the 'Possibilities of Change' in Chapter 5, we started with the observation that, despite the changes and dynamism of the South African society in the last hundred years, the system of white domination had been successfully maintained, and we had to conclude our brief review of potential forces for change by saying that at present the possibilities for far-reaching political change are slight indeed. If anything, these pessimistic conclusions have been corroborated by our sub-sequent critical evaluation of specific alternatives like separate development and liberal-constitutionalism.

Nevertheless, however slight they may be, the possibilities and forces for change are there. The urgency of the situation only makes it more important that they should be seen clearly and assessed realistically. It would be fool-hardy to opt for an alternative in an area where the odds against it are greatest, or where the necessary basis for it is absent; it would be equally un-fortunate to neglect or even reject a course of action in another area of the political system by not recognising its full potential. Our previous analysis of the structural features of political systems as procedures for managing and structuring the generalised conflict in society may now help to identify the key areas and forces for structural changes in the South African political system.

We shall thus make a brief summary of the possible bases of and available forces for political change in our political system, distinguishing between four different kinds of political action, development and movement, each based in a main area of the political system. These are (a) extra-parliamentary social and economic changes with direct or indirect political consequences; (b) political movements operating within the national system of representative government and party-politics; (c) national political movements having their base among those excluded from the limited electorate of the central system; and (d) the interaction between the central regime and its unenfranchised sub-jects particularly through the new sub-systems of representative government. In terms of (b) and (c) particularly the possible forces for political change are absent or blocked, but the picture presented by (a) and (d) is appreciably different.

(a) Extra-parliamentary social and economic change with political implications

The basic importance of the underlying social and economic structure of the society in terms of possible political change has been a constant theme of this Report. In the previous chapter we saw that the social cohesion and consensus of an open pluralistic society is a necessary condition for the successful working of a two-party system of parliamentary government and earlier we discussed the insuperable obstacles confronting a programme of liberal constitutional reform in a divided plural society (above Chapter 9 (i), (ii)). At the same time it follows that changes in the social and economic structure would be very important for possible political change. Apart from the increasing economic interdependence of all sectors of the South African society, pervasive social and cultural changes are taking place in the 'traditional South African way of life', bringing about common ties of interest and understanding and setting up a complex pattern of interaction with the contrary forces of ethnic politics, entrenched group privileges and countervailing separatism or polarisation (above Chapter 7: (i), (ii), (iii); Chapter 10: (ii)). We have concluded, however, that, contrary to a widely held theory, the forces of economic growth will not automatically advance political democratisation and that the peculiar system of labour exploitation along lines of colour which characterises the South African political economy may be even further expanded and refined (above Chapter 5: (v); Chapter 7: (i); Chapter 8: (iii)). To a large extent, of course, the colour bar, migrant labour, the powerlessness of African trade unions, and obstacles in the way of multiracial association are being maintained by government regulation of economic affairs and race relations, so that it is political intervention in the economic and social sector which is inhibiting developments with potentially contrary political implications. But the powers of even the most unyielding government faced with pervasive processes of socio-economic change are severely limited. To say the least, the interaction goes both ways.

Two additional comments can be made here. First it seems that both the scope for and the long term impact of certain kinds of social and economic change would be greatly increased if and when the extent of centralised government regulation could be considerably reduced. Sporting bodies, business leaders, universities or churches might find it easier than a monolithic government policy to come to terms with changed social conditions and requirements on their own terrains. At the same time a greater measure of autonomy for local communities or population groups in educational, cultural and religious matters may reduce the opportunities for non-bargainable issues to become the occasion of political conflict. In the economic sector a relaxation of centralised government regulation may in the

short term give greater scope to private enterprise, but it would also enable the mechanisms for participation in collective bargaining to be greatly extended and to play a more important and more public role. In particular, black trade unions may become a considerable force for change once they are given their due place in the procedures for labour and industrial reconciliation.

Secondly, whether or not any major political changes take place, the scope and the need for extra-parliamentary democratisation in South African society are much greater than is often realised. It is not merely in relation to the distribution of wealth or the share in government that our society is manifestly unequal. In all kinds of institutions and organisations crude or subtle restrictions on effective participation in the decision-making procedures are widely prevalent. Even within the dominant white group itself authoritarian structures, methods and attitudes prevail in family life, religion, sport, and industry. And in race relations, of course, practices vary between the two poles of outright domination and paternalism. In multi-racial institutions and even in liberal organisations the tendency is towards exclusive white control of financial and executive powers. The generally accepted mode of deliberative action, with certain minor exceptions, is to petition the authorities 'through the proper channels' rather than to look for mechanisms for collective bargaining, or to operate as public pressure groups, or to resort to the range of methods for public demonstration and contestation. A more participatory and egalitarian society is the necessary complement to a political democracy, though a greater degree of popular involvement may also in certain circumstances heighten social and political conflict. Wider participation in decision-making in other sectors must, however, go some way towards preparing the way for the acceptance of wider participation and collective bargaining on the level of government as well.

We conclude, then, that although the divided and unequal structure of South African society imposes important limitations on the available alternatives for political change, there are also basic social and economic processes at work affecting this polarised structure itself, and there is considerable scope for various kinds of social action. In so far as political change is concerned the impact must, however, remain indirect or implicit. Moreover, we have seen that political regulation is one of the most important inhibiting factors for such social and economic change, and we must accordingly turn to the political arena itself for our major agents of political change.

(b)   Political Change from within the Parliamentary and Party System

There are two obvious and very important reasons why we should look

primarily to this area for the bases of and forces for transitional political change. First, the majority party in parliament controls the powers of government, and thus has access to the most important instruments of direct political change. It is a sobering thought, of which this Commission is only too painfully aware, that all examinations of political alternatives and all proposals for political change must in the final analysis remain a purely theoretical exercise unless they can find an appropriate political vehicle, such as being adopted as government policy. (This is not to say that parliamentary government is by any means the sole agent of political change, or that its powers will always be sufficient to implement a policy successfully - that would depend on many other factors: the unified or pluralistic nature of the political system, social and economic conditons, etc.) Secondly, the electoral and party system provides an established set of procedures for participation in the public contest for the control of government and the mobilisation of support for proposals for political change. Admittedly only a limited section of the population in South Africa has access to this system, but then the logical step would be that the existing representative institutions should provide the basis for making themselves more inclusive.

Important political changes have indeed originated in this way. Afrikaner nationalism as a broad social and cultural movement attained political dominance within the party system through effectively mobilising the electoral support of the Afrikaner majority of the white section. In this way it could avail itself of the powers of government to effect a certain redress of the power structure vis á vis the economic dominance of the English-speaking group within the white section, but also to implement the policy of apartheid on *all* population groups of society. Earlier in this Report we found that the system of apartheid is marked by basic inequality and pervasive discrimination and injustice (see Chapters 3,4) and that the policy of separate development is, all in all, aimed at continued though perhaps more sophisticated white domination (see Chapter 8).

Is it also possible that political change towards a more democratic and just society could originate within the existing electoral and party system? On the whole we can only say that this is very unlikely. We have already pointed out that an electorate can be expected to use its political rights to pursue its own interest, and that a sectional monopoly of parliamentary representation will result in an imbalanced allocation of the goods and services and resources distributed by the state (see Chapter 3, (ii)). We have also argued that there are important structural reasons why the competition between political parties in South Africa for the broadest possible electoral base did not, as in the other Western democracies, lead to a gradual extension of the franchise, but followed the contrary course of the systematic exclusion of the tiny minority of blacks who had the vote (see Chapter 5, (ii) and Chapter 9, (iii)). If, as

we concluded at the end of Chapter 5, there are few precedents where an entrenched and privileged minority has voluntarily shared power with the majority, then it would be almost a miracle for this to result from a process of competitive party-politics restricted to that privileged minority only.

This does not mean that the present or any alternative government is completely unable to bring about political change aimed at the interests of all groups in South Africa. The point is that in so far as the present government is responsive to the claims, interests and wishes of its Nationalist supporters, and in so far as any white government would be beholden to an exclusively white electorate, these must serve as serious obstacles to their enacting any significant measures for sharing power and wealth. There certainly are individuals and groups within the white section who would to varying degrees support such political changes, ranging from 'Verligte' Nationalists to Progressives and Liberals, and from students and church leaders to leading bussinessmen. But if they are to have any political impact in terms of the existing electoral and parliamentary system they will first have to mobilise support among the voters at large. In short, in order to bring about any form of political redress between whites and blacks in this country a prospective party would have to win popular support under competitive conditions within the white electorate only, and it can hardly be expected that such a programme would be likely to bring it to power: a completely self-sustaining if not wholly vicious circle.

Two further points can be added to these rather pessimistic conclusions. First, we saw in the previous chapter that it would be wrong, on the misleading analogy of the Westminster model, to equate the limited party and parliamentary system with the evolving South African political system in the widest sense. Second, it remains an open question what measures, and under what conditions, the present or a subsequent white government might be prepared to undertake if it were not for the competitive pressures of the white electoral system; or to what extent it would be able to rely on the support of important sections of the white public. On both counts it is necessary to make a new assessment of the proper place of the white electoral system in any transitional change which might be envisaged for the overall political system, and we will return to this later.

(c)   Political Change Originating Among Those Outside the Parliamentary and Party System

The demands, grievances and expectations of the under-privileged black majority of the South African society constitute an enormous potential force for political change. When this force has been mobilised into political

organisations and movements like the ANC or PAC (and now the Black People's Convention) it has of necessity, operated outside the electoral system. At first the main objective was to gain entry into the central system of representative government, and when that was continually denied, there was a move towards resistance campaigns and finally to sabotage and guerilla tactics (see Chapter 5: (i)). The government met this by extensive security measures, severe restrictions on the freedoms of association, speech and movement and a general increase in the extent of coercive regulation (see Chapter 3: (iii) (vi)). Under these conditions occasional riots and sporadic outbursts of sabotage and guerilla activity may still occur and may have considerable impact on public opinion, but the prospects for a revolutionary movement must be assessed as slight indeed (see Chapter 5: (iii)). For the time being, the direct challenges for political change from the unenfranchised are effectively contained by coercive government.

This is, of course, not the whole story. To achieve and even more to maintain fully coercive government is by no means an easy task, particularly in view of the requirements of an industrialising society and the ideology of a partially democratic system. The social, political, moral and economic costs are considerable. For several reasons, including major changes in the international situation, doubts about the long-term feasibility of full coercion, moral criticism and an acceptance that all political rights cannot indefinitely be denied, the existing system of coercive government is to some extent beginning to be offset by the creation of new sub-systems of representative government. Whatever our criticisms of the implementation and aims of separate development, in terms of which this is being done (cf. above Chapters 4, 8), the existence of those institutions appreciably affects both the opportunities for and the kind of action open to politically conscious black leaders.

The black leader's options are indeed difficult, but they are real. 'We are caught just now', Bennie Khoapa has said, 'in an impossible historical situation', having to decide on the strategy and tactics that will advance the cause of black liberation but without any real freedom to choose ex-nihilo *(1)*. Excluded from the main political system, the black politician may suffer the frustrations of having to remain inactive and ineffective; he may choose to run the risks of illegal organisation and resistance against overwhelming odds, or he may avail himself of the limited and local opportunities provided by the new representative authorities. The latter is liable to be construed as collaboration with the instruments of white domination, but it can also establish and consolidate a platform for legitimate opposition. Astute politicians like Chief Buthelezi have already shown that it is possible to make it clear that their participation has been forced on them and that it is aimed at very different objectives from those prescribed by government policy.

It has to be seen to what extent black leaders will participate in these new

sub-systems, whether they can mobilise popular support for their actions, and above all to what extent they will be able to put these institutions to other political uses than those for which they were originally intended. It also remains to be seen what the reaction of the white government to any or all of these developments will be. Finally, it is an open question how all this will affect the extent and effectiveness of the system of coercive government. Clearly the development of any degree of authentic representative government, even on a local or communal level, will be accompanied by an increase in the freedoms to speak, associate and organise which at present are largely precluded by security measures. There is a basic and dynamic tension to this situation which the present political system might be able to accommodate up to a point, but which could also lead to a crucial parting of the ways and structural changes of one kind or another. We must now turn to this area of dialectical interaction as the crucial frontier of possible political change.

(d) The Interaction between the central regime and its unenfranchised subjects as an area of political change

In recent years there has been a growing feeling that the debates in parliament and the electoral contests between the white political parties are somehow peripheral to the major political issues. It is increasingly being realised that significant political change can no longer be decided within the white party and parliamentary system alone but that it should be looked for in the political transactions between the government and the leaders of the unenfranchised groups. What form such dealings should take is, however, far from clear. There is of course the long-standing liberal view that a National Convention should be called (2), but it is not clear what circumstances would precipitate such a momentous event: it is inconceivable that the present government would take the initiative or even participate in any way, and so a Convention would have little constitutional or political standing. A new National Convention may yet play an important role in the final stages of establishing a new political system in South Africa, but it does not provide the necessary machinery for the kind of transitional change we are looking for now.

Another proposal, which has recently been advanced from a number of different quarters, is that some kind of consultative body representing both the enfranchised and unenfranchised population groups should be set up by the government (3). This is, in the present circumstances, a much more feasible proposal, and as a short-term measure it might be of considerable political significance. Past experience with a number of consultative bodies of various kinds has, however, clearly shown the inherent limitations of such

schemes: without any political powers or an established independent basis of its own it remains very much at the mercy of the central government and administration.

To a certain extent the United Party's new (1972) policy proposals for a 'Federation of South African Peoples' *(4)* attempts to deal with some of these problems. We do not propose to discuss or evaluate the UP's federal scheme as such, but one or two of its crucial aspects are particularly instructive in our present context. Thus, according to these proposals, a federal assembly consisting of representatives of all communities in the country should be created, and this would, inter alia, act as a consultative body. The federal assembly would receive powers to deal with matters concerning all the race groups, i.e. such powers as parliament may devolve on it from time to time *(5)*. It is foreseen, though this has proved to be a matter of considerable controversy, that in time the relations between the sovereign white parliament and the new federal assembly might be amended, but it has been made clear that 'the decision as to whether such control should be relinquished in any sphere or at any time would remain in the hands of the white electorate' *(6)*.
At three critical junctures, then - the creation of the new federal assembly, the decisions on what powers it is to have, and the determination of its ultimate political and constitutional status - the impetus for political change must come from within the present (white) parliamentary and party system. In short, though the UP's federal scheme is aimed at providing a framework for political change involving all groups in the South African society, it ostensibly assumes that the main forces for and bases of political change are to be found within the limited white democratic system. In view of our analysis in sub-section (b) above of the unlikelihood that competitive politics within the white electoral system might result in a political redress between whites and blacks, we must conclude that the proposed measures would rather amount to so many opportunities for whites to contain or veto the claims for political change advanced by other and unspecified (but presumably black) political forces. It is only at this point that we begin to enter the crucial area of interaction between the present parliamentary system and the political movements and forces currently excluded from it, but on this the UP's federal proposals remain silent.

A similar point emerges from a rather different, but· not completely unrelated, proposal for managing the transition from the present parliamentary system. Certain hostile critics of the UP's federal plan have suggested that it is possible that, once elected, a future government need not actually submit to the white electorate its measures for the devolution of powers, and even of parliamentary sovereignty, to the federal assembly *(7)*. Mr Radford Jordan has proposed that even the present government (i.e. assuming that the Cabinet and the Nationalist majority in parliament would

become sufficiently conscious of the country's need to effect a new sharing of wealth and power and of the detrimental effect of white party politics in this regard) might acquire considerably increased freedom of action in a transitional stage by legislating that parliamentary elections be eliminated for an indefinite period. If competition between white political parties for the control of parliament could be thus suspended for a long period, the government would be relieved of the electoral pressures at present inhibiting it, and might use the period of suspension for effecting important social and political reforms *(8)*. Now quite apart from the many constitutional issues raised by this proposal, it should be noted that it once again assumes that the initiative and main force for political change will, or can, come from within the white government or parliamentary system itself. Such a drastic change of heart on the part of the white regime would, however, begin to make political sense only if it were a response to the perception of dire threats or urgent claims, which must, in the nature of things, be advanced by other forces or movements outside the system. We should thus rather look at the structuring of the total situation of conflict and interaction. As regards the present proposal, the question then immediately arises: what will be the probable consequences, in such a critical conflict, of merely increasing the unfettered powers of the (white) government?

In short, though a general decrease of direct popular involvement may also serve to decrease the intensity of political conflict, and though there is a strong case for breaking the stranglehold on political change which results from the white monopoly in competitive politics for government control, the crucial point is not to absolve the government from all popular pressures on it but to find ways and means by which it can be made more responsive to the claims of the hitherto unenfranchised.

We may thus draw two conclusions from this preliminary investigation of the crucial area of interaction between the central regime and its unenfranchised subjects. First, we must get greater clarity about both the potential bases of and forces for political change in this area of dialectical interaction, and of the conditions in which they are liable to interact in one way rather than another. In the second place, the proposals which we have considered so far are mainly of a hypothetical nature, and it may be worthwhile to turn to an investigation of the nature and the probable consequences of the interaction which is already beginning to take place.

(ii)   Factors of political change in the interaction between the government and its unenfranchised subjects

The nature and direction of future political change in South Africa will

obviously depend on basic developments in the political situation as a whole. The level and intensity of black political expectations and claims, the opportunities for mobilising them within one institutional framework rather than another, the continuing efficiency of coercive and security measures, the rate of economic growth and employment, the extent and intensity of international pressures, the occurrence and containment or escalation of civil disturbances - these remain of fundamental importance in any political future. It is possible that the current 'political deadlock' may still persist for a number of years. Still, it is hard to see how it can be maintained indefinitely. There is the possibility, which we must face in all seriousness, that further polarisation may lead to greatly heightened social and political conflict. The danger is not so much the imminence of a truly revolutionary situation, but rather a further increase in the extent of coercive government. It is also possible that these various factors may yet combine in such a way as to ensure a more evolutionary development of one kind or another. But, as we have just seen, the present political system does not yet provide the institutions or framework for the orderly management of such transitional change. It is therefore very significant that there is the distinct possibility of one or more major social and political crises, i.e. situations of sharply heightened social and political conflict, not amounting to a complete breakdown of the political system, and of limited duration. A crisis greatly increases the pressures on the major political agents to find an acceptable resolution of the conflict; at the same time it cannot easily be managed within the established procedures and institutions of the political system. The politics of crisis, therefore, tend to take the peculiar form of what Richard Rose has described as 'bargaining about the unbargainable' *(9)*. In a crisis situation new accommodations may become possible which 'normally' would have been unfeasible, and in this way it may play an important role in facilitating political change, though, of course, it may also be the prelude to a complete breakdown of the civil order or result in a coercive clampdown.

It would be wholly irresponsible to advocate or provoke a crisis situation in South Africa in any way. It would be equally irresponsible, however, not to reckon with and prepare for the possibility of such crises. We should be clear about the position of the major political forces in such a possible crisis situation, and about the structural conditions affecting their interaction. In the interaction between the government and its unenfranchised subjects the main protagonists are the leaders of the central regime and the spokesmen for those excluded from the parliamentary system, and we must briefly examine their respective options, particularly in a potential crisis situation.

(a)   The leaders of the central regime as potential agents of political change

In our investigation of the possible bases for political change within the existing limited parliamentary and party system, we saw that in so far as any white government would be beholden to the claims, interests and wishes of an exclusively white electorate, it would be severely inhibited in enacting any significant measures for sharing power and wealth (above Chapter 11: (i) (b)). In the preceding chapter we saw, however, that even in a democratic system the leadership also has a distinctively integrative role that may conflict with its expressive function: the leadership of the ruling party is expected to act not only in the interests or according to the preferences of its own party, but also in the common interest of the state (above Chapter 10: (iii)). Normally this may seem a somewhat abstract and even 'idealistic' requirement, but in a crisis situation, or in a situation of potential crisis, it may become the much more concrete and immediate need to secure the survival of the regime. The leadership of the central regime has a personal and direct stake in this survival and, in a situation where the regime is threatened with repudiation, this may become its first priority. The regime may thus enact short-term measures or pursue ad hoc strategies which are not directly in line with the interests or preferences of their own following. 'After all', as Richard Rose has said, 'if politicians are assumed to maximise short-term electoral benefits in fully legitimate regimes, the argument for maximising short-term considerations is even more compelling in a regime in which the penalty for failure is far greater' *(10)*.

In a transitional or crisis situation political leaders can exercise considerable influence upon the course of events. Though the causes of turmoil may be elsewhere, the actions of the regime may be of major significance in structuring the conflict or provoking it into escalating even further *(11)*. The kind of short-term action open to a threatened regime is, however, considerably restricted. Measures to stimulate economic growth, for example, are unlikely to have effect soon enough or powerfully enough to stave off immediate challenges to authority, and lesser material benefits or palliatives may prove to have a rather limited tactical value *(12)*. On the other hand, there may be considerable scope for political reforms, as Richard Rose points out: 'The least bargainable form of political disagreement might appear to be a demand to change the regime as an end in itself. Yet, this is not necessarily the case. Constitutional arrangements are uniquely the prerogative of the regime. Politicians are better able to change political institutions than social institutions. Moreover, unless all regimes are conceived as statics each must be allowed the possibility of altering its fundamental arrangements by recognised constitutional means. Any theory of politics that takes time into account must allow for a regime adapting its institutions in part' *(13)*. Rose

goes on to give the extension of the franchise as an example of this, but the argument obviously applies to other accommodations of the political system as well. To a certain extent we have already seen this process in South Africa with the creation of new sub-systems of representative government for those excluded from the parliamentary electorate in the critical conditions of the late 'fifties and early 'sixties (see Chapter 4, Chapter 8: (i)).

Obviously it is of fundamental significance that the leadership of the central regime should retain sufficient support among its own electorate for whatever accommodations it might achieve, otherwise it is liable to repudiation from within. This would depend on the nature of the new measures or arrangements, but also on the internal cohesion of the ruling party, the general public's perception of the exigencies of the crisis situation, the extent of competitive popular involvement, etc. To a certain extent the leadership is inevitably caught between two lines of fire and runs a double risk, but precisely because of this it may play an important mediating role.

(b)   The spokesmen for and the leaders of the unenfranchised as potential agents for political change

In the present circumstances there is little scope for political movements among those outside the parliamentary and party system to challenge the central government directly. Either they have already been dealt with effectively by coercive and security measures, or they are greatly susceptible to such measures (see Chapter 11: (i) (c)). The leader of or spokesman for the unenfranchised must therefore become a somewhat ambiguous figure. Without the freedom for political mobilisation on his or his following's own terms he is to a certain extent forced to become either a self-appointed spokesman without any clear relation to those large groups in whose name he claims to speak, or to operate within the 'legitimate' political institutions allowed by the government. In the former case his authority is at best dubious and his nominal followers may well repudiate any agreement he claims to have made on their part; in the latter case he is open to the charge of 'collaboration' with the oppressor even in seeking to establish some basis for opposition. In any case his position is marginal and vulnerable: 'The leader of the disloyal opposition must not only strive to convince officials of the regime that his demands are right, but also to convince his followers that the settlement is right' *(14)*. His position depends on achieving these contrary aims simultaneously, and yet success may further increase his vulnerability. To the extent that he succeeds in gaining concessions or benefits from the government the leader's credibility and stature among his following will be enhanced, but he also then becomes a more dangerous opponent to the regime;

and to the extent that he succeeds in gaining the confidence of the regime necessary to successful negotiation he exposes himself to charges of collaboration and selling out. Thus, as Rose also concludes, 'whether a politician speaking for the disaffected strikes a bargain with regime leaders or not, he is vulnerable' *(15)*.

These general observations may be complemented in two rather different ways. First, it will be clear that in a crisis situation the black leader's political position would be both stronger and more exposed: he will be able to advance his claims more strongly and directly and may achieve a much more sub-stantial political settlement than 'ordinarily', but the dangers of losing the support of his following would also be much greater. Secondly, to the extent that his political position can be somehow institutionalised it may give him a basis for consolidation - or render him harmless. If we think of the political leaders who avail themselves of the new sub-systems of representative govern-ment in South Africa, it will be clear that the central government is to a certain extent committed to recognise the 'legitimacy' of their claims if they are made through these channels, unlike those previously advanced by move-ments like the ANC, although these representative institutions are also care-fully structured to lessen the possible force of such political claims (see Chapter 8). On the other hand the leaders operating within these institutional frameworks may also utilise the relatively greater opportunities for some degree of political mobilisation and organisation, and thus increase the internal cohesion of their following - which may become an important factor in crisis conditions.

The opposing political leaderships thus share a common vulnerability but also have similar opportunities to be agents of political change. The situation has been well summarised by Richard Rose: 'From the point of view of the leaders of the regime, adaptation of institutions can be accepted, as long as this will increase the authority of the regime. But the survival of the regime is not a matter for concession. Yet the relationship between defenders and challengers of the regime is not that of protagonists in a civil or international war, where there are no constraints upon the level of force to be used against the enemy. It is best regarded as a bargaining relationship, inasmuch as the parties to negotiations try to adjust their actions to others in the 'market-place of discord'. Bargaining in such circumstances is very different from bargaining about private goods in a peaceful market situation. The supporters of the regime seek to calculate what price must be paid to get their opponents into the system, just as the challengers must calculate the price that they will have to pay if they break off negotiations and turn to overt rebellion. All sides retain the option of a resort to force as an alternative to bargaining' *(16)*.

(c)   Conditions affecting the interaction and negotiation of opposing leaderships

Both in a crisis situation and within a more institutionalised or semi-institutionalised context the political transactions between the opposing leaderships are affected by all those structural features of political conflict which we investigated in the last chapter. These are (1) the bargainability or non-bargainability of the substantive issues which are the occasion of conflict; (2) the degree to which the conflict is generalised and polarised (see Chapter 10: (ii)); (3) the extent of the stakes which are at issue in the conflict, e.g. the resources and powers which are available or contestable, their central co-ordination, etc.; and (4) the intensity of the conflict as affected by the degree of direct popular involvement, the competitive or co-operative conditions and the decisiveness of any single site, etc. (see Chapter 10: (iii)). We must now attempt to apply the implications of this general analysis to the specific political situation emerging in South Africa.

(iii)   The political sub-system as a possible basis for an incipient framework of interaction

The foregoing considerations would apply equally to a number of different possible situations of interaction including, for example, those envisaged in terms of the UP's new federal proposals. For the time being these proposals, as well as any other theoretical alternative we may care to consider, are mainly of hypothetical significance. It is of more direct practical relevance to investigate the actual interaction which is already beginning to take shape in terms of - or in spite of - the policy of separate development. Whatever our own theoretical preferences or moral commitments, we must also consider the constitutive importance of the contrasts and patterns of opposition that manifest themselves in the early stages of the development of a new political system, as Lipset and Rokkan concluded from their comparative study of the translation of socio-cultural cleavages into political oppositions and party systems *(17)*. They also point out that once the main parties and movements have been established and consolidated, attempts at electoral reform may have relatively little impact *(18)*. Is it possible to see the South African political system as presently in the early developmental stages of an emerging framework of interaction between the central regime and the leaders of the unenfranchised subjects?

We already have the main outlines of such an interpretation at hand in our earlier analysis of the new sub-systems of representative government which are being created in terms of the policy of separate development (see Chapter 8: (i)). These new sub-systems are of two different types, territorial authorities

as in the case of the Transkei and communal without an exclusive territorial
basis as in the case of the CPRC. We argued that in terms of the main political
principle of this policy, i.e. the aim of creating separate and independent
political systems, the policy may justly be termed a carefully calculated
attempt to preserve the sectional power-political domination of the white
minority. In the case of communal authorities like the CPRC the absence of
an exclusive territorial base must prevent the realisation of the separatistic
goal of 'independence' because of the continuing need for some form of over-
arching authority. Our own earlier conclusion was: 'Now either this supreme
and comprehensive authority will be a monopoly of the white section, in
which case white supremacy is maintained, or some means must be devised to
enable the new communal authorities to share in the central government, in
which case it cannot be considered 'separate' in any real sense. In short, with
regard to such communal authorities it is logically impossible that 'separation'
can provide an acceptable answer to domination'. Of particular significance,
however, is the alternative conclusion we then stated: 'On the other hand we
might equally well conclude that in so far as institutions like the CPRC could
be developed towards attaining a real devolution of power this must involve
some other political principle than that of creating distinct and sovereign
alternative political systems'.

Similarly we argued that from the point of view of the separatist principle
of 'independence' regional authorities like the Transkei did not present the
same type of problem. By means of partition such a territory could in
principle always be constituted as a separate political system. The significance
and acceptability of such 'independence' would, however, depend on the kind
of partition involved, and in the case of the homelands this could not approxi-
mate political self-determination in any real sense. Indeed, we then concluded
that 'it may be taken as the major objective of such a policy of homeland
partitioning that it aims at the creation of new representative authorities and
their separate development in so far as this does not threaten the basic power
political structure of the whole South African society or the political
sovereignty of the white central government over the common area'. At the
same time we observed that this did not mean that the creation of these
regional authorities as such was of no positive significance, and that in
practice they might well provide a political base for the leaders of the groups
hitherto excluded from the parliamentary system to articulate their interest,
needs and claims. Moreover this would provide these leaders with a political
base which is legitimised both constitutionally and in terms of official govern-
ment policy and ideology. The regional authorities might thus be utilised for
quite different political aims than the 'separate independence' envisaged by
the official policy. In short, we concluded that it is 'not the prospect of
sovereign independence through partition, but the attainment of a legitimate

basis for the mechanism of political bargaining with the central government and the dominant white group (which) is the crux of the political development of the homelands'.

The principle underlying the alternative interpretation of the potential significance of these regional and communal authorities may now be clearer. They should not so much be viewed as potentially separate or 'independent' political systems, but rather as the rudiments of a political framework for dialogue, consultation and bargaining between the present central government and the peoples of the homelands as well as the population groups of the common area which have so far been excluded from the electoral system (i.e the Coloured and Indian). In other words, despite the intended aim of the policy to create separate systems, the incipient institutional framework of separate development can also be viewed as creating new channels of political communication and deliberation between the diverse groups. In fact, it may be seen as the beginning of a new potential common political system structuring conflict in our society, a political system basically different from the familiar Westminster model, but in some important respects similar to such divergent models as that of the consociational alternative and corporate national bargaining (see Chapter 10: (iv)).

To anticipate possible misunderstandings, we immediately add three comments. First, we must recall the objection (which was raised earlier in connection with the consociational alternative) that a political system held together by bargaining and mutual accommodation is not necessarily democratic or ethically acceptable. It was pointed out that in any such system the relative power of the components is all-important, both in the sense of the political, economic and military resources to which each group has access, and in its relative indispensability to the overall system. In the present case it hardly needs to be argued that there is not even a semblance of parity between the national government and administration, on the one hand, and the various regional and communal authorities, whether individually or collectively, on the other. Though any degree of political dialogue, consultation and bargaining is to be valued in preference to outright coercion, the present disproportionate situation does little to alter the fundamental situation of continuing power-political domination by the white minority group.

The second comment, which follows from the first, is that it is necessary to obtain clarity about the conditions in which such a new political framework for interaction between the opposing sets of authorities and the groups they represent would become more acceptable. No doubt in some cases a crisis situation might serve to strengthen the hand of the ordinarily weaker parties in the bargaining situation, and in time their relative power might improve. But this is much too vague, and in our quest for a viable political alternative

we should spell out the main political principles that would constitute a real
pluralistic devolution of power, bringing about a more acceptable framework
of interaction. At present the negotiations between the central regime and the
new regional and communal authorities do not take place in an appropriate
common institutional framework, nor does the official policy's aim of
creating separate political systems envisage this. In terms of our alternative
interpretation of the role of these authorities within a common political
system, however, it becomes imperative that we should clarify at least the
broad outlines and principles of such a possible institutional framework.

Thirdly, there is clearly a major problem concerning the precise status of
our 'alternative interpretation' of the political significance of the new sub-
systems of representative government. In Chapter 8 we discussed the sub-
systems in terms of the aims of the policy of separate development and re-
jected them as being instruments of a continued attempt to maintain sectional
white domination in Southern Africa. Now we propose that these same in-
stitutions might be viewed in a very different light as potential bases for
negotiation with, and even for opposition to, the central (white) government.
Obviously these two approaches to a certain extent conflict with each other,
they have contradictory implications and both cannot indefinitely be
maintained together. It is, however, not easy to decide which interpretation is
the 'correct' one. The basic point is that the full political significance of these
institutions will have to be decided by future developments. Clearly the aims
and intentions of the Nationalist government as the original sponsor will have
an important bearing on this, but the institutions may also acquire a
dynamism and momentum of their own, particularly if black leaders attempt
to use them for their own political purposes. In any case the government,
although powerful, does not and cannot control all aspects of the political
situation and it may well be forced to accept some accommodations it did not
originally envisage. Much will depend on the social and political bases of its
own policy and on the consequent internal dynamics of the politics of
separate development. We turn therefore to an investigation of these to see if
there might be any sort of base for possible alternative interpretations and
proposals.

(a)   The dialectical dynamics of the politics of separate development:
      Unintended consequences and countervailing strategies

The politics of separate development has already been evaluated in
different ways in this Report. In Chapters 3 and 4 we rejected the present
implementation of government policy as imposing unacceptable breaches of
our ethical concepts. In our investigation of political alternatives, however,

we recognised that 'a policy cannot be judged in terms of its present applications only but must also be seen with a view to its overall purport and objectives' (see Chapter 6: (iv) (c)). Accordingly we considered the self-declared political principles and objectives of separate development in Chapter 8 and again had to reject it as amounting to continued domination and discrimination. With this our condemnation of the present policy and its implementation is indeed complete, and it might seem that nothing more remains to be said.

But in the light of our present inquiry a crucial question remains to be answered: to what extent the declared principles and objectives of the policy may really be taken as a reliable guide to future developments in the political situation as a whole. There are two different sets of considerations which have to be taken into account here. First, the proclaimed objectives of a policy, as well as the private motives and intentions of the individuals sponsoring and implementing it, cannot be directly translated into practice even if already accepted as government policy. It is decisive how they are related, for example, to the existing and changing power-political interests in society; the traditional socio-cultural attitudes and practices as well as new social and economic developments; the strategies and tactics required by the electoral and political system; the needs and consequences of bureaucratic procedures, etc. In short, the extent to which a declared policy will be implemented must depend on the strength of its underlying social and political bases, and the extent to which these will continue to support it. Once a policy, or part of it, is actually implemented, for example when an envisaged new institution is in fact constituted, this consideration does not fall away. On the contrary, the institution created in terms of the policy now becomes, in a sense, public property: it affects, but is also affected by, other political forces and developments and it may even be utilised for aims contary to the original ones.

Secondly there is the question whether the ostensible aims of a policy, even as understood by its sponsors and supporters, are always an adequate indication of its actual social and political functions. There may be an element of rationalisation involved, the public statements of intent might consciously or unconsciously serve to put a morally acceptable construction on actions inspired by baser motives or to provide an ideological cover for unpalatable facts; but, more important than these the fact is that men may also be genuinely mistaken about the prospects, functions and consequences of what they set out to do. It is fairly easy to state and discuss the main political principles of the policy of separate development, as we did in Chapter 8. But our initial investigation of political alternatives in terms of the opposition of 'apartheid' to 'integration', or of the 'Plural State(s)' to the 'Common Society' (Chapter 6), showed that there were basic confusions and ambiguities concerning the full meaning of these alternatives. This was further borne out

by our analysis of the crucial issues underlying these alternatives (Chapter 7). Adding to these our analysis in Chapter 10 of the broad political system as a way of structuring social and political conflict, we have reached the point for a new look at the actual politics of separate development as against the ostensible content of the policy and ideology.

1.   Apparent paradoxes and dialectical tensions in the theory and practice of separate development

One of the earliest and most influential formulations of the apartheid ideal held that it entailed a single over-riding social and political principle: 'the gradual separation in all spheres, with total apartheid both territorially and socially, as the ultimate aim' *(19)*. There can be no doubt that this principle of separation has in fact been systematically applied to the relations of various groups within the society in a number of different spheres: separate facilities, separate group areas, separate education systems, etc. It is fundamental to the theory of apartheid or separate development, however, that the principle of separation must also apply to the whole society and the political system as such. It was not the aim of the policy merely to create new regional or communal *sub*-systems of representative government - as has been done to now - but these should become separate and independent political systems. The original ideal of eventual 'total apartheid' or 'radical partition' has, however, as we saw in Chapter 8, for all practical purposes long since been abandoned. But this creates a fundamental difficulty: in what sense, if any, can the principle of separation then still be applied to the whole society or political system? And if it cannot be applied at this comprehensive level, what then is the basic social and political function of the various measures of separation between different groups within the society?

Against this background we may better understand what otherwise would seem wholly paradoxical, i.e. in a certain sense all forms of segregation/apartheid/separate development, except radical partition, may be viewed as specific modes of political and social integration, in a very general sense 'as involving the precise inter-weaving of the parts in a functioning whole' *(20)*. The specific mode of integration is not that of uniform incorporation where the individual is incorporated as individual into society - and which would correspond more closely to the popular use of 'integration' - but rather that of differential incorporation where the unit of incorporation is not the individual but the racial group. Similarly the means of integration is not that of a basic social cohesion or political consensus; it is achieved rather by coercive regulation, but it binds the whole society together nonetheless.

Leo Kuper has argued that in this sense 'the government's policy of apartheid (racial separation), considered in its practical implications rather than its ideological formulations, is in fact a policy of integration by means of racial stratification. The unequal racial units are to be systematically co-ordinated into a functioning whole. So-called separation between white and non-white is largely an intellectual device to define the units, their role in the total social system, and their manner of relationship in different spheres' *(21)*. He has argued further that this was true of the various government measures in politics, the economy, education and interpersonal social relations. Kuper has also commented on the apparently paradoxical way in which segregatory measures not only co-exist in the same society with the contrary processes of economic integration, acculturation, social assimilation, etc., but also combine with them in a strange dialectical unity of 'increasing fission and growing fusion' *(22)*. He enumerates a number of processes of individuation within South African society which are conducive to a more open pluralistic society and favourable to liberal democratisation by evolutionary means. He then analyses the policy of apartheid or separate development as precisely the counter-assertion of the principle of collective racial or ethnic identity as the basis of all social organisation and the determinant of life chances. Kuper's conclusion is most perceptive and significant: 'The result is seemingly paradoxical. As the races grow more and more interdependent in the urban and industrial economy, and as increasing contact offers greater opportunity for association, in almost the same measure, the government passes and implements laws against inter-racial association and enforces separation in an ever-extending range of relationships. But the paradox is only a seeming one. There is too much interdependence to sustain the threat of severance or divisive conflict. In fact, apartheid restructures the society by an elaboration of intercalary institutions (i.e. structures inserted, or forming, between the dominant and subordinate racial groups, which serve both to separate and co-ordinate their activities), which bind together, as with hoops of steel, the units-in-separation' *(23)*.

It may be that the apparent paradox of 'separation' measures which yet serve the basic 'integration' of the society can be resolved by noting the different levels involved in each case, and it may be true that contrary sets of developments may for a time combine in a complex dialectical unity, but if this removes the conceptual puzzles it does not affect the practical position at all. In practice, and particularly within a time perspective, the various dialectical tensions amount to crucial dilemmas and alternatives, which may have to be decided, and perhaps already are being decided, one way or another. We may perhaps best clarify this by giving two major examples.

Dr F. van Zyl Slabbert has argued in a paper on the implementation of the policy of separate development in the homelands *(24)* that it is characterised

by basic paradoxes and contradictions stemming from the attempted com-
bination of both separation and development. The former goal includes, in
this context, the fostering of traditional cultural diversities; the latter goal,
however, in effect furthers the breakdown of traditional structures in
accordance with the process of modernisation. The two goals are basically in
a contradictory relation to each other, and on the basis of an analysis of
developments in the Transkei Dr Slabbert concludes: 'On every level that
modernisation has occurred, political, agricultural, economic and
educational, the traditional cultural patterns of the Xhosa are undergoing
significant changes. In politics, patriarchal authority is slowly being under-
mined by party political representation in a parliament; in agriculture, a sub-
sistence type of farming is being prepared for cash crop farming and
participation in a market economy; in education, a differentiated educational
system is high on the list of priorities and in the economy, group centred
production is being replaced, on the one hand, by financial investment and
development institutions to promote capital formation, thrift and entre-
preneurial talent, and on the other by a growing labour force that is
increasingly being drawn into a highly industrialised complex of activities'
(25). In short, what is actually taking place is largely a negation of what the
theory of separation would have required. In terms of its own theoretical
objectives, continued implementation of the policy is accordingly liable to pro-
duce, as Dr Slabbert emphasises, a number of important unintended con-
sequences.

Our second example bears on the crucial problem of the overall political
system which is evolving in terms of the politics of separate development, and
relates to the basic issues of the central co-ordination or pluralistic devolution
of powers. The theoretical formulation of separate development may be
thought to imply an eventual paradigm of political pluralism: each population
group to have self-government and autonomy in all spheres, in fact its own
sovereign political system. In the last chapter we saw that the South African
polity is very much that of a unified state with a centrally co-ordinated govern-
ment and administration (see Chapter 10: (v)). Given its theoretical objective
the general direction of development required by this policy seems clear:
devolution and separation of powers, and decreasing government regulation
of social, economic and educational affairs. In practice, however, the
enforcement of apartheid and the implementation of separate development
have required both a major increase in the extent of central government and
an even more centralised political system. Substantial inroads have been
made on the spheres of the judiciary, the universities, the churches; the
relative independence of local and regional authorities has been consistently
over-ridden, and the implementation of the ideological politics of apartheid
has brought about a powerful bureaucracy with its own vested interests.

There is here a crucial paradox: theoretically the logic of separate development requires a pluralistic devolution of power and government. In practice it embodies a supreme central integration of power and government.

This paradox serves to define the crucial problems and dilemmas of transition facing the policy's further implementation, dilemmas which must be decided one way or the other. The dilemma is most acute in the relations of the government to the new regional and communal authorities, its own creations. Is the further political development of these representative institutions to proceed in accordance with the lines and on the terms unilaterally determined by the policy of white central government? That would require continued centralised co-ordination and regulation, and would make nonsense of the powers devolved on these emergent 'independent' polities. Are the new regional and communal authorities themselves to gain an increasing say in the form and direction of their political development and are they to participate in the decisions on the terms for sharing power? Then the possibility becomes strong that the very aims and content of the policy may have to be redefined, and that countervailing strategies of black separatism may seek to utilise it for their own political purposes.

Where the politics of separate development begins to produce more and more of such unintended consequences, and where it becomes the occasion of various countervailing strategies, we can no longer merely look to its declared principles and objectives as our guide for assessing its probable future development. We must rather investigate the social and political bases of the policy if we are to assess possible responses and patterns of interaction.

2. The social and political bases of separate development

The paradoxes and dialectical tensions between the theory and the practice of separate development show that its meaning, function and effects are by no means unambiguous. The social and political bases of the policy therefore become of increasing significance. These involve a number of different factors.

In the first place apartheid or separate development is not merely the creation of the Nationalist government since 1948 but, as our survey in Chapters 3, 4 and 5 showed, it is deeply rooted in the basic power-structure of the South African polity. This power-structure is a racial oligarchy where the white minority group commands the lion's share of the economic resources, a virtual monopoly of military strength, a pervasive superiority in employment opportunities and amenities of all kinds, effective control over communications media, etc. The politics of apartheid insofar as it involves such measures as job reservation, influx control, group areas, social segregation and discriminatory practices of all kinds may be seen as reflecting these power-

political interests, i.e. as aimed at maintaining and consolidating this sectional domination (see also Chapter 8 above).

But, in the second place, the politics of apartheid is not just concerned with power; it is also the product of certain traditions of socio-cultural attitudes. The practices and traditions of social segregation, for example, are expressions of a set of social attitudes, beliefs and values among certain individuals and groups that have deep historical roots, though it is only fairly recently that they have come to be systematically 'legitimised' and enforced by means of government legislation and administration. In the third place, the policy and its implementation are closely connected with the rise of a specific social and political movement, that of Afrikaner nationalism. The National Party which came into power in 1948 was only a part of a broadly based social and cultural movement with a number of diverse aims, one of which was the implementation of apartheid in race relations. 'Separate development' emerged as the ideological product of Afrikaner nationalism, and it was primarily the inner dynamic and momentum of this political movement that was responsible for the continuing consolidation and accommodation of this policy. Finally, as we saw in Chapters 9 and 10, the logic of the restricted system of competitive party politics also favoured the exclusion of the small minority of Coloured and African voters. In turn this encouraged the use of the system of parliamentary government, particularly in the last two decades of apartheid legislation, to legitimise and enforce the practices of social segregation, the colour bar, influx control, security action, etc.

These various factors responsible for apartheid are of different kinds and are not of equal significance. Above all, however, it is the high degree of congruence between these various social and political bases that to a large extent must explain the remarkable predominance and stability of the politics of apartheid in the South African society. But this congruence is by no means necessary. For example, Afrikaner nationalism at an earlier stage of its development was in direct conflict with the established political and economic power structure, in so far as it was dominated by English and imperialist interests.

There are already a number of inner tensions and contradictions at work in the politics of apartheid which may be traced to a growing divergence of its social and political bases. In this way we can begin to understand some of the apparent paradoxes which we noted in the previous section.

Thus if we take the central paradox of the pluralistic devolution of powers that is theoretically required by separate development as against the centralised integration of government and power manifested in practice, we can see that this is no accident. On the contrary, it follows logically from the different components going into the politics of apartheid. Insofar as the policy is concerned with maintaining and legitimising basic power political relations

by means of the central government, the primary consideration will obviously be that these powers of government should be as strong and effective as possible, and retained exclusively in white hands. Again, insofar as the policy is concerned with enacting a political ideology, i.e. social apartheid, the main objective naturally becomes that of administering it as consistently and effectively as possible. In both cases the result is a strongly centralised government implementing a unilaterally conceived policy with the help of an extensive bureaucracy. Similarly, insofar as the political leadership is concerned with maintaining the present hegemony of the Afrikaner it can hardly be expected to experiment with reforms of the electoral and political system that would encourage greater fragmentation and thus undermine its own position of dominance. Whence then the theory of separate freedoms? This is partly a response to black political claims and growing international pressures, but it is also rooted in the political history and ideology of Afrikaner nationalism itself. Historically this had been aimed primarily at attaining self-determination, in opposition to imperialism and socio-economic dependence, and in this sense freedom is a primary concept of Afrikaner nationalism. By implication this right to self-determination had to be granted to other peoples as well, and so we arrive at the ideal of 'separate freedoms' and its possibilities of political pluralism rather than of a single hegemony. In practice, however, this aim of the policy cannot be disentangled from its tendencies to centralised co-ordination and enforcement; and thus we find Pretoria attempting to dictate to the Xhosa and Zulu the terms on which they should attain 'self-determination'. Fundamentally the paradox thus amounts to an unresolved tension between two different bases of the policy, the maintenance of Afrikaner hegemony and white domination, and the ideological logic of Afrikaner nationalism, the latter of which may be congruent with the direction of black political claims.

It would be extremely speculative to predict the extent to which the present government will be willing to follow the logic of its own ideology when this involves any real devolution of power. The proponents of separate development probably hope that such a contingency will never arise, and that they can get away with the provision of some measure of local self-government in the Bantustans (which might even be called 'independent'), and the establishment of essentially advisory bodies like the CPRC, while maintaining the basic power structure intact and keeping the governmental reins firmly in hand where it matters most. All the same the institutions being created in terms of the policy acquire a growing political momentum of their own which can no longer be wholly controlled by their original sponsors.

The Nationalist government, given a mandate by the white electorate for a policy combining apartheid and the ideological goals of 'separate freedoms', must not only pursue the application of the policy consistently and to the satis-

faction of its own electorate (which may not necessarily amount to the same thing), but has to reckon seriously with the effects of its implementation on other population groups as well. The government is to a certain extent thus committed to making its new representative authorities effective, but if they become effective democratic political instruments they will articulate interests and claims which are certainly not identical with those of the white electorate. Conversely, an outright failure of these institutions to gain political credibility is likely to have consequences for those sections of the white government supporters who require a moral justification for the policy. It is difficult to know just how wide-spread such moral susceptibilities are, or how deep they run, but there are influential groups in the churches, the press, and the universities, and among 'verligte' Afrikaners or 'liberal' English-speaking whites who would have considerable difficulty in accepting outright domination without any moral facade. Moreover, in the event of the various homelands being granted 'independence' this problem will be aggravated. For a long time now any amount of injustice and discrimination has been rationalised away by reference to some vague future ideal. Once this future objective is actually realised, and the unjust and discriminatory practices nevertheless remain unresolved, much of its justificatory force is likely to be dissipated. This applies particularly to all the other population groups within the 'white', i.e. the common area. The government may well declare each and every urban African to be a 'citizen' of some homeland but this will be an empty exercise if it is not accepted by the people concerned, and this will largely depend on how effectively the homeland authorities can respond to the claims and grievances of the urban Africans. If, for example, this peculiar kind of citizenship with the responsibilities and rights it entails is disclaimed both by the independent homeland government and their non-resident citizens, which is a very likely development, the policy will not offer any acceptable way out. It will no longer be possible to rationalise the plight of the African residents of the common area by referring to some future panacea of 'independence', because that would then already have been granted. The successful implementation of these objectives of apartheid policy is thus likely to force the supporters of the government, as well as the whites generally, to face up increasingly to the domination and discrimination prevalent in the common area. It is difficult to say precisely how much it would whittle away the government's support, or strengthen the quality of the opposition, if the elaborate efforts at moral rationalisation become increasingly spurious; but it certainly is a factor which neither the government nor the opposition can afford to ignore.

The full significance of these considerations will appear particularly in an actual or potential crisis situation. The divergent components and inner tensions of the politics of separate development will have an important bearing on the possible ways in which the leadership could cope with the

unintended consequences, countervailing strategies and political claims with which it may then be faced. In such an eventuality it is of considerable strategic importance that its own ideological framework does allow for certain types of devolution of power, and that the government could thus reach an accommodation for which its supporters would not be wholly unprepared. But for the nature of such possible accommodations we should look not to the content and theoretical objectives of the present policy alone, but also to the emerging pattern of interaction between the opposing leaderships, and the structural conditions affecting such interaction, as outlined above in section (ii). We must now spell out in more specific terms the principles of an effective pluralistic devolution of powers in this context.

(b)   The Principles and Outline of a Pluralistic Devolution of Powers

We have argued that the crucial area for transitional political change is to be found in the interaction between the central regime and its unenfranchised subjects. We found that the opposing leaderships of the (white) central regime and of the unenfranchised blacks, though the latter are severely inhibited and politically vulnerable, could under certain conditions become potential agents for political change. We pointed out that at present the negotiations and political transactions between them did not take place within any common institutionalised framework, and that in accordance with the separatist aims and principles of the official policy this will not come about either. We argued, however, that an alternative interpretation of the new regional and communal authorities which have been created so far is possible, i.e. that they are to be seen rather as a rudimentary beginning for a new common frame-work of bargaining, consulting and mutual decision-making. Finally, we have attempted to show that the dialectical tensions between the theory and practice of separate development, and more particularly the unintended con-sequences and countervailing strategies which it may call forth, as well as the divergences in its own social, political and ideological bases, provide the necessary foothold for such an alternative interpretation.

What kind of political framework could begin to constitute an acceptable context for transitional interaction; how could it come about; and what would the long term implications be? It is possible to project a model for a pluralistic devolution of power stressing four principles: (1) the creation of new sub-systems of representative government; (2) the transference of effective govern-ment powers; (3) the creation of appropriate institutional frameworks for negotiation between different authorities and leaderships, and for wider participation in co-operative decision-making at different levels; and (4) the creation of appropriate federal institutions of central government allowing

some form of general participation in the decision-making processes affecting the political system as a whole. Certain developments and measures of this kind are possible within the present political system, i.e. with the central government responsible to a parliament elected exclusively, or largely, by the dominant white minority, whereas others would involve a different system of government and representation. The political devolution of powers would also have to be complemented by a parallel process of restricting the extent of government interference and regulation in the economy, social relations, education etc., and a corresponding strengthening of the processes of extra-parliamentary bargaining (above section (i), (a)). But first we must clarify the possibilities and implications of our four principles of pluralistic transition.

1.   The initial mechanism of political change may be found in the creation of new representative authorities as such, rather than in the principle of territorial separation or partition on which the present policy is based. This has profound consequences. It means that in the creation of new sub-systems of representative government it is not of crucial importance whether that authority can lay claim to an exclusive territorial basis as in the case of the 'homelands', or whether it only has some partial territorial basis like the present CPRC. (The CPRC's constituencies cover the whole of the common area, but strictly speaking its territorial basis would be the declared group areas). It follows that the creation of such representative authorities need not be restricted to or bound up with the 'homelands', as in the case of the present policy, but that it could be extended to the common area as well. Next to the regional authorities in the homelands a whole series of new representative authorities may thus be created in the common area, e.g. for the Coloureds, the Indians, the urban Africans, and the rural Africans in the common area. (For the moment we are defining these communal authorities in ethnic terms by analogy with the present institutions - we shall return later to the crucial question to what extent this can or should remain so). In this way a comprehensive network of representative authorities for those excluded from the central parliamentary and party system may be instituted. This would not yet by any means constitute an acceptable alternative to the present denial of full enfranchisement, but it could begin to prepare the way for important further developments in that direction.

Two comparative comments may underline the crucial differences between the principle underlying these proposals and that of the present policy of separate development. In the first place we must note the different significance attributed to authorities of the CPRC-type. As we saw earlier, the existence of essentially communal authorities like the CPRC (and, we might add, of the Urban Bantu Councils) is a considerable embarrassment to the theory of separate development: they must be regarded as either inconsisten

or irrelevant, and cannot have any real political future unless somehow coupled to their own 'homelands' (see Chapter 8: (i)) On our present principle these theoretical embarrassments fall away and the CPRC may be taken as a paradigm of the new representative authorities - though it still remains to be seen in what way it can have any political future. In the second place, it will be clear that on the present principle, unlike that of the official policy, the granting of 'independence' to a new representative authority by way of partition cannot be an end in itself, and that in most cases it would not even be possible. The political development of these authorities would thus have to take a different form from that of preparing for the attainment of formal sovereignty.

At this point it will be clear that these differences are not of theoretical significance only. On the contrary, they are of direct political relevance even to the present political situation. Thus, for example, some of the supporters of the ideal of separate development who are critical of the current implementation of the policy and who have pressed for increased political development of the new representative authorities have simply assumed that this must be understood in terms of granting them sovereign 'independence'. In opposition to this we would now argue that their political development does not, and in the present conditions cannot, take place primarily by partition, and that for the time being (and even in the long run) it would be as unacceptable for a central regime to grant this as it would be unwise for a 'homeland' to accept it.

2. The second main principle, then, of our pluralistic model of transitional change is that the political development of the established representative authorities should take the form of the progressive transference of executive powers from the central government. Only in this way can they begin to constitute some sort of an alternative for direct representation in parliament (though only up to a point, as we shall shortly see). Particularly if we remember that in the modern state the primary decision-making procedures are not located in the legislature itself as theory would have it, but in the cabinet, the party-caucus and the administrative bureaucracy, then we can see that it may be a more important step towards participation in government for an unenfranchised group to gain access to these executive and administrative sectors themselves. What is the potential for and the limit to such a devolution of executive powers?

In the case of regional authorities the initial stages of such development are relatively straightforward. The Transkei, for instance, already has legislative and executive powers in such spheres as education, agriculture, justice, roads and works, labour and welfare. The case of an essentially communal authority like the CPRC, as we have repeatedly pointed out, is more problematic. The

present Council already has legislative and executive powers in such spheres as education, local government, community welfare, etc., though these are subject to important limitations *(26)*. In principle a communal authority for any group in the common area could be granted autonomous powers for all matters primarily effecting that population group alone, in particular in educational and cultural affairs. In a working paper submitted to the Commission, Mrs Nancy Charton has argued that 'a very important form of decentralisation in a multi-racial and multi-ethnic country would be that of cultural devolution', and suggested the possibility of a number of National Cultural Councils for those groups wishing to control their own cultural and educational development *(27)*. This may also have the function of preventing such non-bargainable issues from becoming the occasion of major political conflict.

The next, and crucial, step is that the new representative authorities should acquire a sufficient and independent fiscal competence. To a limited extent this is already the case in the Transkei where taxes levied and rates derived from Transkeian 'citizens' are paid into a revenue fund. The Transkei, like the CPRC, is, however, still overwhelmingly dependent on the subsidy received from the central government. Quite apart from the adequacy or inadequacy of these expenditures in other terms, the major issue here is the political relation involved. If the crucial decisions on the allocations of the available funds are made by the white cabinet or the Department of Coloured Affairs, of what significance is the debate in the CPRC on its budget? In the Netherlands the financing of the education administered by the various religious or cultural groups is guaranteed by an agreed and strictly proportional formula - but this presupposes a prior agreement reached between the parties involved. The full realisation of our second principle, i.e. the political development of new sub-systems of representative authority through the transference of executive and administrative powers to them, is thus dependent on the achievement of the third principle, that of setting up new institutional frameworks for negotiations between different authorities and of procedures for co-operative decision-making.

The same point emerges in other ways as well. Thus if administrative positions in, say, the Department of Coloured Affairs or the Department of Bantu Administration and Development were increasingly opened to Coloured or African people this would to a certain extent put limited powers in the hands of the unenfranchised. But it is only the highest administrative positions which allow any significant share in the decision - and policy-making processes, and it is accordingly these which would be of moment to our strategy of a pluralistic devolution of powers. Even so, if the highest administrative positions in these departments were no longer filled exclusively by whites, they would presumably still constitute part of the executive branch

of the white government. A consistent pluralistic devolution of powers would then require that the whole Department of Coloured Affairs be transferred to the executive of the CPRC, and analogously with other government departments like the Department of Bantu Administration and Development. But what would their relations then be to the central regime? Again the progressive transference of executive and administrative powers involves and presupposes the creation of new common frameworks for bargaining and shared decision-making.

3. The third main principle, then, of this pluralistic model for the devolution of powers must be the creation of appropriate common institutional frameworks for negotiations between different authorities and leaderships, and for wider participation in shared decision-making. These may be of different kinds and operate at different levels. They are certainly needed even at the lower levels of government. A communal authority, for example, may be adequate for certain limited matters of local government or appropriate for maintaining some autonomy in educational or cultural matters, but the requirements of regional planning in the growing metropolitan areas can hardly be geared to ethnic criteria. In her working paper Mrs Charton has made important suggestions for the reform of local and regional government which could be brought in line with our pluralist strategy. Thus she proposes, for example, the formation of Regional Planning Committees which could be effective both in the necessary planning process and in the reconciliation of group interests. Such committees would be multi-ethnic and multi-racial and might consist of representatives of the various local and communal authorities, as well as allowing participation by voluntary interest groups such as Chambers of Commerce and Industry, Trade Unions, Agricultural Associations, etc. They would obviously render the existing provincial system redundant, and might be financed in a similar way by being allowed to levy a share of the national income tax *(28)*.

The major political problems and difficulties, however, concern the higher level of national government. There are inherent limits to the number and kinds of the powers of government which can be devolved onto other representative authorities even under the most radical and consistent of such schemes. Consequently on a number of decisive issues the prerogative will initially have to be retained by the (white) central government. Important examples of these are the national budget, national planning, defence, etc. Right down the line there would also be a basic conflict of interests between the (white) central regime and the other communal and regional authorities on such matters as influx control and migrant labour, job reservation, group areas, separate facilities, etc. Insofar as the central parliament and executive continue to lay claim to sovereignty this must involve a continued political subordination of the other representative authorities. Even so it might be

possible to devise new mechanisms for collective negotiation between the central government and parliament on the one hand and the new representative authorities on the other hand. Thus representatives of the various regional and communal authorities could be co-opted onto the committees for the national budget, and national planning. All national legislation affecting certain population groups could be prepared in co-operation with the relevant communal authorities and government departments. Other political innovations could include standing committees, consisting of representatives of all the relevant communal and regional authorities, administrative departments as well as representatives of the central cabinet and parliament, to determine national policy and prepare legislation on such matters as influx control, job reservation, migrant labour, group areas and separate facilities (that is, insofar as these would remain matters of government regulation). In all possible spheres government by unilateral dictate might thus begin to give way to government by mutual accommodation and consent.

It will be clear, however, that to the extent that more and more effective political mechanisms for consultation and negotiation might be devised they will be making serious inroads into the political and constitutional position of the present parliamentary system. Conversely, the sovereign status and powers of the present (white) parliamentary system cannot but be a major obstacle to devising new comprehensive institutional frameworks for reconciling the basic conflicts of interests and political aims in the society as a whole. It follows that to a large extent such measures must be of an ad hoc and short term nature, and that at best they would serve as a temporary and transitional stage to a new political system.

4.   A strategy of pluralistic devolution of power must then in principle result in political change transcending the present political system and require the creation of a new comprehensive system of representative government providing some form of general participation for all its citizens. In general, on the basis of our analysis and discussion in the preceding chapter, we would have to conclude that such a new system might best be of a federal nature, with constitutional separation of powers and based on some form of proportional representation. In this way a variety of sites for political conflict as well as conditions encouraging co-operative-competitive strategies would be created (see Chapter 10: (iii)). A restriction of the spheres and extent of centralised government regulation would create considerable scope for communal autonomy particularly in educational, cultural and religious affairs, as well as opening the way for an increased role for extra-parliamentary bargaining particularly in socio-economic matters. The relative strength of the federal executive is a thorny question: a strong executive and

administration might be necessary to enact important reforms, but this would also serve to intensify the political conflict.

There is little purpose in attempting to anticipate in more detail the form in which these general considerations might be realised. In the present context it will suffice to comment briefly on the transition to this new political system from something like the set of ad hoc-institutions for negotiation and consultation between the other representative authorities and the central regime which we have just envisaged as the culmination of a pluralistic devolution of powers within the present political system. Clearly the most important steps would be the creation of a new federal authority and representative authorities for the whites similar to those for other groups. One way of doing this would be to convert the present white parliament and Provincial Councils into a number of communal authorities and National Cultural Council(s), and to create a new Federal Assembly by way of a National Convention or by a series of negotiations between the representatives of all the regional and communal authorities. The Federal Assembly would obviously have to be representative of all the citizens of the country, but its members could be either directly or indirectly elected, the other regional and communal authorities in the latter case acting as electoral colleges, on some agreed formula of proportional representation. This would mean that all citizens could, in principle, gain representation in the central government, but that to a large extent this would be mediated by their membership of a particular population group, i.e. it would be a form of con-sociational incorporation. Similarly the measure of autonomy allowed to regional and communal authorities would probably result in some persistence of social segregation, though on an optional basis and with significant variations in different areas.

(c)   The Rationale of Pluralism as a Political Strategy: Practical Feasibility and Ethical Acceptability

There are two major questions about the model of a pluralistic devolution of powers along consociational lines which we have sketched: (1) is it practically feasible as a scheme for transitional political change? and (2) is it ethically acceptable in the light of our primary ethical concepts?

1.   Practical Feasibility

We may be brief about this aspect in view of our extended discussion in the earlier sections of this chapter. Certainly there is room for a more detailed investigation of the current working and the immediate prospects of such

representative authorities as the CPRC - and here we may refer to excellent
papers prepared by Prof Marinus Wiechers and Mr Wolfgang Thomas *(29)* -
but their general political future must rather be seen in terms of the larger
issues and developments in the overall political situation. As we saw in our
discussion of the possible bases of and the forces for political change, it
would be vain to expect this kind of devolution of powers to be initiated
from within the present parliamentary and party system. In the interaction
between the central regime and its unenfranchised subjects, and particularly
in certain kinds of actual or potential crisis situation, the opposing
leaderships might, however, become potential agents for such transitional
accommodations (see sections (i), (ii)). The ideology of the present regime
may, moreover, allow some scope for accommodations along lines to which
its supporters are already partly committed (see section (iii)).

Nevertheless, although the proposed model may constitute an available
transitional model for structuring conflict, opening up the way to a more
radical new deal, we must stress again that this emergent pattern of inter-
action and the internal dialectical dynamics of the politics of separate develop-
ment will certainly not automatically bring about the kind of political change
we want. The other real possibilities in a crisis situation are complete and out-
right coercion and domination, or prolonged violent and polarised conflict.
There are a number of alternatives which have to be decided and which are
already increasingly being decided. In these circumstances the potential
feasibility of our proposed model of a pluralistic devolution of powers is of
major significance to at least four categories of South Africans: (1) all
concerned with a viable policy for change acceptable to Christians; (2)
whites and supporters of the present government concerned with the moral
and practical justifiability of government policy; (3) the white central regime
and its political leadership as an indication of the kind of accommodation
they might have to make; and (4) the black political leadership as an
indication of the kind of accommodation for which they might press.

2.   Ethical Acceptability

Certain objections to the proposed model will probably be raised by those
steeped in liberal tradition, which has a deeply ingrained suspicion of the
group as a political category, except insofar as it can constitute a rational
means of furthering individual interest and protecting individual rights. The
consociational aspects of the proposed strategy, even if it were to achieve a
significant measure of social and political parity between the different groups,
would therefore remain deeply suspect because of its explicit group basis.

It is not immediately clear in terms of our primary ethical concepts of

freedom, equality and justice why the group should be so pernicious a political category. If we accept, as we have argued in Chapter 9, that in a divided plural society the traditional liberal approach of uniform or individual incorporation and its political equivalent of extension of the franchise is not a practicable transitional strategy; and if we accept the contention of the present chapter that through a strategy of pluralistic devolution of powers along consociational lines a far greater measure of participation in government might indeed be attainable - would it nevertheless have to be rejected because of its group basis alone?

At this point we may recall that Hoernle in his discussion of the three basic alternatives acceptable to the liberal considered parallelism, which we can easily recognise as a variant of our proposed pluralistic strategy, to be disqualified because of practical considerations only, but nowhere objected to its group basis as such *(30)*. The only real ethical issue raised in Hoernle's analysis concerns a certain ambivalence between accepting the group as a political category, and rejecting enforced or compulsory group status *(31)*. The controversial aspect does not really concern the recognition of cultural diversity or the significance of (ethnic) groups as such, but the possible enforcement of such plurality by legislation and administration, so that the crucial issue is really domination and discrimination (see Chapter 7: (iii)).

Even if all the groups concerned might voluntarily agree, through consultation and bargaining by political leaders followed by popular ratification, to a system of legislative entrenchment of cultural and social differences, such entrenchment would raise grave objections. Although it might achieve a measure of inter-group democracy, it would place intolerable restrictions on individual freedom of association, particularly if such measures as the Population Registration Act, the Immorality Act, Group Areas etc. were retained. If our proposed structuring of the political system along communal lines depended on such coercive measures, it would be completely unacceptable in moral terms, especially as it would tend to reinforce the cleavages of a divided plural society rather than providing the transition to an open pluralistic society. We must emphasise two basic requirements: (i) the communal institutions or authorities must be based on voluntary group-affiliation, and (ii) the extent of political regulation of social relations must be appreciably limited to allow for freedom of social and cultural interaction on an individual level. These requirements are mutually complementary, although at first sight they may seem paradoxical requirements for our proposals for transitional political change along consociational lines. In effect, they mean that at the same time as the political framework is being structured largely on a group basis the deep cleavages dividing groups in the plural society should be crossed and counter-balanced in other spheres to allow a more open structure and a greater individual freedom of association; and that

at the same time as communal authorities are being given greater powers in cultural and educational matters the individual's membership of his group would be loosened to a voluntary status. As we have pointed out, the consociational alternative in the Dutch case, for example, functions in a constitutional context of complete freedom of association, so that the conflict, if any, is not of a fundamental kind.

There are already some indications of potentially significant development along these lines in our present situation, which might be worth exploring further. On the one hand, the government is proposing, in terms of its homelands policy, somehow to unscramble the urban melting pot and provide each African with a certificate of 'citizenship' in the homeland of his origin. In many cases the arbitrary and even completely farcical nature of such a procedure is only too obvious. On the other hand, some of the new homeland authorities have already indicated that, contrary to the declared aims of government policy, they are prepared to welcome people of other population groups as loyal citizens. The next question obviously is why cannot the urban African have some say in whether he wants to be a 'citizen' of the Transkei or of an Urban Bantu Council. In short, the crucial question is whether, in the event of further extension of the political role of communal and regional authorities the criterion for membership will allow more and more scope for voluntary individual affiliation, or whether it will continue to be strictly based on ethnic and racial criteria. The latter case would necessarily require the continued enforcement of the Population Registration Act and the Immorality Act as its logical sine qua non; the former possibility would envisage the abolition of such measures in favour of a system of membership based on less arbitrary criteria and allowing for voluntary affiliation. Similarly the question is whether within a consociational political framework social and cultural pluralism will be enforced, requiring the massive system of discriminatory laws now characterising apartheid, or whether it will progressively become a voluntary and private matter, at most maintained by mutual consent, in which case much of the present legislation would have to lapse. The latter would imply a policy of desegregation, which is not to be confused with enforced social 'integration' *(32)*. A further issue is whether the various communal categories are to be exclusive, i.e. that everyone must be a member of some communal authority or citizen of some 'homeland', or whether an 'open' category or categories could be increasingly provided for those who do not wish to be thus affiliated at all.

In the present context there is no need to spell out the details in terms of group areas, administration, representation, etc. The main point is that only if the pluralistic devolution of powers along consociational lines allows an appreciable measure of voluntary individual affiliation, refrains from the enforcement of social and cultural differentiation, and encourages the growth of

an open pluralistic society can it be considered to be ethically acceptable in terms of our primary concepts. Given the will, these things are certainly not impossible.

FOOTNOTES

1. Bennie A. Khoapa, The New Black', *Black Viewpoint*, 1972, p. 63.
2. Cf. e.g., *The Molteno Report*, etc.
3. Cf. e.g., the speech made by Mr D.P. de Villiers, S.C., on Covenant Day, 16 december 1972.
4. *The United Party's Federation of South African Peoples*, September, 1972.
5. *Ibid.*, p. 4.
6. *Ibid.*, pp. 5-6.
7. Cf., e.g., Dawie', political columnist of *Die Burger*, 21/10/72.
8. R.Jordan, A Short Commentary on the Draft Report, pp. 17ff.
9. R. Rose, *Governing Without Consensus*, p. 408.
10. *Ibid.*, pp. 40-41.
11. *Ibid.*, p. 39.
12. *Ibid.*, pp. 41, 410.
13. *Ibid.*, p. 405.
14. *Ibid.*, p. 411.
15. *Ibid.*, p. 412.
16. *Ibid.*, pp. 408-409.
17. S.M. Lipset and S. Rokkan, *op. cit.*, p. 33-34.
18. *Ibid.*, p. 30.
19. P.J. Coertze, F.J. Language, B.I.C. Van Eeden, *Die Oplossing van die Naturellevraagstuk in Suid-Afrika*, 1943, p. 11; cf. also N.J. Rhoodie and H.J. Venter, *Apartheid*, 1959, pp. 21ff.
20. L. Kuper, *An African Bourgeoisie*, 1965, p. 34.
21. *Ibid.*, p. 42.
22. Idem, Political Change in White Settler Societies: The Possibility of Peaceful Democratization', *Pluralism in Africa*, p. 179.
23. *Ibid.*, p. 182.
24. F. Van Zyl Slabbert, Modernisation and Apartheid', in *Anatomy of Apartheid*, Spro-cas publication No. 1, pp. 64-67.
25. *Ibid.*, p. 83.
26. Cf. M. Wiechers, Kleurlingburgerskap in Suid-Afrika', unpublished paper, 1971, pp. 9ff.
27. N. Charton, The Significance of Local Government in a Plural Society', working paper submitted to the Political Commission, p. 15.
28. Cf., *Ibid.*, p. 14.
29. M. Wiechers, *op. cit.*, W.H. Thomas, The Debates of the Coloured Persons' Representative Council', unpublished paper, 1972.
30. R.F. Hoernle, *South African Native Policy and the Liberal Spirit*, pp. 158-161.
31. Cf., *ibid.*, p. 160.
32. Cf. M.M. Gordon, *Assimilation in American Life*, pp. 46f.

PART FOUR

CONCLUSIONS AND

RECOMMENDATIONS

Chapter Twelve

CONCLUSIONS

WHILE THE COMMISSION does not in any way wish to suggest that it has found a 'solution' for South Africa's political problems or that it can provide a 'blueprint' for the future, it can indicate the kind of society and political system to which it is committed as a future goal.

(i) The Open Pluralist Society: A Statement of Ideals

In general terms, we are committed to the ideal of a non-discriminatory, open and democratic state. The kind of society which we take for our goal would be characterised by both social justice and the Rule of Law; it would allow individual freedom of both opportunity and affiliation as well as giving scope for social and cultural diversity.

With this general goal few will disagree. It is necessary, however, and without being dogmatic on any point, to specify as concretely as possible the principles and institutions which this would embody. This can best be done under the following heads:

Effective Participation in Government

The fundamental ideal of the responsible society and the democratic state is that all its members should have the opportunity to share fully in the responsibility for decisions affecting the common life. All persons should be able to participate in the polity as active consenting or dissenting citizens, and none should be mere objects of administration. People of all groups in the society should be brought into meaningful participation in political life at the various levels of local, regional or communal, and national government. In a large industrialised and heterogeneous society this is a formidable task calling for a complex and diversified political system.

Whatever system is adopted, however, at least two major requrements must be met. First, no citizen or group may be denied representation in and effective access to the highest legislative and executive authorities. Second, at a local and communal level, institutions must have powers and resources to be effective, as well as being adapted to the specific needs and claims of in-

dividuals and groups; only in this way will political participation be made meaningful

Constitutional Structure and Political Rights

Commitment to full political participation for all citizens does not imply acceptance of any single electoral or constitutional system. Of any political system, however, it may be required that it allows a wide and responsible sharing of power and that it can accommodate, structure and control political conflict along legitimated channels. These are the ideals of government by consent in a free society, but they need not necessarily take the form of majority government in a two-party system. In a large heterogeneous society they may best be furthered by various measures which separate and distribute the powers of government and which diversify the sites where it is contested. This may happen, for example, through a federal structure, proportional representation, large measures of regional or communal autonomy, and through effective constitutional safeguards.

Although a federal constitutional structure is not necessarily preferable to a unitary system, it does have certain obvious advantages in a large heterogeneous society. It may lessen the possibility of inter-group conflict escalating into a major showdown by allowing a certain measure of regional or even communal autonomy. Another advantage is that diverse practices and institutions may be implemented and tested within a federal structure, whereas experimentation is more difficult under a unitary structure. The possibilities of federalism are discussed more fully in Leo Marquard's *A Federation of Southern Africa* (Oxford University Press, 1972).

While the Commission has suggested the possible value for transitional change of communal authorities or group representation, it cannot endorse them as our political goal without qualification. It is clear that the political enforcement of social or cultural differences can never be acceptable, and that membership cannot unilaterally be decreed on arbitary grounds but should be on the basis of voluntary affiliation. The Commission accepts that deprived groups need political power if a more equitable distribution of wealth is to be achieved, but it does not believe that the maintenance of socio-cultural identities requires groups to pursue power and especially domination at the highest level of politics and government. A large measure of social and cultural freedom from governmental regulation may however be consistent with, and perhaps even require, a limited political recognition of group representation and communal authorities.

Recognising that a rigid constitution with an entrenched bill of rights is by itself no guarantee of individual or group freedom in a divided and unequal society, the Commission has come to see the limitations of the Liberal-constitutional approach for transitional change, though this does not affect the

importance of guaranteed constitutional rights as a safeguard for good government. The Commission would thus certainly support the introduction of constitutionally protected and court-supervised rights and liberties as soon as circumstances are favourable, but it wishes to warn against the tendency to regard such measures alone as a panacea for the problems of a racially heterogeneous society.

Personal and Civil Liberties

All citizens must equally enjoy personal freedom and civil liberties, although subject to necessary restrictions for security purposes severely limited as to scope and duration. Personal freedom means freedom from arbitrary arrest and invasion of the home, and freedom from arbitrary searches and seizures. Civil liberties include freedom of expression, movement, meeting and association. The Commission views the guarantee of such rights and liberties for minority groups as being of particular importance. While accepting that these freedoms cannot be created overnight in a society in which they have been denied for a lengthy period, and further that no freedoms are ever completely unqualified, the Commission is committed to a system in which such freedoms will be progressively increased until they are substantially enjoyed by all citizens.

Open Pluralism

The Commission is committed to the ideal of an open pluralistic society tolerating social and cultural diversity within the bounds of a necessary common consent. It is opposed to the notion of a totalitarian society in which *any* policy or ideology is unilaterally imposed on the whole society. It follows that it is opposed to the use of government powers to enforce a centrally determined policy in inter-personal social relations, cultural and educational affairs, etc. It is in favour of reasonable freedom of action for all kinds of voluntary associations and secondary groups such as professional groups, trade unions, business groups, cultural groups, churches and universities to manage their own affairs within bounds fixed by law. The Commission regards pluralism in this sense as a necessary counterweight to the power of government and as a necessary base for a free society. (The extent to which this would include 'free enterprise' is discussed below).

In an ethnically heterogeneous and multi-racial society this means that any policy of forced assimilation or cultural imperialism is rejected by the Commission. It goes without saying that the Commission also rejects all measures of imposed segregation, separatism or discrimination. If cultural diversity is valued and tolerated, and groups are allowed a measure of cultural and educational autonomy, the ideal of a non-discriminatory society must require the desegregation of all areas of public life and the removal of discriminatory

norms and practices in all spheres of government. On a voluntary basis groups may be formed along ethnic or even racial lines and may as such claim recognition by, and protection of, the law. At the same time the Commission frankly recognises the dangers of ethnic and racial polarisation and conflict inherent in such developments and wishes to stress the importance of cross-cutting contacts and allegiances for a stable consensus.

Socio-economic Change and the Economic System

There was a considerable amount of discussion in the Political Commission of the advantages and disadvantages of the capitalist and socialist models. (Whether the terms 'capitalist' and 'socialist' are still helpful is doubtful since they do not seem to correspond to realities of pure form and substance). To the extent that socialism implies centralised control, full state ownership of the means of production and little or negligible private enterprise, it was certainly rejected by most or all members of the Commission. On the other hand there were few supporters of outright and unregulated free enterprise, if its existence can even be conceived of today. As a goal most members would almost certainly favour a 'mixed economy' with a balance between state control and private initiative and with a growing role for extra-parliamentary corporate bargaining. The Commission faces the difficulty that the elimination of the gross disparities of wealth, which while they remain will constitute a continuing threat to political stability, is ordinarily expected to come from government initiative and reform. This would, however, involve centralised decision-making of the kind and extent which is contrary to the devolution of power which the Commission would like to encourage. There are antinomies here capable of disillusioning the wisest of men but there was also agreement amongst us on a number of basic issues and directions of development. On the need for a fairer distribution of wealth there was complete unanimity. There was also general support for extension of trade union rights to all workers and for schemes which would give workers a greater say in the determination of their job conditions and increase their bargaining power within an institutionalised framework. At the same time the Commission believes that it is not being too optimistic in suggesting that sufficient white support can be marshalled among industrial and business leaders etc. for major advancement for blacks in the economic and educational fields, especially if such advancement is shown to be essential to stability and progress as well as being a requirement of a just social policy. Gains for blacks in the socio-economic sphere appear to carry with them consequences of special significance. In the first place, the development of a common loyalty as a foundation for an open, non-discriminatory and democratic society will depend in large measure on the degree to which the expectations of citizens are satisfied by the social arrangements of the society.

Secondly, improvements in the economic and social sphere will undoubtedly generate pressure for other kinds of advancement, including political, and should make political concessions seem less dangerous to the white electorate than when they are conceded to an unsophisticated, poor and badly educated black proletariat. Finally, they would serve to establish the social and economic conditions necessary for a stable democracy.

(ii)   The Importance of a Multiple Strategy for the Problems of Transition

Two extreme positions regarding the chances of achieving in substantial measure the goal of an open, non-discriminatory and democratic society should be rejected as being either unduly pessimistic or optimistic. The unduly pessimistic view is that the conditions pertaining in South Africa entirely preclude the achievement of such a goal even by an evolutionary process. The over-optimistic view, which also needs rejection, is that the goal is almost immediately realisable. The Commission also rejects the proposition that any single strategy or policy of change, for example advocacy of constitutional enactment of one-man-one-vote coupled with a bill of rights, is likely to lead to, or bring about, the ends it seeks. The Commission recommends a multiple strategy approach for the reason that radical change is needed on several fronts and in different spheres and because, if it is to be realistic, a programme of change must take acount both of the forces favouring change and of those which are likely to impede it.

The multiple strategy approach seeks to make a variety of distinctions, for example, between change within the framework of the present political system and change outside that framework, between changes that may realistically be advocated immediately and those that are necessarily more long-term, between parliamentary and extra-parliamentary change, between political and socio-economic change. All forms of change should be explored for their possible contribution to the ultimate goal but it should be recognised that a different emphasis, tempo and strategy may be recommended in each potential area of change. The same applies to different groups in the society who will adopt different strategies in seeking to bring about change. The different sectors of society can contribute to change in different ways (for example, *verligte* supporters of the government, the churches, the white opposition parties, the black elites, and voluntary associations of many different kinds).

In illustration of this approach, we can consider the possibilities of creative change through utilising the representative authorities established in terms of government policy without in any way accepting the assumptions or

philosophy of separate development. For example, the consolidation of KwaZulu and other homelands, the expansion of socio-economic development in the homelands and a greater devolution of power to the homeland authorities may reasonably be asked for and secured if the present government has any serious intentions in relation to separate development. All this can be demanded while rejecting the idea of 'independence' as an alternative to participation in government and without endorsing the negative aspects of apartheid. A more serious application of separate development may result in the growth of power centres capable of forcing change throughout South Africa at a greater pace. This strategy is explored in some detail in Chapters One and Six of the Spro-cas Social Report.

At the same time, of course, strategies can be aimed at bringing about change outside the present framework of policy. There are certain changes which the present government is not committed to make but which it may be compelled or persuaded to bring about for various reasons within a fairly short period. Pressures to secure these changes may be exerted with reasonable hope of success. Specific examples of such potential changes are contained in the Reports of the Spro-cas Education and Economics Commission, while the Social Report considers the possibilities of work aimed at creating pre-conditions for social change in South Africa.

The specific recommendations of the Political Commission, within the framework of a comprehensive model for the transition from the present apartheid society to an open pluralistic society, follow in the next chapter.

Chapter Thirteen

RECOMMENDATIONS
A MODEL FOR TRANSITION

THE COMMISSION recognises that the obstacles confronting transitional change form the present apartheid society to the ideal of an open pluralistic society are formidable. We believe also that there are feasible political alternatives to apartheid or 'separate development', and that these must be clarified as much as possible. It should be emphasised that our model of transitional change is not intended as a projection of probable future developments in South Africa. It attempts only to extrapolate the positive opportunities for political change in a specific direction as a possible basis for a multiple strategy which would then constitute an acceptable and feasible alternative.

In accordance with our conclusion that the momentum for transitional change is unlikely to come from within the present (white) party and parliamentary system, the model is not to be taken primarily as a proposed policy for an alternative (white) government or political party. We concluded also, on the other hand, that in the interaction between the central regime and its unenfranchised subjects the opposing leaderships may become important agents of change. Accordingly our model seeks to specify a number of crucial issues which will have to be faced in one way or another by such different groups in South African society as the personnel of the central government and administration, black political leaders, industrial, business and labour leaders, student and church leaders, etc. It follows that the different proposals should not be construed as so many steps in the practical implementation of a specific party's policy but as an indication of a direction in which change might be sought by different parties and groups in a number of major areas.

Our model involves two main 'stages'. The distinction is between two different frameworks or parameters within which transitional change can take place. There is certainly a temporal aspect involved, but the two stages' should not be seen as a rigid chronological scheme. Logically the full realisation of the later framework would imply the negation of the earlier one, but this does not mean that work to realise 'stage two' can only be engaged upon after 'stage one' has been completed. Strategies for bringing about change in terms of both 'stages' of our model can be planned now. Whether these 'stages' develop chronologically will largely depend on the success of

multiple strategies embarked upon at present and how their consequences affect one another.

In each stage we distinguish between a number of different areas of change. Our recommendation of a multiple strategy means that different kinds of change should complement one another. In each area we recommend a specific direction of change in fairly general terms, and then indicate a number of available opportunities and potentially bargainable issues. These latter will vary from recommendations that are feasible within our present political situation to others implying or presupposing more radical change.

THE FIRST STAGE

The first stage aims at the greatest measure of non-discrimination and equality possible in the present society and a progressive pluralistic devolution of power starting from the present political system, i.e. one in which the central government is still responsible to a parliament elected by white voters.

A.   Socio-economic developments

Change in this area does not directly involve or require change in the present political system itself, though it may require or involve important changes in political alignment and attitudes.

I.   ECONOMIC, SOCIAL AND EDUCATIONAL ADVANCEMENT

DIRECTION OF CHANGE: Furthering the processes of economic, social and educational advancement among all groups with priority to those who are relatively deprived.

AVAILABLE OPPORTUNITIES AND BARGAINABLE ISSUES

(a)   Educational

1.   Higher priority to spending on all education, i.e. a larger percentage than the present ± 4% of the national income.

2.   Gradual and progressive equalisation of the per capita state subsidy for all population groups.

> *Note:* It is of particular importance if communal authorities are to have increasing

autonomy in educational matters - as envisaged in Section B below - that the subsidy formula should be firmly entrenched and fair to all groups.

3. Official encouragement of privately sponsored funds for bursary schemes, provision of educational facilities etc. for black groups in particular.

4. Special projects for literacy programmes, administrative and technical training, adult education, intensive group methods for attitude change, etc.

5. Increasing acceptance of the principles of institutional autonomy and the voluntary basis of individual access to all levels of a diversified educational system.

Note: Further detailed proposals are contained in the Spro-cas Education Report, pp. 60-61.

(b) Economic Development

1. Decentralising economic growth: a flexible and diversified development policy aimed at an increasing measure of industrial decentralisation and at the stimulation of economic development in poor and over-populated areas including the present 'homelands'.

Note: Economic decentralisation need not have the ulterior political significance ascribed to it in terms of the ideology of separate development. An effective development policy, however, does require adequate (i.e. drastically increased) financial resources and administrative skill and personnel, as well as the abolition of the present restrictions on private local and foreign investment in the 'homeland' areas.

2. Safeguarding minimum incomes:

(i) acceptance by all employers and in statutory wage determinations of the regionally differentiated and annually adjusted poverty datum line as a minimum standard, and of the minimum effective level as long term minimum goal;

(ii) acceptance of the principle of the 'rate for the job' and equal wages for all groups; similar acceptance with regard to fringe benefits.

3. Stimulating the creation of maximum employment opportunities: a labour and economic policy aimed at overcoming the (to a certain extent artificially maintained) problem of a simultaneous labour surplus and labour scarcity through:

(i) an effective relaxation of job reservation and the colour bar in industry,

(ii) the creation of labour-intensive growth industries, and

(iii) the maintenance of an overall growth rate high enough to provide new employment opportunities.

Note: The problem of increasing unemployment may be one of South Africa's greatest

economic problems in the next decade, and one which has immediate social and political implications.

4.   *Increasing occupational mobility:*

(i)   reduction of direct and indirect restrictions on the regional mobility of black, particularly African, labour and a progressive revision of the system of influx control of Africans in order to provide full settlement rights;
(ii)   phasing out the internal migrant labour system and a revision of the system with regard to foreign migrants in order to minimise human suffering and exploitation;

> *Note:* Detailed proposals are suggested in Francis Wilson: *Migrant Labour in South Africa,* (Spro-cas and SACC).

(iii)   acceptance of the equal right of blacks to be in superior positions when properly qualified and a progressive reduction of legal and conventional restrictions on their upward mobility in all sectors.

5.   *Improvement of the machinery for collective bargaining for black workers:*

(i)   increased opportunities for participation in and control of trade unions by Coloured and Indian workers;
(ii)   expansion of the present system of works committees as a step towards trade union rights for African workers;

> *Note:* Detailed proposals in this connection are made in the Spro-cas Economic Report, pp. 105-106.

(iii)   recognition at the earliest opportunity of the right of Africans to be organised in trade unions both inside and outside the 'homelands' in terms of the machinery for industrial conciliation, and assistance for African trade union formation and leadership training by both government and employers;
(iv)   reform of industrial councils and other wage determination machinery to cope with the growing demands of an expanding African industrial labour force and with the increasing urgency of necessary wage adjustments.

> *Note:* Further detailed proposals with regard to entrepeneurial opportunities, tax reform, etc. are contained in the Spro-cas Economics Report. It will be noted that many of our own proposals imply a change in the priorities of taxation and/or additional taxation of the higher income groups, and this in turn must result in a wholesale and progressive reform of the whole system of taxation.

(c)   Social Security and Welfare

1.   *Social services:* extension and upgrading of low cost housing schemes, health services, feeding schemes, housing and travelling subsidies etc., to be

administered and controlled increasingly by communal and regional authorities subsidised in terms of properly negotiated and entrenched formulas from general revenue.

Note: Proposals with regard to communal and regional authorities are given in Section B.

2. *Welfare programmes:* provision of national medical insurance to all citizens; extension and upgrading of employment benefits such as pensions, fixed salary increments etc.; provision of unemployment compensation for all workers.

Note: More detailed proposals are contained in the Spro-cas Economics Report.

3. *Security of tenure:* a progressive reform of the present system and pattern of tenure and ownership rights so as to increase the security of tenure of blacks and to curb excessive speculation in land and property, including:

(i) development of both freehold property rights and communal property ownership within the 'homelands' with limited scope for property ownership for non-Africans as determined by the 'homeland' authorities;

(ii) the right of Africans to acquire land in areas adjoining the 'homelands', while allowing the continuation of existing private agriculture and enterprise of non-Africans in consolidated homeland areas;

Note: non-Africans should have equal opportunity to acquire citizenship rights in the regional authorities as envisaged in section B below.

(iii) occupational, lease and ownership rights in the existing areas for urban Africans who have qualified for residence;

Note: At present this would include urban Africans who have qualified under Section 10 of the Urban Areas Act but this would change in accordance with the progressive revision of the system of influx control proposed in (b) 4 above.

(iv) progressive expansion of property acquisition and ownership rights of Africans, Indians and Coloureds outside the existing group areas with emphasis on the creation and enlargement of 'open areas'

II. LIBERALISATION AND DEMOCRATISATION OF SOCIETY

DIRECTION OF CHANGE: Staying and reversing the trend towards governmental curbing of civil freedoms, consolidating the existing constitutional rights to freedom of expression and association and progressively extending them to all citizens while also expanding the areas and the means of exercising them effectively; increasing the extent and effectiveness of public participation in existing institutions (local government, statutory bodies, corporative institutions) and creating new institutions for public consultation and collective bargaining.

OPPORTUNITIES AND ISSUES

(a)   Freedom of Expression and Association

1.   *Opposition, dissent and protest:* safeguarding the democratic freedom of all citizens to oppose the ruling government within the bounds of the law, and assuring the effective exercise of their right to dissent from or protest against any policy, law or action in public, including:

(i)   the co-operation of police and civil authorities in allowing orderly public demonstrations subject to the minimal requirements for maintaining civil order;

(ii)   the recognition, in so far as this is possible whilst maintaining due process of and respect for the law, that conscientious objectors, civil disobedients and 'political' offenders in general should not be treated as common criminals, and certainly not more harshly than criminals.

   Note: See the section on 'Political Prisoners' in Chapter 3 above.

2.   *Security laws:* amendment of the present system of security laws with a view to restricting their application to real security threats and restoring rights and safeguards unnecessarily denied by the present security programme, including:

(i)   amendment of the definitions of the crimes of sabotage and terrorism, and the capital offences in the Suppression of Communism Act, with a view to restricting their scope and confining punishment to activities more clearly subversive or violent;

(ii)   appointment of a Detention Review Board headed by a Judge or senior advocate nominated by the judiciary to review all decisions to detain under the 180-day law and the Terrorism Act, and to recommend (but not order) the discharge or continued detention of the detainee (the detainee should have the right to make representations to the Review Board);

   Note: These proposals do not imply acceptance of detention or banning without trial but are made as a *first step* towards the re-establishment of an acceptable programme.

(iii)   appointment of a Review Board, constituted as in paragraph (ii), with the power to review all restrictions under the Suppression of Communism Act and to recommend (but not order) the continuation or removal of restriction (the person restricted should again have the right to make representations to the Review Board);

(iv)   restoration of certain procedural rights available to the accused person under ordinary South African Law, e.g. the right to be tried in the area where the alleged crime was committed and the right to have the State prove its case before the accused is put to his defence (i.e. retransfer of the onus of proof to the State).

3. *Freedom of the press:* For the maintenance and strengthening of a vigorous and responsible press it is desirable that:

(i)   there should not be any degree of direct state control or censorship and that the press itself be responsible for the formal or informal codes or institutions needed to ensure proper journalistic standards;

(ii)   there should be a variety of independent newspapers and journals not directly linked with specific political parties or organisations, besides those which are so linked;

(iii) the growth of regional or national monopolies should be curbed.

In addition academic freedom, implying the right of scholars to publish and communicate their findings even in politically controversial areas, must be jealously safeguarded.

4. *Control of Public Communications Media:* It is undesirable that politicians should be directly or indirectly in control of public media such as radio and television or that they be monopolised by any one political point of view. National control should be vested in independent Boards that are (increasingly) representative of all population groups. This need not preclude a regional or a communal authority from establishing its own radio or television service.

Note: No firm conclusions can be drawn as to the desirability of a proliferation of public media systems. Linguistic and other considerations may force a measure of duplication, and this could have the desirable effect of strengthening the freedom of trade in ideas, cultural expression and the like. On the other hand, these utilities are expensive and consume resources that are urgently needed elsewhere.

5. *Censorship:* Accepting the principle that society and its various institutions such as the schools, churches etc. are the proper guardians of good morals and customs, it follows that the positive combating of undesirable publications should not primarily be sought in legislation but rather through moral education, etc. Some kind of legal control in order to curb the commercial availability of pornographic material may be necessary, but it is vitally important that censorship of writing, films and other forms of expression must not act as a restraint on creativity or on the free circulation of ideas. To this end the functioning of the Publications Control Board should be gradually but comprehensively revised, including.

(i)   the reconstitution of the Board so as to become representative of all major cultural, interest and age groups;

(ii)   the creation of effective institutions or mechanisms for the reviewing of, or the hearing of appeals against, decisions by the Board;

(iii) the exemption of all bona fide scientific and academic publications and works of art from the purview of the Board.

(b)   Voluntary Associations: increasing the area of voluntary association and of racially and ethnically non-prescriptive participation in social activities by e.g. the phasing out of 'petty apartheid', including:

(i)   relaxation in the official application of race classification, immorality laws etc.;

> *Note:* This does not imply acceptance of the principle of race-classification but should be seen as a *first step* towards a system of voluntary group-affiliation. See 'Stage Two' below.

(ii)   decentralising decision-making for the use of and access to public and municipal facilities such as parks, beaches, libraries, museums etc.;

(iii)   control of the use of and access to leisure and recreational facilities such as restaurants, theatres, cinemas and stadiums to rest with the management or owners;

(iv)   non-prescriptive participation in sport and other club activities, religious institutions and professional organisations to be encouraged;

(v)   universities to have autonomy in admitting students and appointing personnel.

(c)   Citizen participation and functional representation

1.   *Public participation:* in local and communal matters of all communities and population groups wide popular participation is to be encouraged through giving fully elected bodies proper responsibilities and effective resources, including the provision of technical and advisory staff where necessary.

2.   *Functional representation in statutory bodies:* in all statutory bodies with functional but comprehensive powers, like the Road Transportation Board, the Hotel Board, the Decentralisation Board, the C.S.I.R., the H.S.R.C. etc., all major interest and population groups should be represented on a more equitable basis. This may be furthered by:

(i)   decreasing the number of appointments by the central government and increasing those elected or nominated by interest groups or associations and communal authorities;

(ii)   providing specialised facilities and expert assistance for the elected representatives of affected groups who may be in need of this;

(iii)   a continuous or periodic review of the basis on which these statutory bodies are constituted in view of representation for newly emergent interest groups or the changed needs of various population groups.

3.   *Public consultation and collective bargaining*

(i)   Particularly in the socio-economic field the role of parliamentary

legislation should be reduced and the role of negotiated agreements between, e.g. Consumers' Associations, Trade Unions, Employers' Organisations etc., should be increased in the determination of wage or price increases, etc.

Note: It is of decisive importance that *all* relevant interest groups are involved in such corporative bargaining within an equitable framework.

(ii)   In preparing parliamentary legislation the opportunities for all affected or interested groups to be consulted or to be represented by qualified experts should be increased, and the public should be encouraged and educated to make effective use of these means.

(d)   Defence: Accepting that, even apart from external threats, the armed forces are the final guarantee of the state's power it is of vital importance first, that the code of professionalism, in terms of which the armed forces remain out of politics and subject themselves to civilian control, be firmly enforced; and secondly, that in a plural or pluralistic society the armed and security forces should not be monopolised by one group or section but should be progressively opened up to all groups. Measures furthering these aims would include:

1.   either abolishing compulsory military training or severely circumscribing its duration;
2.   either drastically reducing the size of the standing army, or increasingly involving it in domestic development programmes;

Note: These proposals may enable substantial cuts in spending on defence (R417 million in 1973), which would free considerable resources for re-allocation.

3.   progressively opening up training for defence purposes to all population groups;

Note: In the police force considerable progress in this direction has already been made, and this may serve as a model in the early stages. (This has also taken place to a considerable extent in Mozambique).

4.   progressively opening up promotion to officer ranks for individuals from all population groups while maintaining a careful balance in the staff of all units and forces;

Note: It is obviously highly undesirable that entire defence units or forces be monopolised by different population groups, even on a regional basis. This implies that defence units should not be directly linked with 'homeland' governments.

5.   within the co-ordinated framework of a single national defence force a de-

gree of internal pluralisation and decentralisation, e.g. as between the three forces and on a regional basis, should be encouraged with a view to maintaining an internal balance of power.

B. The Creation of New Sub-systems of Representative Government

Changes in this area involve structural adjustments of or additions to the present political system, but do not affect the sovereignty of Parliament as such. In part and up to a point this kind of change has already been initiated, though with different objectives.

I. REGIONAL AUTHORITIES

DIRECTION OF CHANGE: The creation of viable sub-systems of representative government on a regional but not on a strict ethnic basis (i.e. they should not primarily be conceived as 'homeland governments' but as regional authorities); the political development of these authorities to be an integral part of the general development of these territories, including geographical consolidation, agricultural development, socio-economic modernisation, industrial development, etc.

OPPORTUNITIES AND ISSUES

1.   Fully elected Representative Councils to have legislative and executive powers for local matters (education, housing, transport, agriculture), subject to a minimum of constitutional limitations by the central government.

2.   Regional authorities to have powers to levy taxes on local population and property and to determine conditions for capital investment, mineral exploitation, etc.

3.   Subsidies from the central government to be determined according to a negotiated formula (subject to regular review) within a general framework acknowledging (a) the central government's continuing responsibility for the basic welfare of all parts of the country on an equal footing, and (b) the relative priority of the needs and requirements of under-developed and developing areas.

4.   Property, residential and 'citizenship' rights within their territories to be controlled by the regional authorities who may grant them on a non-ethnic basis if they so wish.

Note: See A1 (c) 3 (i) and (ii) above, the latter constituting one rational way of gradually extending the present 'homeland' areas; also, rather than the costly method of expropriating white land owners in consolidation programmes they may be granted the opportunity to

stay on an either sell out eventually or acquire new 'citizenship' reights as determined by the Regional Authority.

5.   Regional authorities to have effective powers in determining development policy within their own areas including:

(i)   that Development Corporations be responsible to them and their directors in part nominated by them;

(ii)   special projects for administrative training and the provision of specialised resources and expertise, in co-operation with universities, professional organisations etc.

6.   Until such time as all their citizens can be provided with direct national or federal representation the Regional Authorities are to be recognised as their legitimate political representatives, and to be provided with the fullest opportunities to present their needs and claims in negotiations and consultation with the central government.

Note: See II (b) (ii) below.

II.   COMMUNAL AUTHORITIES

DIRECTION OF CHANGE: The creation of sub-systems of representative government for population groups of the common area who are at present excluded from the parliamentary system, such authorities to have powers in local government and cultural affairs as well as to serve as the political representatives of the unenfranchised groups in negotiations with the central government.

OPPORTUNITIES AND ISSUES

(a)   Local government
1.   Fully elected bodies of local government to be constituted for population groups who are at present excluded from representation in Town or Muncipal Councils, these local authorities to have appropriate powers to administer municipal affairs within the declared Coloured and Indian Group Areas.

Note: It is not desirable that further determination and implementation of Group Areas in established towns or settlements should take place because of the social disruption, hardship and resentment caused. The existing determinations, on the other hand, are in many case clearly inadequate for the present and future needs of the black groups, as well as being inequitable vis á

vis white group areas. The practice of freezing scheduled areas pending further determinations also has highly undesirable consequences for the residents involved. It is therefore desirable:

a.   that a category of 'open areas' be created, including most of the present frozen areas, and

b.   that it is clearly determined which local authorities are to have full responsibilities for such open areas, the residents of which to be fully represented in them;

c.   that where necessary slum clearance projects are not be be undertaken through the determination of new Group Areas but in terms of the Slums act;

d.   that where any further determination of Group Areas may still be made *all* population groups concerned should not merely be consulted, but should have adequate representation in the Group Areas Board itself.

2.   Urban Bantu Councils, fully elected on a non-ethnic basis, to be extended to all African townships, and to have adequate powers and resources to administer local affairs.

Note: See A I (c) (iii) above, recommending the granting of residential and property rights to the permanent population of the African urban areas.

3.   All local authorities to have an independent financial competence, including the powers to levy taxes on local property, determine rates for municipal services, etc., in addition to subsidies from the central government.

(b)   Communal Councils

1.   Fully elected Representative Councils on a communal basis in addition to those for the Coloured People also to be established for the Indians and the Africans within the common areas (in the latter case there might be more than one, e.g. on a provincial basis).

Note: Until such time (see below under 'Stage Two') as some form of national or federal re-presentation can be provided for the presently unenfranchised groups *all* members of the Coloured and Indian groups should have voting rights for their respective Representative Councils, and all Africans should qualify for representation *either* in a regional authority (Bantustan) *or* in an urban Representative Council. This does not imply acceptance of ethnic differences as a criterion for political rights, but is intended as a preliminary step towards wider political rights, and should be replaced at the earliest opportunity by a system of voluntary affiliation (See below under 'Stage Two').

2.   Representative Councils and their executives to be officially recognised as the legitimate political representatives of the unenfranchised groups resident in the common area, and to have the fullest opportunity to present their

claims in negotiations and consultation with the central government, either singly or in co-cperation with other Communal and Regional Authorities (See I, (vi), above).

> *Note:* Since the main political function of such Councils would be to interact with other authorities within a wider political framework their internal structure need not be organised on party-political lines.

3.   Representative Councils to have legislative and executive powers for matters mainly affecting the communal group: education, cultural affairs, health and welfare services, community development, etc., subject to the minimum of constitutional limitations by the central government.

> *Note:* If and when the unenfranchised members of these population groups find adequate national or federal political representation the Representative Councils may retain these competences and continue as a number of National Cultural Councils, providing a measure of cultural autonomy for those population groups who desire this.

4.   Communal authorities to have an independent fiscal competence, including powers to levy taxes, e.g. a specified share of the general income tax payed by members of the population group, as well as receiving subsidies for education and health services according to an entrenched and equitable formula. (See above A I (a) (1)).

III.   REGIONAL PLANNING AND CO-ORDINATING COMMITTEES

DIRECTION OF CHANGE: The creation of effective institutions to co-ordinate the decision-making and planning process in all interdependent issues transcending the competence of the existing and newly created local and communal authorities, and to facilitate the reconciliation of different regional, functional and group interests in the common areas.

OPPORTUNITIES AND ISSUES

1.   Regional Planning and Co-ordinating Committees to consist of representatives of all the local and communal authorities in a specific metropolitan area or region on an equitable basis (i.e. existing municipalities and town councils as well as the new local authorities for group areas, etc.).
2.   Appropriate institutional machinery to be created to allow the functional representation or participation in the deliberations of such Regional Committees by voluntary interest groups such as Chambers of Commerce and Industry, Trade Unions, Agricultural and Consumers' Associations, etc.
3.   Regional Planning and Co-ordinating Committees to have co-ordinating responsibilities and powers for regional planning, transport, public amenities and services, commerce, housing and development, etc.

Note: Clearly Regional Planning and Co-ordinating Committees will progressively have to take over certain of the present functions of the Provincial Councils and the Town Councils of the larger metropolitan areas.

4. Regional Planning and Co-ordinating Committees to receive income from rates on public services provided, as well as subsidies from the central government.

C.   Intermediate and Transitional Political Change

Effective transitional political change towards a new pluralistic political system must increasingly affect the de facto sovereignty of the present parliament but there is considerable scope for various kinds of developments and preparatory negotiations on an ad hoc basis prior to any basic constitutional amendments.

Note: The two kinds of change envisaged (a maximal devolution of powers within the present system, and institutional consultation and negotiation prior to a constitutional transition) may be seen as complementary developments but also to a certain extent as alternatives. If, for example, significant progress is achieved in a relatively brief period of time to prepare the way for a constitutional transition through institutional consultation and negotiation, then the need to experiment with ad hoc arrangements for further devolution of powers within the present system will largely fall away.

I.   PLURALISTIC DEVOLUTION OF POWERS

DIRECTION OF CHANGE: Progressively transferring the decisive policy-making, executive and administrative powers from the central government to the new regional and communal authorities as far as this is possible within the present political and parliamentary system, and establishing ad hoc institutional frameworks for bargaining and shared decision-making in such conditions.

OPPORTUNITIES AND ISSUES

1.   Administrative Powers: Administrative positions in the government departments of Bantu Administration and Development, Bantu Education, Coloured Affairs and Indian Affairs at all levels, including the higher echelons, to be opened to blacks. This would involve, e.g.,

(i)   official recognition of the principle that suitably qualified blacks may be in positions of authority over white personnel;

(ii)   special priority to projects for the administrative training of competent individuals from the black groups to fill such posts wherever possible;

(iii)   the same to apply to the administrative personnel and executive

authorities of the black universities and their Councils, as well as the various Development Corporations and their Boards, etc.

2. Administrative and Executive Responsibilities

(i)   In so far as these government departments affect mainly the internal affairs of the respective regions or population groups, their powers and personnel are to be progressively transferred to these authorities, e.g. the administration of Coloured education is to become the direct responsibility of the executive of the CPRC and that of African education either of the executives of all the various regional and communal authorities (as envisaged under BI and B II (b) *or* of one or more National African Cultural Councils (in terms of B II (b) (ii) and (iii));

(ii)   all other aspects of 'Coloured Affairs' or 'Bantu Administration', etc. should not be dealt with or administered by a single comprehensive government department but should in a normal way be functionally differentiated between the competences of the different government departments (Justice Interior, etc.) and the various local, communal and regional authorities (including those envisaged in the previous sections);

(iii)   the function and competence of the executives of the central government and cabinet responsible for 'Coloured Relations' or 'Bantu Development', etc. should more and more involve not direct administration, but rather the effecting of the necessary liaison and co-ordination between all the various local, communal and regional authorities on the one hand and the central government and parliament on the other.

Note: The dual government departments of Coloured Affairs and Coloured Relations already incorporate a similar distinction, but it should be noted that:

1.   at present both these departments are administred by and responsible to the executive of the central government, and
2.   that e.g. white teachers in Coloured schools should be normally administered by Coloured Education, and particularly so when that would become the responsibility of the CPRC, and not fall under the separate competence of a department of 'Coloured Relations' responsible to the central government as at present.

3.   Co-ordinated Administration and Shared Decision-making

In all matters transcending the competences of the various regional and communal authorities and requiring co-ordination, administration and policy-making on a national level, such as influx control, transport, communications, pollution of the environment, defence, etc., increasing powers and control are to be given to ad hoc bodies consisting of representatives of all

the authorities, groups and interests concerned, including the central parliament and executive. Thus, for example, administrative policy concerning influx control would cease to be the exclusive prerogative of the cabinet of the central government, or the Department of Bantu Administration responsible to it, but may become the concern of a standing committee, to consist of both black and white representatives and senior officials of the regional and urban authorities concerned, some members of parliament, experts nominated by the various authorities, etc. It is clear that appropriate procedures for decision-making involving mutual vetoes, checks and balances etc. will have to be devised both for the internal functioning of such co-ordinative bodies, and in their relations vis-à-vis the executive of the central government.

Note: See also the recommendations concerning statutory bodies and public consultation and bargaining under A II (c) 2 and 3 above.

4. National planning, budget-allocation and financial priorities

Representation in those departmental bodies which lay down principles or policies in determining financial priorities, including capital expenditures, rates, taxes, budget-allocation etc. are of crucial importance at all levels of government, local, communal, regional, but are absolutely decisive at the level of national government. In the case of every single local, regional or communal authority envisaged above the issue of an equitable and entrenched formula for state subsidies is of crucial importance. It is therefore necessary that, until such time as parliamentary sovereignty may be replaced by a new federal arrangement, either ways be found in which expert representatives of other authorities can participate in the deliberations of the sub-committees of the Treasury, the committees for the national budget and national planning of the central government, or standing committees including such representatives be set up to decide priorities and determine policies.

5. Independent Judiciary

Increasing powers to be given to the Supreme and/or Appellate Courts to arbitrate in conflicts of authority including those involving the central government, and to subject to judicial review the legislative actions of civil authorities, including those of Parliament, while at the same time taking steps to increase the entrenched autonomy of the judiciary, e.g. the appointment of judges, etc.

Note: Until such time as a new and entrenched Constitution has been established this would require a degree of innovation on an ad hoc basis on the part of the judiciary itself as well as a considerable amount of co-operation therein from the central government. It is, of course,

of fundamental importance for the proper functioning of the Law that the constitutional framework be clearly established and entrenched at the earliest opportunity.

6. Independent Control of Security Measures

In circumstances of transitional political change and/or basic constitutional change it is of great importance that the implementation of security measures remain subject to civilian control in order that the security forces themselves remain out of politics and that such control should not be the exclusive prerogative of any one political or population group. In addition to the clearer circumscription of security offences and threats recommended under A II (a) 2 it is thus necessary that independent tribunals or measures of judicial control be created to supervise all security actions, including:

(i)   the extension of judicial control (or control by an independent tribunal) to detentions and detention provisions under the Terrorism Act or the 180-day law in so far as such laws are necessitated for strictly limited periods by clearly defined security threats;

(ii)   the creation of an independent tribunal whose recommendation will be a necessay preliminary to restrictions under the Suppression of Communism Act;

(iii)   the creation of an independent tribunal whose recommendation will be a necessary preliminary to determing the circumstances and specified periods for which recourse may be had to the severest forms of restriction, e.g. house arrest, etc.

II. PRELIMINARY CONSTITUTIONAL CONSULTATIONS AND NEGOTIATIONS

DIRECTION OF CHANGE: A round of negotiations and/or a series of conferences involving all the major regional and communal authorities as well as the central government and Parliament in order to prepare the way for a basic constitutional transition and determine the political structure of a new political system.

OPPORTUNITIES AND ISSUES

1.   Regularising political consultation and negotiation: The executive of the central government to have a regular round of intensive meetings with the executives of the regional and communal authorities where they can represent the political claims and interests of the unenfranchised population groups in all relevant matters, and negotiate the terms and details of further devolutions of power.

Note: The political significance of these meetings will increase to the extent that they are extended to, e.g., communal authorities for urban Africans, and to the extent that increasing executive and administrative powers are indeed devolved upon them (see the previous section).

2.   A Multi-racial Consultative Body: The central government in co-operation with the major regional and communal authorities to create a national body, to consist of representatives of all major population groups, with the specific task of discussing basic political and constitutional issues to determine the extent of a possible consensus on future reforms, and to report back within a specified time, when its mandate may be renewed or amended.

Note: To avoid the well-known failures of previous consultative bodies it is important that:

a.   such a body should not be set up by the central government alone,
b.   representatives be indeed acceptable to and acknowledged by the groups they represent,
c.   the objectives of the deliberations be carefully specified and not of a binding nature.

3.   A Round of Constitutional Conferences: The central government and representatives of parliament to have a round of conferences with representatives of all the major regional and communal authorities specifically devoted to their basic political and constitutional relations but with limited and specified objectives. This could have the purpose of deter-mining the nature of further devolutions of power and/or preparing the way to comprehensive constitutional changes.

4.   A New National Convention: Following from 1, 2 and 3, a new National Convention may be called by the central government and the regional and communal authorities to determine the constitutional structure of a com-prehensive new political system. It is possible that the National Consultative Body or the Constitutional Conferences may be adapted to this end, if given a mandate by parliament and the various regional and communal authorities.

THE SECOND STAGE

The second stage suggests the main outlines of a more open pluralistic society and the basic structure of a new political system embodying a federal, multi-racial government.

Note: The recommendations under this stage are not intended to anticipate the outcome of the transitional constitutional negotiations just projected under C II, but to indicate one possible set of political and social arrangements to which the envisaged pre-transitional in-stitutional developments might then be adapted. For this reason our recommendations for this stage must also be of a very general nature.

A. The Creation of Federal Institutions

1 . All national matters and policy for foreign affairs, defence, justice, finance, transport, commerce, planning etc. to be vested in a federal government and administration.

> *Note:* The recommendations concerning, e.g., defence (A II (d)) and in particular the institutional arrangements for co-ordinated administration and for shared decision-making (C I (iii) - (vi)) may be seen as preparatory measures: the standing committees, independent tribunals etc., may readily be converted into federal agencies.

2. The federal government to be responsible to a legislative assembly representative of all the citizens of the Republic. The composition, principles of election and powers of such a federal assembly must of course be determined by the preliminary constitutional deliberations, but the following possibilities might then exist:

(i) Either the present parliament or the institutional framework created for and by the series of constitutional conferences between the central government and representatives of the various communal and regional authorities (C II (iii)) might be adapted to provide the framework for a federal representative assembly.

(ii) The Federal assembly may be elected on an indirect basis (the various regional and communal authorities to act as electoral colleges) or by a combination of indirect and direct election, where the latter may be based on some form of proportional representation, or embody a combination of constituency and proportional representation as in the German Federal Republic.

> *Note:* Both the electoral system itself as well as the all-important formulas for the number of indirect representatives or proportional representation can only be determined in the transitional constitutional negotiations.

3. Constitutional entrenchment of civil liberties and minorities rights and the vesting of effective powers in an independent judiciary and Senate to maintain them effectively.

> *Note:* A National Consultative Body as envisaged under C II (ii) might be adapted to form such a Senate, whereas the measures to strengthen the independence of the judiciary under C I (v) might prepare the way for its constitutional recognition as a truly separate branch of government.

4. Security Laws: Provision to be made that after a specified period (e.g. 5 years) for the safe negotiation of the constitutional transition and the consolidation of the new political system, and in the absence of any but the most

severe and direct threats to internal and external security, laws like the Suppression of Communism Act, the Unlawful Organisations Act, the 'Sabotage Act' and the Terrorism Act are to be repealed and security legislation to be restricted to the following:

(i)   temporary emergency powers similar to those contained in the Public Safety Act, 1953, but incorporating additional safeguards;

(ii)   a law prohibiting incitement to racial hostility (similar to section 29 (1) of the Bantu Administration Act, No. 35 of 1927);

(iii)   laws prohibiting incitement to violent or disorderly conduct;

(iv)   a law providing for a proscription of organisations which advocate the overthrow of the government by force or violence or by the assasination of officers of government and for the punishment of members of such organisations;

(v)   a narrowly drawn Official Secrets and Civil Defence Act, the latter to operate in exceptional cases only, and a narrowly drawn law punishing acts of sabotage or terrorism.

B.   Creating Appropriate Communal Authorities for Whites

1.   Matters affecting mainly the white population groups, e.g. education, cultural affairs, health and welfare services etc., to be the autonomous concern of fully elected communal authorities (similar to those for other population groups envisaged under BII (b) (First Stage). The present Provincial Councils may be adapted to this end, and the present government departments for education, etc. may be partially transferred to them.

> *Note:* It is possible that rather than a number of communal authorities for all whites on a regional basis, they may rather be differentiated into an Afrikaans National Cultural Council, an English National Cultural Council, etc.

2.   The white communal authorities to be of similar status and power as other communal authorities, be able to levy taxes and receive federal subsidies on the same principles as other communal authorities.

C. The Creation of an 'Open' Society allowing some degree of 'Optional Segregation'

1. Voluntary Affiliation: The present system of race classification to be replaced by one of citizenship rights in the various local, regional and communal authorities (in addition to the equal federal citizenship rights of all citizens). Qualifications leaving scope for voluntary individual affiliation to be determined by the relevant authority in association with the federal government and judiciary, and to confer voting and, in certain cases, residential and property rights.

> *Note:* Insofar as regional authorities would already have granted rights on a non-ethnic basis (B I (iv) First Stage above) it would only be the communal authorities (now restricted to cultural affairs) and local governments based on group areas that would be affected. In consequence there would result a system of local, regional, communal and federal rights, all accepting the principle of voluntary individual affiliation subject to certain relevant qualifying requirements, and mutually non-exclusive.

2. Group Areas and Common Areas

> *Note:* The following recommendations apply particularly to the common areas outside the present 'homelands', i.e. not to the Regional Authorities envisaged under B I (First Stage).

(i)　in addition to the 'open' areas which may have been proclaimed in currently frozen or mixed areas (above First Stage B II (a) (i)) all commercial centres of cities and towns, as well as specified new residential areas to be proclaimed as 'Common Areas';

(ii)　proclaimed group areas for specific population groups to be retained mainly in residential areas and only where that is required by the local residents themselves.

> *Note:* Where additional residential group areas are required, or a general review of proclaimed residential areas is necessary in order to obtain a more equitable determination this should be done by a Group Areas Board representative of all groups concerned.

(iii)　local government bodies for white group areas to be created with similar functions and powers as those for other group areas (above B II(a) First Stage);

(iv)　present Town and City Councils to become fully representative (i.e. multi-racial) bodies for the local government of the 'Common Areas', which would then consist of the commercial and industrial areas as well as certain residential areas;

(v)　all local authorities to be co-ordinated in Regional Planning and Co-ordinating Committees on the lines envisaged under B III First Stage above.

3. General Cultural Councils: For those individuals or groups who do not wish to affiliate with any of the various communal authorities or to make use of, e.g., the educational facilities provided and controlled by them, a General Cultural Council may be created with similar powers and functions. (A closer link with, on the one hand, the Federal government and, on the other hand, the multi-racial municipal authorities of the 'common areas' is possible in this case).

Note: See the discussion of the relevant measures for transition in the educational system in the 'open' sector in the Spro-cas Education Report, pp. 62-64.

4. Voluntary Association and Optional Social Segregation

Further implementation of the principles outlined under A II (b) First Stage including:

(i) that all public services supplied by the federal government and by the local authorities of the common areas be available to all citizens on equal terms;

(ii) local authorities of specified group areas (i.e. the respective residential areas) to control the use of and access to public facilities provided by them - where federal public services are supplied exclusively within the boundaries of a specific group area (e.g. post offices) these may be segregated at the cost of the relevant communal authority;

(iii) privately owned leisure and recreational facilities in the common areas such as restaurants, theatres, cinemas and stadiums may be segregated by their owners subject to the approval of the municipal authority.

A NOTE TO THE CHURCHES

The Commission believes that the Churches have a duty to educate their members to a greater awareness of the Christian and ethical foundations of political policies. We draw the attention of Churches to the formulation of principles in Chapter 2, and urge them to educate their members in the understanding and responsible use of political powers.

The Commission believes further that the Churches have a plain duty to speak out openly against political policies and practices which contravene the ethical principles. Many of these abuses are identified in Chapter 3 of this Report.

In our Report we have emphasised the importance of inter-group contact and of cross-cutting affiliations in our society. We see the role of the Church as a major cross-cutting agency as being of critical importance in the transition of our society towards one based on ethical principles.

MINORITY REPORT

by Edgar H. Brookes

IT IS WITH regret that I find I must dissent from this Report. It is a very able document, readable and worthy of careful study. It is probably the best report that could have been written on the premises which underlie it - premises which, however, I cannot accept.

The Preface says: "The Political Commission could have compiled an exhaustive catalogue of the horrors of the apartheid society, followed by a ringing denunciation and a clarion call to the whites to share their power and their privileges via an extension of the franchise on a common roll." I wish they had.

The paragraph concludes by saying: "This has been done frequently in the past with a singular lack of public impact."

I do my colleagues the justice - and it is no more than justice - to say that they have framed their report with an honest and earnest desire to make that impact which they feel traditional liberalism to have lacked. But, subconsciously, as good South Africans, they have considered the impact on the white voters, and forgotten what impact their report would have on the black community and on world Christian consciousness. To these two vastly important groups the Report, as I feel, will bring serious disappointment.

With a wealth of learning they proceed to demolish traditional British and American liberalism, very largely because it makes individuals the basis of society and not groups. Those of us who have intimate African, Coloured and Indian friends know well that there are no group differences which divide us as much as friendship and our common humanity unite us. This turning from the individual to the group gives its direction to the whole Report, which aims at producing ultimately a State where groups will co-operate for the common weal. But these are still *groups*, and groups based mainly on race or colour. The Commission, in short, proposes to cast out Beelzebub by Beelzebub. It assumes that this working through groups will bring us closer together, but is this assumption justified? The 'black consciousness' movement does not seem to work that way, and Afrikaner nationalism does not either.

The Commission feels that the struggle for universal suffrage on a common roll is impracticable, and certainly it is an uphill journey, but are their proposals any more practicable? The Report speaks, for example, of

"geographical consolidation and considerable extension of the African homelands". Do they think that, e.g. to add East London and Durban to the 'homelands" will be easier than adding more members to the Voters Roll?

And the Voters Roll is not merely a piece of political machinery. It is a sacrament of manhood or, shall we say, in these days of feminine advance, of human maturity. Looked at from this point of view universal suffrage on the common roll is the logical political application of the Christian belief that every human being is of infinite (and therefore equal) value in the sight of God. It is quite true that to extend the franchise in this way overnight in a country as colour-conscious as South Africa would mean black rule over the whites, and I would feel it desirable that the extension should, if possible, be by agreed stages, to get us used to the idea of really working together, provided that the direction is uniform and aimed at a satisfactory end. It is clear that this movement by stages will be difficult, and the longer we wait the louder the cry for immediate total enfranchisement will be. The Commission's projected line of action will not still this cry. Indeed (though I hesitate to say anything that would be unjust to my honest and able colleagues) this Report may well present itself as yet one more example of South Africans evading the real issue of human equality, and going along flowery garden paths (more flowery, more erudite and more attractive than Dr Verwoerd's 'homelands' but still garden paths) that lead to no real end. I should regret Sprocas doing this, hence this Minority Report.

I agree wholly with my colleagues that we must not aim at cultural uniformity. The development of Britain (with the lamentable exception of Ireland) has shown that a high degree of political unity, based on universal franchise and a common roll, is compatible with considerable culture diversity. Scotsmen remain Scotsmen, whether in their "homeland" or in managerial positions outside it. There is no great need of effort to produce this result. Welshmen remain Welshmen, without any very marked necessity for group organisations to make them so. The same coffee machines, chewing-gum and political parties are found in the Scandinavian Dakotas, Irish-Jewish New York, Catholic Louisiana and Puritan New Hampshire. One of J.H. Hofmeyr's favourite phrases was "unity in diversity", but even he did not propose to use diversity as the high-road to unity.

I pay full tribute to my colleagues and their earnest and most interesting effort to suggest ways by which the illiberal institutions of South Africa can be used to produce a liberal State. We must, as realists, use these institutions where they exist, but we must also never cease to point out that they are at the very highest computation, a second-best way of democratic life, and could even be inimical to its full realisation.

I remain what a Texan would call an "unreconstructed" liberal and therefore must dissent from many of the main recommendations of this Report.

EDGAR H. BROOKES

PERSONAL STATEMENT

Personal Statement

As the work mainly of academics, this Report, it seems to me, survives rigorous scholarly scrutiny. Its premises are clearly articulated; it has a sound theoretical base; its analysis of the issues is penetrating; it utilises most available data; and it is wise in its recommendations.

But inevitably in a Report of this kind there are some blind spots. Thus the Report does not give 'multi-nationalism' the attention it warrants both as a justifying principle of change (or strategy of change) and as a conceptual base for a possible constitutional configuration of southern Africa.

More importantly perhaps, the Report errs on the side of underestimating the dynamic dimension of politics. This problem is certainly not unique to South Africa or to this Report. It is the difficulty which faces all academics who, with their inevitable personal preferences and necessarily limited data, at a particular existential moment (from a 'stand still' position in fact) try to formulate rational programmes of medium to long-term changes to complex and dynamic situations. Carefully considered projections of future developments underline the difficulty. Christian Potholm, in the recently published work *Southern Africa In Perspective: Essays in Regional Politics* which he edited with Richard Dale, outlines no fewer than nine possible scenarios for southern Africa. And Dr David Welsh, whose confident and intelligent hand is very evident in this Report in a paper which was quoted at some length in my chapter to *Directions of Change in South African Politics* (Spro-cas Publication No. 3), but otherwise not published by Spro-cas, set out the following scenario:

'My scenario of the future is as follows:

(a)   that the internal situation in South Africa remains much as it is for the next two decades, even if the Transkei becomes a formally independent state;

(b)   that a confederal-type constellation of states emerges in South Africa, including the cluster of embryonic South West African 'states', and perhaps Botswana, Lesotho and Swaziland. The constituent states of this confederation will be 'racially-dominated', that is either white or black will be the dominant group within each state, irrespective of actual numerical proportions;

(c)   that the powers of the confederation would initially be severely circumscribed, but that subsequently confederation will become federation.
      'It would be fruitless to examine minutely possible future constitutional arrangements in the sketch I have presented above. It falls far short of the ideal political dispensation to which I personally subscribe; but I must emphasise that I have attempted to show what I think will happen in South Africa and not what I want to happen'.

Now either the scenarios are wrong or the proposals for reform are utopian. But one cannot have it both ways. And it was for this very reason that, at the first meeting of the Political Commission, I suggested that instead of looking for *a* 'solution' the Commission should spell out different 'directions of change'; and rather than think in terms of one set of recommendations, the Commission should aim at challenging, in terms of a Christian ethic, the adherents of the several broad points of view represented in our society. For apart from the fact that there are several responses to the South African situation, each of which is compatible with Christian values, the shape of the South Africa of the future will be influenced as much, if not more, by the pressure of political events as by rational schemes and conscious policies.

Like the Israelis, we will have to accustom ourselves to the idea that there is no 'solution' to our problem. One cannot envisage a point in time, not for some generations anyway, when southern Africa will be taken out of the 'Current Problems' pigeon-hole and transferred to the 'Problems Solved' one. It follows that we will have to accustom ourselves to the idea of living with dead-lines. Like overseas visitors in the sixties, visitors in the seventies will continue to ask - But do you have the time? It will be the same question. But the dead-line referred to will be different because our society is changing all the time, as are the demands and expectations of outsiders.

If this Report tends to under-estimate the inherent political dynamism in the situation, it fails to stress sufficiently the role of leadership and of political leadership in particular. One knows that it is fashionable in English academic circles to sneer at our politicans. But if anything, as Maurice Cranston put it in his inaugural lecture in 1971, 'the calling of the politician is one that deserves a great deal of respect'. This is especially true of a situation like ours.

Whatever political leaders and political parties make of this document, and however it is used by activist groups, there is no denying its significance. Among the individuals who met at Schoenstatt for the first time over that week-end in August 1969, several broad, though clearly distinguishable, points of view were represented. Admittedly, most of those present had well-known Liberal or Progressive party affiliations. But the final product, this Report, bears remarkably little resemblance to the several ideas which were originally put forward. In a very real sense it is a synthesis of ideas, and apart from challenging thinking people of all political persuasions and affiliations, it is significant in that it marks a break with the 'common society' tradition which has dominated the English-speaking intelligentsia's participation (both at the normative and the applied levels) in our politics since the early fifties. In fact, this document goes some way toward performing that task which Alfred Hoernle, some thirty years ago, set primarily English-speaking intellectuals, when he told them '... to think out afresh the meaning of liberal principles in application to a multi-racial society'. *(Race and Reason* page 147).

There is much in this Report with which I can associate myself. But I am not endorsing the Report on grounds of principle. When I was invited to serve on the Political Commission I was told that it would be as representative a body as possible and that its purpose would be to arrive at answers to some of the questions our situation poses. In short, it was to be a scientific project. That was my understanding of Spro-cas and that was the basis on which I associated myself with the venture. The establishment of Spro-cas 2 at the beginning of 1972 came as a complete surprise to me and I have watched its increasingly activistic role since then with growing dismay. Not only this, but I strongly disagree with some of the positions it has adopted and find much of the literature which it has put out to be embarrassingly polemical by any scholarly standard. I realise with Maurice Cowling of Cambridge that 'There is ... only the thinnest line between explanation with a view to further explanation and explanation with a view to political action' *(The Nature and Limits of Political Science,* page 6). But, as an academic in the sensitive field of political science I know on which side of the line I want to stay. This has been a principle I have consistently held to and it governs my attitude at this point to Spro-cas. I wish to add that Professor Michael H. Louw of the Department of International Relations at the University of the Witwatersrand, and Professor Ben Vosloo of the Department of Political Science

at Stellenbosch University, who, although not members of the Commission, contributed on invitation to its proceedings, have asked me to identify them with the sentiment expressed above.

However, I do not wish to end on a sour note. Although I am not signing this Report, I earnestly believe that it should be read by all thinking South Africans. It is a scholarly, stimulating and challenging document which has cost a great deal of time and energy and money to produce. It is also a highly significant document for the English-speaking intelligentsia. And on a more personal level I would like to say that the meetings of the Commission were a memorable experience. Listening to the quietly wise Dr Nkomo and Edgar Brookes, one of nature's gentlemen; meeting the donnish Leo Marquard, and hearing a courageous Alan Paton, in that bulldog style of his, say that there are positive aspects to the Homeland policy; matching wits with academics of my own generation like Tony Mathews and Terence Beard, David Welsh and Rick Turner, with Nancy Charton's down-to-earth good humour sensibly cutting in when need be - for this it was a rich and, as I have said, memorable experience.

Denis Worrall
Johannesburg, May, 1973.

WORKING PAPERS

The following working papers were presented to the Commission.

Introductory paper: *Notes on the Political Commission:* G. Lawrie.
The Future of Southern Africa: Lusaka statement (photocopy).
Memorandum on the franchise submitted by E. Goldstein.
Report of the sub-committee: *The Present Political Situation and the Problem of sharing political power.*
Breaches of Ethical Concepts: Messrs. Marquard, Nkomo and Wollheim.
The Arguments in favour of the Common Roll: Dr Edgar Brookes.
The Rule of Law: Professor A.S. Mathews.
The Primary Ethical Concepts Relating to Political Life: Dr Edgar Brookes.
The Political Role of the Churches in South Africa: Dr W.B. de Villiers.
Die Federale Gedagte: J. du P. Basson M.P.
The Political Alternatives: G. Lawrie.
Primary Ethical Concepts: A.B. du Toit.
The Politics of Diversity: Dr D. Worrall.
Political Systems in Multi-racial Societies: K.A. Heard (SAIRR 1961).
Federalism: G. Lawrie.
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